

U.S. Department of Commerce Comments

Title of the Information Collection Activity: Request to Inspect or Receive Electronic Copies of Executive Branch Personnel Public Financial Disclosure Reports, including Periodic Transaction Reports, filed on or after January 1, 2012.

Agency Form Number: OGE Form 201-A.

OMB Control Number: 3209-0002.

U.S. Department of Commerce Comments:

Regarding the new OGE Form 201-A proposed by the Office of Government Ethics (OGE), 77 Fed. Reg. 66,075 (November 1, 2012), the Department of Commerce strongly recommends that more information be required from a requester seeking access to a report than just the requester's name, city, state, and country of residence in order to provide enough information to adequately identify the person seeking access to a public report. Requiring additional information, as is collected under the current OGE Form 201, is a means to minimize the possibility of use of the information on a report for identity theft or other illegal means. There are considerable safety and security concerns regarding the widespread release of information, which will be somewhat mitigated by requiring adequate identification of those seeking the information.

The current OGE Form 201 requests the applicant's name, address, office telephone number, occupation, and the type of applicant, e.g., news media, private citizen, public interest group, etc. If the application for the information is on behalf of another person or organization, the form requests the name and address of the other person or organization. Requiring such information from a requesting party is reasonable and will discourage, if not entirely eliminate, improper and illegal uses of the information gathered by providing a means to identify the individual, and organization, collecting the information.

Lastly, the additional information collected would strengthen grounds for prosecution if there is later evidence that someone received a report through submission of a false identification in violation of 18 U.S.C. § 1001, which we recommend be referenced on the proposed OGE Form 201-A that we understand will be used solely as an automated, Web-based application.

Questions regarding these comments may be directed to Michael Cannon of my staff at 202-482-5397.