

Information Collection Requests that contain Surveys or Employ Statistical Methods

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Agenda

- Define Collections of Information
- When the PRA does NOT Apply
- Types of Collection Requests
- Process for Collection Requests
- Mandatory Coordination
- Criteria for OMB Approval
- Possible Outcomes
- Common Pitfalls

What is a collection of information under the PRA?

- *Collection of information* is the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for agency means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain a benefit.
- *Collection of information* includes questions posted to agencies, instrumentalities, or employees of the United States, if the results are to be used for general statistical purposes, that is, if the results are to be used for statistical compilations of general public interest, including compilations showing the status or implementation of Federal activities and programs.

5 CFR 1320 – Controlling Paperwork Burdens on the Public

https://www.esd.whs.mil/Portals/54/Documents/DD/info_collect/files_public/OMB_Implementing_Guidance_%205_CFR_1320.pdf

What is a collection of information under the PRA?

“Persons” = Members of the Public

- Federal Contractors
- Retirees
- Veterans
- Military Spouses
- Foreign Nationals
- Individual People

Government personnel are **NOT** considered members of the public when responding to collections related to their occupational capacity unless the collection is of “public interest”

“Public Interest” = Current Administration’s Priorities

- COVID-19 Response
- Sexual Harassment/Sexual Assault
- Climate Change
- Racial Equity
- Gender Relations
- Military Families

Respondent population is **NOT** a consideration for collections of public interest; however, other factors will be considered such as authority, if results will be published, and if data will be used to make significant programmatic decisions.

The DoD Clearance Office will make final determinations. When difficult questions arise, we will discuss the collection with our OMB Desk Officer to determine if the collection is subject to the PRA.

**These lists are not all inclusive!*

Cases in which the PRA does NOT Apply

- Collections that are neither “sponsored” nor “conducted” by DoD
 - DoD “conducts” a collection of information if we collect the information, using our own staff and resources.
 - DoD “sponsors” a collection if we –
 - Cause another agency to collect the information
 - Contract or enter into a cooperative agreement with a person to collect the information
 - Requires a person to provide information to another person
 - In similar ways causes another agency, contractor, partner in a cooperative agreement, or person to obtain, solicit, or require the disclosure to third parties or the public
- DoD does not “sponsor” an information collection if we merely provide suggestions, advice, or technical assistance to a non-Federal entity that will conduct the collection on its own initiative.
 - Example provided: *The CDC routinely provides technical assistance to State, local, tribal and foreign governments in the development of surveys they will undertake to characterize disease incidence or public health infrastructure readiness. The technical assistance does not constitute as “sponsorship” thus the PRA does not apply.*

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Cases in which the PRA does NOT Apply

- Facts or opinions obtained initially or in follow-on requests, from individuals under treatment or clinical examination in connection with research on or prophylaxis to prevent a clinical disorder, direct treatment of that disorder, or the interpretation of biological analyses of body fluids, tissues, or other specimens, or the identification or classification of such specimens.
 - Commonly referred to as the “clinical exemption”
- To identify collections to which this “exemption” applies, DoD should determine whether facts or opinions will be solicited during a treatment or clinical examination or as part of a follow-up collection related to the treatment or examination.
 - The PRA may apply to general forms/collections completed prior to entering treatment.

The *DoD Clearance Office* will make final determinations. When difficult questions arise, we will discuss the collection with our OMB Desk Officer to determine if the collection is subject to the PRA.

Cases in which the PRA does NOT Apply

- *Rule of 10!* Solicitation of information from less than 10 individuals/respondent entities (within a 12-month period) is not considered a collection of information under the PRA.
- Facts or opinions obtained through direct observation by an employee or agent of DoD through non-standardized oral communication.
- Facts or opinions submitted in response to general solicitations of comments from the public, published in the Federal Register or other publications.

The *DoD Clearance Office* will make final determinations. When difficult questions arise, we will discuss the collection with our OMB Desk Officer to determine if the collection is subject to the PRA.

Cases in which the PRA does NOT Apply

- Examinations to test the aptitude, abilities, or knowledge of the persons tested.
- Facts or opinions obtained or solicited at, or in connection with, public hearings or meetings.
- Facts or opinions obtained or solicited through non-standardized follow-up questions designed to clarify responses to approved collections of information.

The *DoD Clearance Office* will make final determinations. When difficult questions arise, we will discuss the collection with our OMB Desk Officer to determine if the collection is subject to the PRA.

Cases in which the PRA does NOT Apply

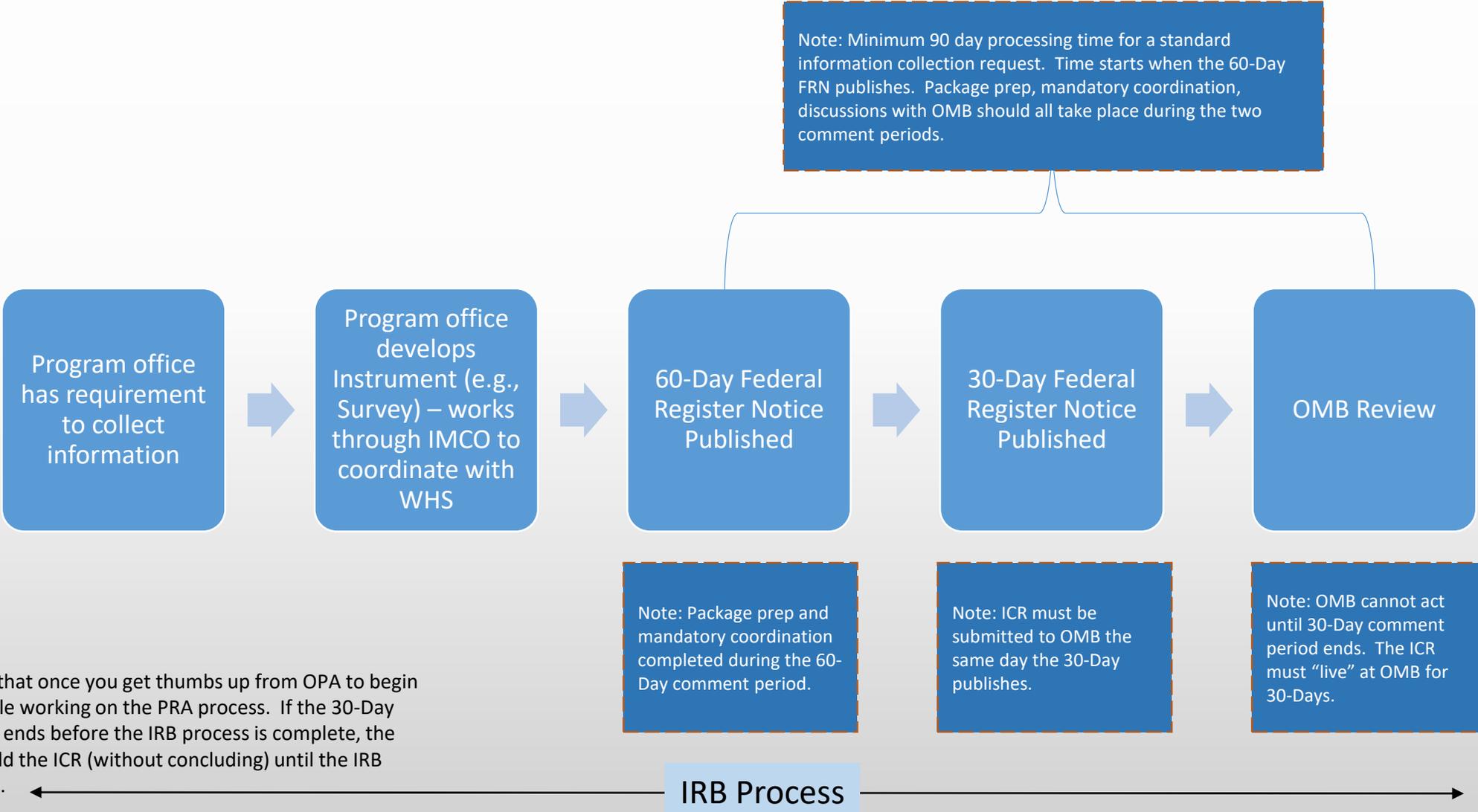
- The Inspector General Empowerment Act of 2016 states that Inspectors general collecting information while conducting an authorized audit, investigation, inspection, evaluation, or review are exempt from the PRA.

The *DoD Clearance Office* will make final determinations. We work with DoD IG to determine if their collection meets the scope of this exemption on a regular basis.

Types of Collection Requests

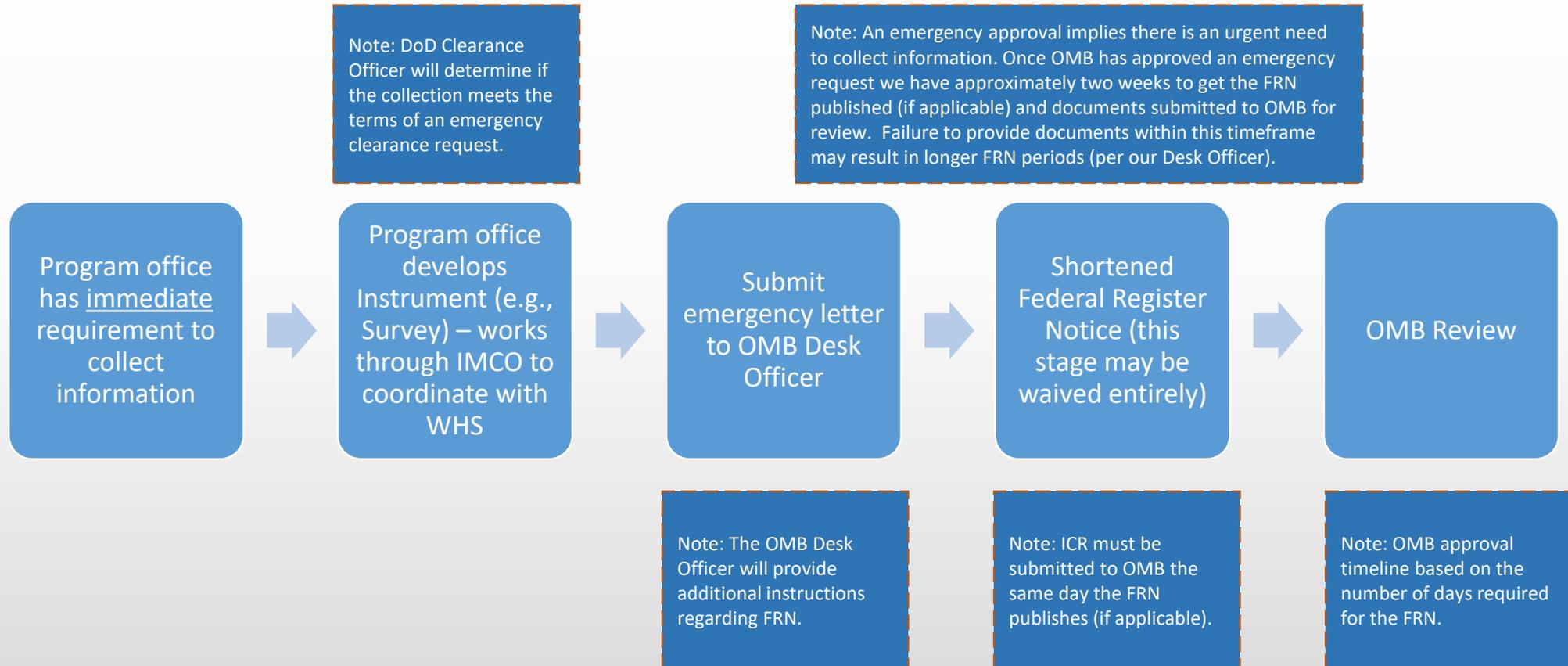
- Standard
 - When the PRA does apply, DoD is required to seek public comment on the proposed collection and submit to OMB for review and approval.
 - 60-Day notice includes a specific request that the public evaluate whether the proposed collection is necessary, evaluate the accuracy of the estimated burden, comment on how to enhance quality, utility, and clarity of the collection, and comment how to minimize burden.
 - 30-Day notice informs the public about how to submit comments to OMB and also informs the public that OMB may act on our request.
- Emergency
 - Under certain circumstances, DoD may request an expedited, or “emergency” OMB review. The statute and implementing regulations give OMB the authority to grant an expedited review if-
 - Public harm is reasonably likely to result if normal clearance procedures are followed;
 - An unanticipated event has occurred; or
 - The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection or is reasonably likely to cause a statutory or court ordered deadline to be missed.
- Generic

Process for a Standard Collection



It is recommended that once you get thumbs up from OPA to begin the IRB process while working on the PRA process. If the 30-Day OMB review period ends before the IRB process is complete, the Desk Officer can hold the ICR (without concluding) until the IRB process is complete.

Process for an Emergency Request



NOTE: POTENTIAL FOR MULTIPLE CALLS WITH THE OMB DESK OFFICER, SENIOR STATISTICIAN, DOMESTIC POLICY COUNSEL, FIRST LADY'S OFFICE, ETC...

Mandatory Coordination

- Air Force Survey Office (AFSO)
 - When a survey is being used to collect information from AF personnel (military and/or Civilians).
 - Coordinate with the AFSO *before* going to OPA. The AFSO will provide comments to OPA (OPA will provide combined feedback to the program office).
- Office of People Analytics (OPA)
 - With the exception of Generic information collections and some emergency clearance requests, OPA must coordinate on all surveys with PRA requirements.
 - In almost all cases, OIM will not process an information collection request without OPA's thumbs up/recommended approval.
 - Coordinate with OPA *before* HRPP.
- Human Research Protections Program (IRB)
- Office of General Counsel (incentives/high profile and sensitive collections)
- CIO (when a commercial off the shelf platform, such as Survey Monkey, is being used)
- Privacy (ALL)
- Records Management (ALL)

The order of coordination will vary depending on the type of collection, respondent population, etc. OIM will discuss the required coordinators, along with the specific order, upon determination.

Criteria for OMB Approval

- Benefits of information collection need to outweigh its cost (cost = burden + agency funds)
- Collection needs to meet research needs or contribute to proper functioning of the Department
- Collection should be sufficiently accurate, valid, and reliable to meet the goals of research
- Collection should avoid unnecessary duplication
- Collection should minimize public burden and agency costs

Possible Outcomes of PRA Review

- Approval
- Approval with “Terms of Clearance”
- Disapproval
- Disapproval and Continue
- Withdrawal
- Improperly Submit

Common Pitfalls for ICRs that Contain Surveys or Employ Statistical Methods

- Response Rates
- Poorly designed instrument
- Irrelevant questions/unnecessary sensitive questions
- Insufficient Supporting Statement B
- Lack of supporting documentation (emails, scripts, etc.)
- Mode of Administration (USPS, online, in-person, etc.)

Questions?

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