OMB Control Number

3060-0484

Estimated time per response:

1 hour

[Letterhead of Agency]

CERTIFICATION FORM FOR NON-PARTICIPATING (“DOWNSTREAM”) AGENCIES RECEIVING NORS AND DIRS INFORMATION

In connection with [name or description of the specific imminent or on-going public safety event], I, [name of person], of [Name of Downstream Agency] (Downstream Agency) request access from [name of Participating Agency] (Participating Agency) to certain information derived from the Federal Communications Commission’s (FCC’s) Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS) filings involving [geographic area of jurisdiction of Agency].[[1]](#footnote-2)

I hereby certify that both the Downstream Agency and I have a “need to know” this information (i.e., that both the Downstream Agency and I have official duties that make us directly responsible for emergency management and first responder support functions) that relate to [name or description of the specific imminent or on-going public safety event].

I hereby certify and acknowledge that I have completed the required security training by using the Participating Agency’s security training materials and am familiar with requirements for access to and use and protection of the foregoing information, and that there are procedures in place at Downstream Agency to ensure that employees comply with all such requirements.

I hereby certify and acknowledge that NORS and DIRS filings, and the data and information contained therein (collectively, NORS and DIRS filings and information) are sensitive and presumed confidential and will be treated by the Downstream Agency and me in accordance with protections afforded under federal and state confidentiality statutes and rules including Freedom of Information Act statutes and similar laws,[[2]](#footnote-3) and that NORS and DIRS filings and information are also deemed sensitive and confidential for national security and commercial competitiveness reasons.[[3]](#footnote-4) To the extent that federal confidentiality statutes and rules impose a higher standard of confidentiality than applicable state, U.S. territory, or Tribal law or regulations provide, I represent that Agency is legally able to and will adhere to the higher federal standard. I further certify that NORS and DIRS filings and information will not be disclosed to any third party absent a specific finding by the Commission that allows such disclosure. I agree that I or Downstream Agency will notify the Commission, within 14 calendar days via e-mail, at NORS\_DIRS\_information\_sharing@fcc.gov, when Downstream Agency receives a request from a third party to disclose NORS filings and DIRS filings or related records pursuant to a state’s open record laws or other legal authority that could compel Downstream Agency to do so. I agree that I or Downstream Agency will notify the Commission via e-mail at NORS\_DIRS\_information\_sharing@fcc.gov at least 30 calendar days prior to the effective date of any change in relevant statutes or laws that would affect Downstream Agency’s ability to adhere to at least the federal confidentiality rules and statutes.

I further acknowledge that I or [name of agency] will report immediately to any affected service providers, to the Commission, and to the Participating Agency, via e-mail to NORS\_DIRS\_information\_sharing@fcc.gov and NSOC@fcc.gov and [e-mail contact information for Participating Agency], any known or reasonably suspected breach of the protocol specified in the training program or any other known or reasonably suspected unauthorized use or improper disclosure of NORS and DIRS information.

I certify and acknowledge that NORS and DIRS filings and information received by Agency will be “securely destroyed” once the public safety event that warranted access concludes. I acknowledge that “securely destroying” information means that when the public safety event has concluded, Agency will securely cross-cut shred, or machine disintegrate all paper copies, and irrevocably clear and purge the contents of all digital copies of information obtained from the Participating Agency.[[4]](#footnote-5)

I acknowledge that the Commission does not guarantee the accuracy of either the NORS or DIRS filings as both sets of filings are submitted to the respective web-based databases by service providers pursuant to mandatory reporting timeframes for NORS filings and voluntary reporting timeframes for DIRS filings.

I hereby certify and acknowledge that all the terms and conditions provided in this document apply to all NORS and DIRS filings and information that I receive.

I certify under penalty of perjury that the foregoing is true and correct. Executed on [date].

(name and title of official)

(name of Downstream Agency)

**We have estimated that your response to this collection of information will take an average of 1 hour. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, Office of Managing Director, AMD‑PERM, Washington, DC 20554, Paperwork Reduction Act Project (3060‑1204). We will also accept your PRA comments via the Internet if you send an e-mail to** **PRA@fcc.gov****.**

**Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number and/or we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060‑0484.**

**THIS NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507**

1. These NORS and DIRS filings are made pursuant to the FCC’s reporting rules and practices. *See*, *e.g.*, 47 CFR Part 4*; see also*, *e.g.*, *The FCC’s Public Safety & Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, 22 FCC Rcd 16757 (PSHSB 2007). [↑](#footnote-ref-2)
2. S*ee* 5 U.S.C. § 552(b)(4). [↑](#footnote-ref-3)
3. The FCC has noted that the outage reports “will contain sensitive data” and that this data “could be used by hostile parties to attack those networks, which are part of the Nation’s critical information infrastructure.” *New Part 4 Rules Concerning Disruptions to Communications,* ET Docket No. 04-35, Report and Order, 19 FCC Rcd 16830 at 16852-53, para. 40 (2004). Further, the FCC stated that the “national defense and public safety goals” sought with outage reporting would be “seriously undermined if [the Commission] were to permit these reports to fall into the hands of terrorists who seek to cripple the nation’s communications infrastructure.” *Id.* at 16855, para. 45. [↑](#footnote-ref-4)
4. *See Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications,* PS Docket No. 15-80, Second Report and Order, 36 FCC Rcd 6136, 6176, para. 126 (2021). [↑](#footnote-ref-5)