



**SOCIAL SECURITY ADMINISTRATION**  
**2013 CHIEF FOIA OFFICER REPORT**

# ***2013 Chief FOIA Officer Report***

## **Social Security Administration**

*Name and Title of Agency Chief FOIA Officer:*

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### ***Section I: Steps Taken to Apply the Presumption of Openness***

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period? Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

**Yes. The Office of Privacy and Disclosure (OPD) provided FOIA training for OPD staff via our ongoing OPD in-house training program. We also established a Monthly FOIA Analyst Meeting to assist and guide FOIA analysts in all aspects of processing FOIA requests. Training included an overview of SSA's procurement process and processing requests for contracts. Additionally, Dick Huff, former director of DOJ's Office of Information and Privacy provided two training sessions for OPD staff. His sessions covered basic FOIA law and policy, advanced FOIA, and the interaction between the FOIA and the Privacy Act. We invited some of our FOIA stakeholders to attend as well.**

**Yes. OPD staff attended FOIA training provided by the Department of Justice (DOJ), the Office of Government Information Services, the American Association of Access Professionals, and the International Association of Privacy Professionals.**

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

2. Did your agency make any discretionary releases of otherwise exempt information? **Yes.**
3. What exemptions would have covered the information that was released as a matter of discretion? **Exemption 2 and Exemption 5.**

4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

**We routinely review requests for proactive disclosure. For example, we received a request for a copy of a security section of SSA's Administrative Instruction Manual System. We performed a line-by-line review of the document and determined that although it was marked "sensitive," the section did not contain information that could cause harm if released. Therefore, we released the entire section.**

**In addition, we received requests for documents regarding attorney fees submitted by attorneys who represent social security claimants. We conducted a line-by-line review of documents in the Attorney Fee Working File to determine if we could release information that we previously withheld. After review, we applied FOIA Exemption 5 to some documents and released information that we determined would not cause harm.**

5. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

**We use peer, management, and legal reviews to determine whether discretionary releases are possible. We discuss applying the presumption of openness at our Monthly FOIA Analyst meetings. And, our FOIA coordinators review information provided in response to a FOIA request to identify specific information that we can proactively post on our website.**

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

As the Attorney General emphasized in his FOIA Guidelines, "[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."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support? **Yes.**
2. Do your FOIA professionals work with your agency's Open Government Team?

**Yes. We work with the Office of Open Government to assist with the agency's Open Government Initiatives. We also recommend data to be posted on the data.gov website.**

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration?

**Yes. OPD recently added seven analysts to assist in processing the agency's FOIA workload. We are training the new analysts on the eFOIA case processing system and providing training to ensure consistency and timeliness in responding to FOIA requests.**

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

**We recently assigned a senior analyst to lead our FOIA Work Process Workgroup and review how our FOIA system operates and recommend improvements where needed.**

### ***Section III: Steps Taken to Increase Proactive Disclosures***

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2012 to March 2013). In doing so, answer the questions listed below and 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 posted this past year.
  - **list of sanctioned Social Security claimants' representatives,**
  - **list of non-attorney representatives eligible for direct payment of fees,**
  - **customer satisfaction surveys,**
  - **statistics on disability cases,**
  - **fiscal year 2012 disability workload data,**
  - **FOIA logs**
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, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.? **Yes.**
3. If so, provide examples of such improvements.

**We redesigned our FOIA website to make it more user-friendly by providing improved search capabilities, easier access to agency records, better descriptions of available data, and useful links to other agency resources.**

4. Describe any other steps taken to increase proactive disclosures at your agency.

**We appointed a staff member with the responsibility to monitor the proactive disclosure process. He will continuously review and update our website to post information or provide links to information of greatest interest to the public.**

### ***Section IV: Steps Taken to Greater Utilize Technology***

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in receiving and tracking

FOIA requests and preparing agency Annual FOIA Reports. For 2013, as we did in 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

*Electronic receipt of FOIA requests:*

1. Can FOIA requests be made electronically to your agency? **Yes.**
2. If your agency is decentralized, can FOIA requests be made electronically to *all* components of your agency? **N/A**

*Online tracking of FOIA requests:*

3. Can a FOIA requester track the status of his/her request electronically? **No.**
4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system. **N/A**
5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request? **No.**
6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

**Not at this time. However, the agency provides a FOIA contact phone number so requesters can call to check on the status of a request.**

7. *Use of technology to facilitate processing of requests:* Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? **Yes.**
8. If so, describe the technological improvements being made.

**The agency recently deployed X1 software on computers to aid staff in searching files. This search engine locates and previews email, email attachments, and files on computer hard drives to allow for more accurate, fast, and easy searches. We also utilize an internal shared drive to store template language, FOIA operating procedures, forms, and other tools to assist FOIA analysts in processing requests consistently and timely.**

### ***Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs***

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.
  - a. Does your agency utilize a separate track for simple requests? **Yes.**
  - b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer? **Yes.**
  - c. If your agency does not track simple requests separately, was the average number of days to process non- expedited requests twenty working days or fewer? **N/A.**
  
2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.
  - a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011? **Yes.**
  - b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011? **No.**
  - c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011? **Yes.**
  - d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011? **Yes.**
  
3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

*Request Backlog:*

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests? **N/A.**
- b. Was the lack of a reduction in the request backlog caused by a loss of staff? **N/A.**
- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received? **N/A.**
- d. What other causes, if any, contributed to the lack of a decrease in the request backlog? **N/A.**

*Administrative Appeal Backlog:*

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals? **Yes.**
  - b. Was the lack of a reduction in the appeal backlog caused by a loss of staff? **No.**
  - c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received? **No.**
  - d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog? **None.**
4. OIP has issued **guidance** encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed. **None.**

### **Use of FOIA's Law Enforcement "Exclusions"**

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012? **No.**
2. If so, what was the total number of times exclusions were invoked? **N/A.**

### **Spotlight on Success**

Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here 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.

**SSA completely redesigned our FOIA website. Our new website is user-friendly and provides the public with access to data and information regarding SSA's mission, operations, and procedures as well as Social Security law, regulations, and policies.**

**Our new website is better organized to allow visitors to search for information. The website provides category selections such as the FOIA homepage, the Reading Room, how to make a FOIA request, and FOIA reports. The FOIA Reading Room includes recent FOIA releases and a link to frequently asked questions to assist the public with subject matter selections. We also provide links to helpful external resources.**

**Further, we added selections regarding privacy information available at SSA, including System of Records Notices, Privacy Impact Assessments, SSA's Internet Privacy Policy, and Government Data Exchange information.**

**SSA is thoroughly committed to providing better service to the public and we are excited that our newly designed FOIA website enhances access to agency records.**