

**FREEDOM OF INFORMATION ACT (FOIA) ANNUAL REPORT  
FOR THE SOCIAL SECURITY ADMINISTRATION  
FOR FISCAL YEAR 2009**

**I. BASIC INFORMATION REGARDING REPORT**

1. Provide name, title, address, and telephone number of person (s) to be contacted with questions about the Report.

**Name: Dawn S. Wiggins**

**Title: Freedom of Information Act Officer**

**Agency/Component: Social Security Administration (SSA)  
Office of the General Counsel  
Office of Privacy and Disclosure**

**Telephone Number: (410) 966-6645  
FAX: (410) 966-4304**

**Mailing Address: Social Security Administration (SSA)  
Office of the General Counsel  
Office of Privacy and Disclosure  
3-A-6 Operations Building  
6401 Security Boulevard  
Baltimore, MD 21235-0001**

2. Provide an electronic link for access to the Report on the agency Web site.

**Website: <http://www.socialsecurity.gov/foia/>**

3. Explain how to obtain a copy of the Report in paper form.

**To obtain a paper copy of this report write to the address shown above, or phone, fax, or e-mail the Office of Privacy and Disclosure. Our e-mail address is [foia.pa.officers@ssa.gov](mailto:foia.pa.officers@ssa.gov).**

**II. MAKING A FOIA REQUEST**

1. Provide names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

**Office of Privacy and Disclosure (OPD), 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-0001, (410) 966-6645.**

**Division of Earning Records (DERO), 3-D-10 Metro West, 300 North Green Street, Baltimore, MD 21290-0300, (410) 597-1730.**

2. Provide a brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.

**In general, we do not disclose classified records, internal personnel rules, information that is confidential by law, trade secrets of confidential financial information, information that is otherwise legally privileged, personal information about living people, or records of investigation.**

**The following are some examples specific to SSA:**

- **Exemption 2, Internal Personnel Rules and Practices.** We cite this exemption as the basis for withholding records solely related to internal personnel rules and practices such as certain records or procedures that could cause a breach in security, i.e., instructions for operating terminals, computer access codes, etc.
- **Exemption 3, Prohibited by Law.** We cite this exemption when disclosure is prohibited by a law that leaves no discretion as to what may be exempt or that establishes specific criteria for withholding information. The Internal Revenue Code restricts the disclosure of tax return information, such as third-party addresses, employer's names, addresses, and earnings information. 42 U.S.C. 290dd-3 and 290ee-3 restrict the disclosure of information regarding identity, diagnosis, prognosis, or treatment of any patient when such information is maintained in connection with a Federally-assisted drug or alcohol-abuse prevention function.
- **Exemption 4, Trade Secrets and Commercial or Financial Information.** We cite this exemption to withhold information obtained from outside the Government that relates to "trade secrets and commercial or financial information which, if disclosed, would either cause substantial harm to a person's ability to compete with others in his business or impair the Government's ability to obtain needed information." These records may include detailed information concerning profits, losses, and business costs. This exemption does not apply to SSA program records and we generally use it in connection with our procurement records.
- **Exemption 5, Interagency or Intra-agency Memorandums.** We cite this exemption to withhold memorandums or letters that would not be available by law to a party other than a party in litigation with the agency. We cite this exemption to withhold opinions (such as Office of the General Counsel opinions), recommendations, suggestions, or judgmental analyses by various field and central

office components of SSA exchanged or developed before we make policy or decisions.

- **Exemption 6, Invasion of Privacy.** We cite this exemption to withhold any personal information if disclosure would constitute a clearly unwarranted invasion of personal privacy. For example, we would invoke this exemption when a requester submits an inquiry on whether his neighbor receives Social Security benefits. Disclosure of this information would not serve the public interest and would constitute an invasion of the neighbor’s privacy.
- **Exemption 7, Investigatory Records.** We cite this exemption to withhold records compiled for law enforcement purposes if the production of this information could reasonably be expected to interfere with enforcement proceedings, deprive a person to a fair trial, disclose the identity of a confidential source, disclose investigative techniques or procedures, or endanger the life or physical safety of law enforcement personnel. We apply this exemption to Office of the Investigator General (OIG) reports and information.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.

**OPD- Office of Privacy and Disclosure**

**SSA- Social Security Administration**

**SSN- Social Security number**

2. Include the following definitions of terms used in this Report:

- a. **Administrative Appeal** – A request to a Federal agency asking that it review, at a higher administrative level, a full denial or a partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA

requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a Federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a Federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests that require the agency to use the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. Include the following concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

#### IV. EXEMPTIONS 3 STATUTES

##### A. Exemption 3 Statutes Relied upon Withhold Information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
26 U.S.C. 6103	Tax information such as third party addresses and employer's names and addresses	<p><u>Church of Scientology v. IRS</u>, 484 U.S. 9, 15 (1987)(finding that IRS lawfully exercised discretion to withhold street addresses pursuant to 26 U.S.C. section 6103(m)(1)); <u>Aaron v. IRS</u>, 973 F.2d 962, 964-65 (1<sup>st</sup> Cir. 1992)(finding that IRS lawfully exercised discretion to withhold street addresses pursuant to 26 U.S.C. section 6103(m)(1); and <u>Long v. IRS</u>, 891 F. 2d 222, 224 (9<sup>th</sup> Cir. 1989)(holding that deletion to taxpayer's identification does not alter confidentiality of section 6103 information).</p> <p>The United States Supreme Court and most appellate courts that have considered the withholding of tax return information have held either explicitly or implicitly that section 6103 of the Internal Revenue Code satisfies subpart (B) of exemption 3</p>	80 <sup>1</sup>	80
41 U.S.C. 423	Source selection information and independent government estimates for projects which have not yet been awarded	<p><u>Legal &amp; Safety Employer Research, Inc. v. U.S. Dep't of the Army</u>, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum), (finding that the court is satisfied that 41 U.S.C. 423 is a nondisclosure statute under exemption 3, subsection B).</p>	1	1

<sup>1</sup> This total includes the total number of times we applied Exemption 3 for initial requests and appeals.

**V. FOIA REQUESTS**

A. Received, Processed and Pending FOIA Requests

	Column 1	Column 2	Column 3	Column 4
	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
<b>AGENCY OVERALL</b>	1,060	31,340	31,551	849



B. (1) Disposition of FOIA Requests – All Processed Requests

1. Provide the number of request dispositions as described in the columns below. Select only the one column to report

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
AGENCY OVERALL	26,344	3,085	1,447	231	6	51	121	195	18	2	51	0	31,551

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart

	<b>Description of “Other” Reasons for Denials from Chart B (1) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL</b>
<b>AGENCY OVERALL</b>	Not Applicable	0

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

	<b>Ex. 1</b>	<b>Ex. 2</b>	<b>Ex. 3</b>	<b>Ex. 4</b>	<b>Ex. 5</b>	<b>Ex. 6</b>	<b>Ex. 7(A)</b>	<b>Ex. 7(B)</b>	<b>Ex. 7(C)</b>	<b>Ex. 7(D)</b>	<b>Ex. 7(E)</b>	<b>Ex. 7(F)</b>	<b>Ex. 8</b>	<b>Ex. 9</b>
<b>AGENCY OVERALL</b>	0	69	73	36	86	1,549	8	0	18	1	0	0	0	0

**VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

- If more than one component in the agency adjudicates administrative appeals, provide information for each appellate component, as well as for the agency overall.

Column 1	Column 2	Column 3	Column 4
<b>Number of Appeals Pending as of Start of Fiscal Year</b>	<b>Number of Appeals Received in Fiscal Year</b>	<b>Number of Appeals Processed in Fiscal Year</b>	<b>Number of Appeals Pending as of End of Fiscal Year</b>
1	113	105	9

B. Disposition of Administrative Appeals – All Processed Appeals

<b>Number Affirmed on Appeal</b>	<b>Number Partially Affirmed &amp; Partially Reversed/Remanded on Appeal</b>	<b>Number Completely Reversed/Remanded on Appeal</b>	<b>Number of Appeals Closed for Other Reasons</b>	<b>TOTAL</b>
27	12	66 <sup>2</sup>	0	105

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<sup>2</sup> The number of appeal decisions we reversed includes cases where we reversed the decision because the requester provided additional information required for us to disclose records. For example, requesters must provide proof of death when requesting records on deceased individuals. If the requester provides acceptable proof of death on an appeal, we reverse the decision and release the records.

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

<b>Ex. 1</b>	<b>Ex. 2</b>	<b>Ex. 3</b>	<b>Ex. 4</b>	<b>Ex. 5</b>	<b>Ex. 6</b>	<b>Ex. 7(A)</b>	<b>Ex. 7(B)</b>	<b>Ex. 7(C)</b>	<b>Ex. 7(D)</b>	<b>Ex. 7(E)</b>	<b>Ex. 7(F)</b>	<b>Ex. 8</b>	<b>Ex. 9</b>
0	3	8	1	3	20	0	0	4	0	0	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

<b>No Records</b>	<b>Records Referred at Initial Request Level</b>	<b>Request Withdrawn</b>	<b>Fee-Related Reason</b>	<b>Records not Reasonably Described</b>	<b>Improper Request for Other Reasons</b>	<b>Not Agency Record</b>	<b>Duplicate Request or Appeal</b>	<b>Request in Litigation</b>	<b>Appeal Based Solely on Denial of Request for Expedited Processing</b>	<b>Other *Explain in chart below</b>
1	0	0	0	0	1	0	0	0	0	0

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

<p align="center"><b>Description of “Other” Reasons for Denial on Appeal from Chart C (2) &amp; Number of Times Those Reasons Were Relied upon</b></p>	<p align="center"><b>TOTAL</b></p> <p align="center"><b>0</b></p>
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C. (4) Response Time for Administrative Appeals

<p align="center"><b>Median Number of Days</b></p>	<p align="center"><b>Average Number of Days</b></p>	<p align="center"><b>Lowest Number of Days</b></p>	<p align="center"><b>Highest Number of Days</b></p>
<p align="center">67</p>	<p align="center">82</p>	<p align="center">6</p>	<p align="center">279</p>

C. (5) Ten Oldest Pending Administrative Appeals

	10 <sup>th</sup> Oldest Appeal	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal
<b>Date of Receipt of Ten Oldest Appeals</b>		8/25/09	8/24/09	8/21/09	8/21/09	7/20/09	6/26/09	6/19/09	6/10/09	6/5/09
<b>Number of Days Pending</b>		37	38	41	41	73	97	104	113	118

**VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

**A. Processed Requests - Response Time for All Processed Perfected Request**

	SIMPLE				COMPLEX				EXPEDITED PROCESSING <sup>3</sup>			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<b>AGENCY<sup>4</sup> OVERALL</b>	11	17	1	256	61	77	2	387	N/A	N/A	N/A	N/A

<sup>3</sup> SSA grants expedited processing if it involves an imminent threat to a person’s life or physical safety; if a member of the media makes the request to obtain information that the public has an urgent need to know and the records would cover an actual or an alleged Federal Government activity; or if the individual explains in detail that he or she may be denied a legal right, benefit, or remedy without the requested information.

<sup>4</sup> Our actual response time for processed and pending requests is lower than the highest number of days that we report here because of a design issue with our case processing system. Although we complete processing a case and send a response to the requester, the case remains open in our system until we actually receive the processing fees for that case. During the year, some cases remained open for quite some time even though we had fully processed them. We have established a manual process to work around this issue until we are able to implement system changes to actually close a case when we send the response.



B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<b>AGENCY 5OVERALL</b>	25	9	2	189	60	78	3	387	N/A	N/A	N/A	N/A

C. Processed Requests – Response Time in Day Increments.

**Simple Requests**

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401 + Days	TOTAL
<b>AGENCY OVERALL<sup>6</sup></b>	24,386	3,234	332	498	747	498	166	332	664	164	0	0	0	31,021

<sup>5</sup> See footnote 4

<sup>6</sup> See footnote 4

### Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101- 120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401 + Days	TOTAL
<b>AGENCY OVERALL</b>	99	93	85	76	40	38	29	22	16	19	12	1	0	530

### Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
<b>AGENCY OVERALL</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

D. Pending Requests – All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
<b>AGENCY OVERALL<sup>7</sup></b>	798	40	69	51	52	35	N/A	N/A	N/A

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<sup>7</sup> See footnote 4

E. Pending Requests – Ten Oldest Pending Perfected Requests

1. Provide the dates of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days those requests had been pending.

	<b>10<sup>th</sup> Oldest Request and Number of Days Pending</b>	<b>9<sup>th</sup></b>	<b>8<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>3<sup>rd</sup></b>	<b>2<sup>nd</sup></b>	<b>Oldest Request and Number of Days Pending</b>
<b>AGENCY OVERALL</b>	6/12/09 76	6/12/09 76	6/12/09 76	6/11/09 77	6/10/09 79	6/10/09 79	6/10/09 79	6/5/09 81	6/5/09 81	6/5/09 81

## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

- Section VIII now reflects new mandatory reporting requirements and is no longer an optional Section.
- Provide information for adjudicated requests for expedited processing or adjudicated requests for a fee waiver, i.e., requests for expedited processing or requests for a fee waiver which were granted or denied. Do not include requests for expedited processing or requests for a fee waiver which became moot for various reasons and, as a result, were neither granted nor denied.

### A. Requests for Expedited Processing

1. Include requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.
2. Calculating days: Count only the days spent adjudicating the request for expedited processing. Count calendar days, not working days.
3. Note: The response time portion of this new reporting requirement captures the time taken to decide whether to grant or deny a request for expedited processing. This does not cover the FOIA requests which have already been granted expedited status, placed in the “expedited processing” track, and reported elsewhere in this Report. Rather, this new requirement reflects the time taken to make a determination (i.e., adjudicate) whether a request for expedited processing should be granted or denied. The FOIA requires agencies to determine within ten calendar days whether a request satisfies the standards for expedited processing.

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>	<b>Number Adjudicated Within Ten Calendar Days</b>
<b>AGENCY OVERALL</b>	0	25	4	5	25

### B. Requests for Fee Waiver

1. Include requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.

2. Calculating days: Count only the days spent adjudicating the fee waiver request. Count working days. Do not include additional days that may precede consideration of the fee waiver request, e.g., days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>
<b>AGENCY OVERALL</b>	40	62 <sup>8</sup>	27	38

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<sup>8</sup> We review requests for fee waivers on a case-by-case basis. Only the SSA FOI Officer may waive or reduce a fee (in excess of \$7.50). We usually grant a fee waiver when it has been determined that furnishing the information will primarily benefit the general public. We normally grant fee waivers from members of the media and educational and scientific institutions when there is limited search time or duplication involved with the request.

**IX. FOIA PERSONNEL AND COSTS**

**PERSONNEL**

**COST**

	<b>Number of “Full-Time FOIA Employees”</b>	<b>Number of “Equivalent Full-Time FOIA Employees”</b>	<b>Total Number of “Full- Time FOIA Staff”</b>  (The sum of Columns 1 & 2)	<b>Processing Costs</b>  (At initial request and appeal levels)	<b>Litigation- Related Costs</b>	<b>Total Costs</b>
<b>AGENCY OVERALL</b>	15	84	99	\$5,636,099.00	\$35,723.00	\$5,671,822.00

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

	<b>Total Amount of Fees Collected</b>	<b>Percentage of Total Costs</b>
<b>AGENCY OVERALL</b>	\$4,179,583.00 <sup>9</sup>	74

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<sup>9</sup> Because of system enhancements and reporting changes we implemented in FY 2009, this total no longer includes fees we collected from our first-party requests. Most of the fees we collect for earnings records and SSN verifications are based on a separate provision for fee charging in section 1106(c) of the Social Security Act (42 U.S.C. § 1306(c)), rather than FOIA fee provisions.



**XI. FOIA REGULATIONS**

- Agencies must provide an electronic link to their FOIA regulations, including their fee schedule.

Website: <http://www.socialsecurity.gov/foia/>

**XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**

A. Backlogs of FOIA Requests and Administrative Appeals

	<b>Number of Backlogged Requests as of End of Fiscal Year</b>	<b>Number of Backlogged Appeals as of End of Fiscal Year</b>
<b>AGENCY OVERALL</b>	90	9

3. Discuss/explain the backlog here (optional).

**In FY 2009, OPD significantly reduced our backlog. We end the year with a backlog of less than three-tenths of one percent of our total cases pending. This reduction is the result of us focusing considerable resources toward FOIA backlog reduction.**

**Throughout the year, we continued to monitor our backlog by meeting weekly to assess the status of old cases and to reduce this workload as quickly as possible. We hired 5 new full-time analysts to improve our case-intake process and have provided training so they can focus primarily on simple cases. Realigning responsibility for routine case work enabled our more experienced staff to concentrate on the more complex backlogged cases. In addition, we now have 2 senior analysts working closely with staff on improving all facets of our FOIA program. We have been able to provide one-on-one assistance within OPD and with our agency components, resulting in increased timeliness and responsiveness. We have improved our outreach to agency components and raised their awareness of the FOIA and brought attention to the importance of being responsive to FOIA requests.**

**We will continue our efforts in FY 2010 to assist us in complying with all facets of the OPEN Government Act of 2007, President Obama's memorandum, and the Attorney General's Guidance on the importance of the FOIA and transparency in government.**

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Column 1	Column 2	Column 3	Column 4
	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year</b>	<b>Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year</b>
<b>AGENCY OVERALL</b>	0	0	0	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

Agency Overall	10 <sup>th</sup> Oldest Consultation and Number of Days Pending	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Consultation and Number of Days Pending
	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

	Column 1	Column 2	Column 3	Column 4
	<b>NUMBER OF REQUESTS <u>RECEIVED</u></b>		<b>NUMBER OF REQUESTS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	34,444	31,340	34,666	31,551

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	147	90

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

	Column 1	Column 2	Column 3	Column 4
	<b>NUMBER OF APPEALS <u>RECEIVED</u></b>		<b>NUMBER OF APPEALS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	52	113	74	105

	Column 1	Column 2
	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
<b>AGENCY OVERALL</b>	1	9

F. Discussion of Other FOIA Activities (Optional)

1. Provide here any further information about the agency's efforts to improve FOIA administration.

**In line with the Administration's guidance on FOIA processing, we have implemented changes to maximize the effectiveness of our processes. For instance, in FY09, we instituted an in-house FOIA/Privacy Act (PA) training program for our analysts that focuses on various technical, legal, and hands-on training, as well as administrative processes regarding the FOIA and the PA. This training identifies new and refresher topics to present through monthly sessions. We believe this training will inherently improve our timeliness, responsiveness, and overall compliance with the OPEN Government Act of 2007 and the Administration's directive regarding government openness and transparency. We also continue to encourage and sponsor analysts to attend outside FOIA/PA training throughout the year. In addition, we started a new program to more aggressively seek responsive materials from our agency components. The new program will help us develop fee estimates and communicate more effectively with requesters. The sooner we obtain responsive documents, the sooner we can respond to requests.**

**In line with fully utilizing technology in FOIA case processing, we have implemented a number of enhancements to our case processing system. The system now provides alerts when we receive new cases and includes a redaction tool, both of which will enable us to be more responsive to FOIA requests. We also implemented an ongoing review of our Website (Intranet and Internet) to ensure comprehensive Web guidance and links to beneficial resources for the public. We have expanded our Reading Room to include links to numerous resources of interest to the public. We will continue these efforts in FY 2010. By offering more information online, we hope to reduce the need for people to submit requests and expect to see a reduction in the number of FOIA cases.**