



United States
Office of Government Ethics
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DO-93-026

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Stephen D. Potts, Director

SUBJECT: Revised OGE Form 201

The Office of Government Ethics (OGE) is distributing a revised OGE Form 201, which is now two-sided, entitled "Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record." The Office of Government Ethics has obtained the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act for the use of the revised form for a three-year period (at which time OGE will again seek clearance of it from OMB and advise the agencies). By permission of OMB, the newly revised form does not have the expiration date printed on it.

The OGE Form 201 serves as the uniform form by which persons can request access from executive departments and agencies to SF 278 Public Financial Disclosure Reports, as well as certain additional records, pursuant to section 105(b) of the Ethics in Government Act and 5 C.F.R. § 2634.603(c) of OGE's executive branch-wide financial disclosure regulation. The revisions to the form clarify the application of the form and reflect various changes in law and regulation since the form was last revised and disseminated in February 1990.

The Office of Government Ethics has modified OGE Form 201 to reflect the fact that, in addition to SF 278s, access under the law and regulation can now be sought to: (1) certificates of divestiture (see 5 C.F.R. § 2634.1004); (2) 18 U.S.C. § 208(b)(1) and (b)(3) waiver determinations, after deletion by the agencies of any material withholdable pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1)); and (3) other OGE Form 201s (see 5 C.F.R. § 2634.603(d)). These other covered records are noted on the reverse side of the form in Part III, with a check-off box in Part I.5 on the front side if access to any such records is sought.

The Office of Government Ethics also has added to the OGE Form 201 an expanded Privacy Act statement (the form fits into OGE's executive branch-wide OGE/GOVT-1 Privacy Act system of records) and a modified public burden information (with an increased average response time estimate of ten minutes per form). Further, OGE has added an optional block, in Part I.1a on the front of the form, for applicants to indicate an office telephone number to facilitate processing of

requests. Finally, a new box on fees has been included in the "Notice of Action" section of the form's front page (Part II) for those agencies which have access fee regulations (see 5 C.F.R. § 2634.603(e)).

The OGE Form 201 continues to require applicants to provide the statutorily mandated information on their name, occupation and address, as well as the name and address of any other person or organization on whose behalf they seek access, and provides a statement of prohibited uses. The Form 201 itself is to be made available to the public upon request during the period the underlying report or other covered record requested is made available (generally six years). See section 105(b)(2) and (c)(1) of the Ethics Act and 5 C.F.R. § 2634.603(c) and (f).

Both sides of the attached newly revised OGE Form 201 should be reproduced locally by the agencies for their use. Existing stocks of the prior version of Form 201 can be exhausted, after which the new form should be used. Alternatively, agencies may also design and use their own access forms provided they comply with all the requirements of the Ethics Act, OGE's implementing regulation at 5 C.F.R. part 2634 and other relevant provisions (such as the Privacy Act and the Paperwork Reduction Act).