

**SYSTEM NUMBER: 60-0006**

**SYSTEM NAME:**

Storage of Hearing Records: Tape Cassettes, Social Security Administration, Office of Hearings and Appeals.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Social Security Administration, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, Virginia 22041.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Claimants--Title II (Retirement and Survivors Insurance (RSI) and Disability Insurance (DI)); Title VIII (Special Veterans Benefits); Title XI (claimants subject to Professional Standards Review); Title XVI Supplemental Security Income; and Title XVIII (HI). Effective October 1, 2005, the Social Security Administration (SSA) only has jurisdiction to determine eligibility for Title XVIII benefits, not the benefit amount.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Recordings of actual hearings before Administrative Law Judges (ALJ).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 205, 1631, and 1872 of the Social Security Act (42 U.S.C. 405, 1383, and 1395ii).

**PURPOSE(S):**

The tape cassette or other electronic media, such as the compact disc (CD), is the basic record of the hearing conducted in an individual case by the ALJ. It is the source from which the documentary transcript is prepared. Social Security Administration (SSA) employees use the information as a reference to respond to subsequent correspondence and/or further appeal of the claim and to process an attorney fee petition when appropriate.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as "return or return information" under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:
  - a. The Social Security Administration (SSA), or any component thereof; or
  - b. Any SSA employee in his/her official capacity; or
  - c. Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or
  - d. The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.
4. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.
5. To the General Services Administration and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.
6. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are

performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.
8. We may disclose information to appropriate Federal, State, and local agencies, entities, and persons when (1) we suspect or confirm that the security or confidentiality of information in this system of records has been compromised; (2) we determine that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs of SSA that rely upon the compromised information; and (3) we determine that disclosing the information to such agencies, entities, and persons is necessary to assist in our efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. SSA will use this routine use to respond only to those incidents involving an unintentional release of its records.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system may be stored either on cassette tapes, CDs, or other electronic format.

**RETRIEVABILITY:**

Records in this system are indexed by claimant name, Social Security number (SSN), and date of hearing.

## **SAFEGUARDS:**

System security is maintained in accordance with the Systems Security Handbook. Access to, and use of, both the cassettes and electronic digital records are limited to those persons whose official duties require such access. All employees are instructed in SSA confidentiality rules as part of their initial orientation training. Access: [www.socialsecurity.gov/](http://www.socialsecurity.gov/) for additional information relating to SSA data security measures.

## **RETENTION AND DISPOSAL:**

Tape cassettes and CDs are transferred to the Washington Nation Records Center (WNRC) immediately after separation from the claim file. The cassettes and CDs are destroyed (erased) after 10 years in the WNRC. Electronic records are deleted when no longer needed.

## **SYSTEM MANAGER(S) AND ADDRESS(ES):**

Associate Commissioner, Office of Hearings and Appeals, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041.

## **NOTIFICATION PROCEDURES:**

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition

of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

An individual who requests access to his or her medical record must also name a representative in writing. The representative may be a physician, other health professional, or other responsible individual who would be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the individual. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he/she makes the request, designate a physician or other health professional (other than a family member) who will be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the parent or guardian. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

#### **RECORD ACCESS PROCEDURES:**

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

#### **CONTESTING RECORD PROCEDURES:**

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

#### **RECORD SOURCE CATEGORIES:**

The records are derived from claimants, representatives, witnesses, ALJs and staff persons.

#### **SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:**

None.