



What is the Paperwork Reduction Act (PRA) of 1995?

- The PRA took effect on October 1, 1995. It is designed to minimize and control burdens and maximize the practical utility and public benefit of the information created, collected, disclosed, maintained, used, shared and disseminated by or for the Federal government. The PRA was implemented to ensure that unnecessary collection of information is not conducted and the public burden for approved collections is minimized.
- Under the Act, Federal agencies are required to seek the Office of Management and Budget (OMB) approval prior to collecting the requested information from the public.
- The Act requires agencies to seek public comments concerning proposed collections of information through 60 and 30-day notices prior to submitting an ICR to OMB for approval.
- If VA decides to collect information, VA must prepare an Information Collection Request (ICR).
- An ICR explains the reason the information is being collected, the way in which such information will be used, who will need to respond, an estimated burden hour the respondent will need to search and submit the information, the nature and extent of confidentiality, whether the response is voluntary, required to obtain benefit, or mandatory, and that VA may not conduct or sponsor, and the respondent is not required to respond to a collection of information unless it displays a valid OMB number.
- A collection of information may be in any form or format, including the forms; surveys; reporting or recordkeeping requirements; rules or regulations; oral communications; telegraphic or telephonic requests; automated, electronic, mechanical, or other technological collection techniques or technological methods (websites) used to monitor compliance with agency requirements.
- Facts or opinions obtained initially or in follow-on requests, from individuals (including individuals in control groups) 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; however, OMB may determine that any specific item constitutes "information":
- Consent forms that are completed and signed by individuals also must be cleared through OMB. If the consent form is prepopulated with the required information, and the individual only signs the form, OMB clearance is not required.

What constitutes a collection of information?

- Collection of information means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by 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 or retain a benefit.

When is OMB approval required?

- OMB approval is required when collecting data from ten or more persons.
- For the purposes of this definition of “ten or more persons,” “persons” does not include employees of the respondent acting within the scope of their employment, contractors engaged by a respondent for the purpose of complying with the collection of information, or current employees of the Federal government (including military reservists and members of the National Guard while on active duty), but it does include retired and other former Federal employees. This also includes two or more focus groups with less than ten participants, and the overall total of participants is ten or more, OMB clearance must be sought. (See 5 CFR Part 1320.3 for additional definitions.)

Does the PRA apply to VA employees?

- Although most Federal employees are exempt, the PRA will apply 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 or if they are receiving VA benefits.

What happens if OMB approval is not sought?

- No person shall be subject to any penalty for failing to comply with a collection of information that is subject to the requirements.
- ICRs that are subject to OMB review under the PRA but have not been reviewed and cleared though OMB may not be undertaken.
- Enforcement actions taken based on information not properly cleared can be jeopardized. OMB could take any or all of the following action if VA conducts or sponsors a collection of information without an approval:
 1. Publicly announce that the agency is out of compliance with the PRA in meetings of the Chief Information Officer's Council.
 2. Notify the “budget” side of OMB that the agency is collecting information in violation of the PRA and encourage the appropriate resource management office to use its influence to bring the agency into compliance.
 3. Notify the Vice President of the agency's violations. (The Vice President is charged under Executive Order 12866 with coordinating the development and presentation of recommendations concerning regulatory policy, planning, and review.)
 4. Place a notice in the Federal Register notifying the affected public that they need not provide the agency with the information request in the expired collection

For further guidance on how to submit an information collection request, please contact your organization's Information Request Coordinator (IRC). If you do not know your IRC, contact Denise McLamb at 202-461-7485 or by e-mail denise.mclamb@va.gov.

Authorities

- Public Law 104-13, Paperwork Reduction Act of 1995
- 5 CFR Part 1320, Controlling Paperwork Burdens on the Public
- VA Directive and Handbook 6309