



SOCIAL SECURITY ADMINISTRATION

2020 CHIEF FOIA OFFICER REPORT

2020 Chief FOIA Officer Report

Social Security Administration

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your Chief FOIA Officer at or above this level?

Yes

2. Please provide the name and title of your agency's Chief FOIA Officer.

Royce Min
General Counsel
Social Security Administration

B. FOIA Training:

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes

4. If yes, please provide a brief description of the type of training attended and the topics covered.

- **Monthly FOIA Staff Meetings – Our monthly meetings covered various FOIA-related topics including, but not limited to FOIA appeals, exemptions, recent federal court cases, partial disclosures, FOIA fees and fee-waivers, requirements for**

perfected requests under the FOIA (e.g., not enough information to search or too broad), and Office of Government Information Services (OGIS) referrals.

- **Bi-monthly FOIA/PA coordinator meetings – Discussions included the interface between the FOIA and the PA, FOIA fees, and fee-waivers. We also discuss cases that may be of interest or may become common.**
- **Department of Justice’s Freedom of Information Act for Attorneys and Access Professionals class – Includes an overview of the FOIA’s procedural requirements and exemptions, workshops on the exemptions, basic principles for processing FOIA requests start to finish, the FOIA’s proactive disclosure requirements, and the interface between the FOIA and the Privacy Act.**
- **Department of Justice’s Freedom of Information Act (FOIA) Training for Federal Employees – online course**
- **Department of Justice’s Freedom of Information Act (FOIA Training for FOIA Professionals – online course**
- **Freedom of Information Act online course**
- **Compliance Short – Privacy and Information Security 2**
- **The American Society of Access Professionals Annual Conference – Included sessions on the exemptions, best practices, and updates from the courts**

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 95% of our FOIA professionals attended substantive training during this reporting period.

6. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

C. Outreach:

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes, the Office of Communications' Office of External Affairs (OEA) works with the FOIA professionals to conduct outreach with the requester community and open government groups. Additionally, we work with OEA to post disability application related data proactively. Below are some of the Outreach activities conducted in FY19:

- **The Open Data Customer Feedback Process provides a mechanism for the public to make suggestions of releases and for SSA to share recent release information.**
- **Information was posted about FOIA and Privacy at the Open Government portal.**

D. Other Initiatives:

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

- **Office of Privacy and Disclosure staff created and shared a FOIA Outreach Power Point presentation of non-FOIA personnel obligations. We shared this program with the components who provide us with responsive records.**
- **Meeting with Deputy Commissioners to remind them of their respective components' obligations under the FOIA.**
- **In addition to Sunshine Week activities, we interact with non-FOIA professionals on an ongoing basis and take every opportunity to explain the requirements under FOIA.**
- **We provide a copy of relevant FOIA policy and guidance to agency staff.**
- **We provided training to the new FOIA liaisons in various components to include, but not limited to, what constitutes a record, applicable exemptions, how to use the FOIAonline platform to respond to tasks for record searches, the twenty-day response time limitations, and how to calculate fees if applicable.**
- **Non-FOIA professionals are also included in the bi-monthly FOIA/PA Coordinators' meeting where we go over training issues and interesting cases that may become more common.**

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

We take the opportunity each year during Sunshine Week to provide an agency-wide email reminder to our employees. Additionally, we develop posters to draw attention to the importance of openness in government. We also work closely with OEA towards the goal of creating a more open agency through the principles of transparency, participation, and collaboration.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2019 Annual FOIA Report.

The average number of days we reported to adjudicate any requests for expedited processing is 7.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

We conducted a self-assessment of our FOIA program by reviewing our Annual Report data and by reviewing our procedures to find efficiencies since we have a smaller staff this year.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2019 (please provide a total number or estimate of the number).

We received 4412 emails to our FOIA Public Liaison mailbox and about 2000 phone calls.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

We use a multiple track system so that simple and complex cases can be split between appropriate FOIA analysts in a quick, but balanced way based on analysts' expertise to reduce duplicate work and processing time. We utilized the agency's Skills Connect program that matches employees in other components to assist with projects remotely. We also hold regular meetings with each FOIA professional to discuss any issues with requests to head off any processing problems. We continue to use FOIAonline to ease our search communications and upload documents. We also have continued the incoming case review process to catch and eliminate duplicate cases before they are entered into the system. We are also able to better identify items miscategorized as FOIA requests, such as first-party requests.

The main challenges we faced this year are the challenges faced by all the agencies using the FOIAonline software. Multiple updates to the software caused limitations to the functionality of the program, leading to longer response times due to the inability to use FOIAonline.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

The FOIA staff released 126 documents that are available at <https://www.ssa.gov/foia/readingroom.html> under proactive disclosures. The releases included hearing statistics, training materials, representative payee information, records management self assessments, and Consultative Examiner oversight reports.

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website.

Yes

3. If yes, please provide examples of such improvements.

We simplified document names so it is clear what documents are posted and available. We began an ongoing project in 2017 to update our FOIA website to make it more organized and user friendly.

4. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in that area.

As stated above, we use the FOIAonline report to identify documents to improve timeliness of posting proactive disclosures. In addition, analysts send released documents that may be appropriate for the library to senior analysts and management to review for posting.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Is your agency leveraging any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

No

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

Yes

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2020.

N/A

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

<https://www.ssa.gov/foia/annualreports.html>

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in that area.

Use of the FOIAonline software to respond to requesters using secure email has been a great improvement to our process. The FOIAonline software also allowed us to utilize SSA's SkillsConnect program to obtain temporary assistance from employees in other SSA offices with the processing of our FOIA caseload.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2018 Annual FOIA Report and. When applicable, your agency's 2019 Annual FOIA Report.

A. Simple Track:

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer?

Yes

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

96.26%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

B. Backlogs:

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

Backlogged Requests

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Yes

6. If not, did your agency process more requests during Fiscal Year 2019 than it did in Fiscal Year 2018?

N/A

7. If your agency's request backlog increased during Fiscal Year 2019, Please explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests

- A loss of staff
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2018.

SSA's backlog percentage for Fiscal Year 2019 is 0.58%.

Backlogged Appeals

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Yes

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal year 2018?

N/A

11. If your agency's appeal backlog increased during Fiscal year 2018, please explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals
- A loss of staff
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

SSA's appeal backlog percentage for fiscal year 2019 is 2.04%.

C. Backlog Reduction Plans:

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019?

N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

N/A

D. Status of Ten Oldest Requests, Appeals, and Consultations:

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Yes

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

We utilized the agency's Skills Connect program to gather some detailees to assist with the Simple cases, freeing up the experienced analysts to work on their oldest Complex and Appeal cases.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Yes

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

21. Beyond work on the 10 oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

We utilized the agency's Skills Connect program to gather some detailees to assist with the Simple cases, freeing up the experienced analysts to work on their oldest Complex and Appeal cases.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

N/A

23. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

N/A

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

26. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2020.

N/A

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

The best improvement to our FOIA administration in Fiscal Year 2019 was the ability to increase our use of Skills Connect detailees. Over the course of the year, we worked with 15 detailees who closed a significant number of our simple cases. This allowed the experienced analysts to tackle the complex and oldest cases.

We also completed the internal FOIA Outreach Initiative. We successfully educated the components about our statutory duties, enhanced cross-component working relationships, reduced the FOIA processing time and ultimately improved our public service.