



**SOCIAL SECURITY ADMINISTRATION**  
**2014 CHIEF FOIA OFFICER REPORT**

# ***2014 Chief FOIA Officer Report***

## **Social Security Administration**

Name and Title of your Agency's Chief FOIA Officer:

David Black

General Counsel

Social Security Administration (SSA)

### ***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.

#### ***FOIA Training:***

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

**Yes**

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

**a. Monthly FOIA Staff meetings. Total of 12 sessions, topics included: Consent requirement, surveillance videos and Exemption 7, FOIA Fees, Privacy Act exemptions (j)(2) and (k)(2), Office of Inspector General Reports of Investigations and potential exemptions (FOIA exemptions 6 and the 7), and GLOMAR. Approximately 25 employees attended each meeting. We identify the training topics for staff meetings as a result of cases that we processed; these cases may also be discussed at the meeting.**

**b. FOIA and Privacy Act Interface, 32 attendees.**

**c. FOIA/PA Coordinator Meetings. Total of 6 sessions, 19 attended.**

**d. Adobe Professional X – software used for various administrative functions, including redacting and encrypting records, 20 attendees.**

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

**Yes, as follows:**

**a. DOJ FOIA roundtables – FOIA Libraries, FOIA IT Working Group, and the FOIA Fee Summit, 1 attendee at each**

**b. DOJ FOIA for Attorneys and Access Professionals, 1 attendee**

**c. American Society of Access Professionals (ASAP) Privacy Act Training, 4 attendees**

**d. Department of Education’s Building a High Quality FOIA Operation symposium, 3 attendees.**

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

**95%**

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency’s plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

**a. Continue to provide monthly FOIA/PA training for our staff.**

**b. Continue to encourage our staff to attend various FOIA/PA training offered by DOJ, ASAP, and other appropriate private/government entities.**

**c. Assess specific training needs and arrange cost efficient in-house training.**

**d. Continue to meet with our agency FOIA/PA coordinators.**

***Outreach:***

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

**Yes, we attended DOJ FOIA Roundtables and discussed matters with the requester community in attendance. Additionally, we contacted legal research companies who routinely submit FOIA requests with our agency. We explained the FOIA requirements, the need for proper consent from the record holder before we can release records, as well as fee issues and how we process FOIA requests. We believe these discussions positively influenced our relationship with the requesters and assisted them in obtaining information timely.**

***Discretionary Disclosures:***

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.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

**Yes. We use peer, management, and legal reviews to determine whether discretionary releases are possible. We discuss applying the presumption of openness directed by the President's Executive Order and the Attorney General's guidance at our Monthly FOIA Analyst meetings. With a collaborative effort between agency personnel, we strive to make discretionary releases when possible. However, due to the nature of SSA's records, discretionary releases are not always appropriate.**

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

**Yes**

9. What exemptions would have covered the information that was released as a matter of discretion?

**Exemption 5 – Deliberative Process and Attorney-Work Product**

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

**For example, we released draft memoranda, letters, and predecisional information.**

11. If your agency was not able to make any discretionary releases of information, please explain why.

**N/A**

***Other Initiatives:***

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

**Yes**

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

**We added a list of *Frequently Requested SSA Statistics* to our FOIA Library (<http://www.ssa.gov/foia/List%20of%20Frequently%20Requested%20SSA%20Statistics.pdf>). We routinely receive requests for disability data and management information that is currently available on our internet pages. To enhance this process, we compiled a list of the datasets, described the datasets for the reader, and included the hyperlinks conveniently in one PDF. This provides a single location where the public can see the available datasets and click the hyperlink(s) to visit specific webpage(s).**

## ***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." It is essential that agencies effectively manage their FOIA program.

Describe here the steps your agency has taken to ensure that your management of your FOIA program 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.

### ***Personnel:***

During Sunshine Week 2012 OPM announced the creation of a new job series entitled the Government Information Series, to address the work performed by FOIA and Privacy Act professionals. Creation of this distinct job series was a key element in recognizing the professional nature of their work.

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

**Yes**

2. If not, what proportion of personnel has been converted to the new job series?

**N/A**

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

**N/A**

### ***Processing Procedures:***

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

**N/A, we did not adjudicate any requests for expedited processing in FY 2013.**

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

**Given the small amount of consultations and referrals that we send and receive, we do not believe that we need to enter into any agreements with other agencies. We believe that we already process consultations and referrals efficiently and effectively. We received 42 Consultations in Fiscal Year 2013 and processed them all within the Fiscal Year. We efficiently processed the referrals that we received from other agencies and closed them out during the Fiscal Year. We referred only two cases to other agencies.**

***Requester Services:***

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

**Yes**

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

**Yes**

8. 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, eliminating redundancy, etc.

**We assembled a FOIA Business Process workgroup with the objective to assess our agency's FOIA process and recommend changes to improve efficiency. As a result of the workgroup, we created a FOIA Desk Guide for analysts, a FOIA Case Summary Sheet that analysts use to provide a snapshot of the case for the various reviewers, amended our FOIA Business Process Workflow, revised our FOIA complex/appeal case tracking sheets, and suggested changes to improve efficiency and continuity. We plan to implement many of the workgroup's other suggestions this year.**

### **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 2013 to March 2014). 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.

#### **Posting Material:**

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

**Yes**

2. If so, describe the system that is in place.

**We added a FOIA Library section to our complex/appeal case routing sheets. This allows the reviewers to recommend records for proactive releases in the FOIA Library. Additionally, our FOIA/PA coordinators identify records to post to the FOIA Library.**

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

<http://www.ssa.gov/foia/List%20of%20Frequently%20Requested%20SSA%20Statistics.pdf>

#### **Here are a few examples of the datasets:**

##### **Office of Disability Programs:**

[SSA State Agency Workload Data](#)

[SSA Disability Claim Data](#)

##### **Disability Insurance Data:**

[OASDI Beneficiaries by State and ZIP Code](#)

##### **Supplemental Security Income Data:**

[SSI Annual Statistical Report](#)

[SSI Monthly Statistics](#)

##### **Office of the Chief Actuary:**

[Beneficiary Data](#)

[Beneficiary Databases](#)

[Trustee Report](#)

***Making Posted Material More Useful:***

4. 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 posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

**Yes**

5. If so, provide examples of such improvements.

**We routinely seek ways to make our data and records publicly available. The list posted at <http://www.ssa.gov/foia/List%20of%20Frequently%20Requested%20SSA%20Statistics.pdf>, is a collaborative effort between SSA components and the Office of Privacy and Disclosure. The compiled list provides the public with a snapshot of our publicly available datasets and a brief explanation of these datasets. In addition, we included each hyperlink so the public can easily access the data and the compiled lists.**

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

**No**

7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

**Due to the personal nature of SSA records, we have a limited number of records that we can proactively post. We continue to review our records and assess the feasibility of proactively disclosing information. Additionally, members of our FOIA staff actively contribute to the agency's Open Government Committee.**

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

**Nothing additional; the responses above describe our current activities. We continue to look for additional steps that we can take and work closely with our Office of Open Government.**

## ***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. Over the past several years agencies have reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2014, as we have done over the past years, the questions have been further refined and now also address different, more innovative aspects of technology use.

### ***Online tracking of FOIA requests:***

1. Can a FOIA requester track the status of his/her request electronically?

**No**

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

**N/A**

3. 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**

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?

**No**

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

**No. At this time, we are unable to prioritize this type of enhancement. However, the agency provides a FOIA contact number so requesters can call to check on the status of a request.**

### ***Use of technology to facilitate processing of requests:***

6. 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**

7. If so, describe the technological improvements being made.

**We created a FOIA Shared Drive to begin automating our FOIA process. This provides one platform for our components to save responsive records, our analysts to process the cases, and our reviewers to review the cases. This is a new improvement and we are currently testing the FOIA Share's usefulness on a case-by-case basis; however, we believe this will save processing time and enhance our efficiency.**

**We conducted in-depth Adobe Professional training for FOIA staff and created our own user's guide to assist the staff. Using Adobe Professional will enhance our ability to provide electronic releases for large requests. While Adobe Professional provides electronic redactions, the software also provides an office automation tool that allows us to move towards an electronic FOIA process.**

**We started using the U.S. Army, Aviation and Missile Research, Development and Engineering Center's (AMRDEC) Safe File Access Exchange (SAFE) to transmit records between federal agencies. Using this tool allows us to send large encrypted files between agencies and reduces the need to burn and mail CDs or DVDs.**

**We received a demonstration of Autonomy Introspect, an e-Discovery software package. We plan to purchase a few software licenses. This software will allow analysts to quickly locate duplicate records, particularly emails, sort the records, and export the records as PDFs.**

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

**No**

## **Section V:**

### ***Steps Taken to Improve Timeliness in Responding to Requests and Reducing 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, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your agency's 2012 Annual FOIA Report.*

#### ***Simple Track Requests:***

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.

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

**Yes**

- b. If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?

**Yes, we averaged 17 days to process simple requests.**

- 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**

#### ***Backlogs and "Ten Oldest" Requests, Appeals and Consultations:***

2. 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. 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 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

#### **Backlogs**

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

**No**

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

**No**

Ten Oldest Requests

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

**Yes**

- d. 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 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

**N/A**

Ten Oldest Appeals

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

**Yes**

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

**N/A**

Ten Oldest Consultations

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

**N/A**

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.

**N/A**

**Reasons for Any Backlogs:**

3. If you answered “no” to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

**Yes**

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

**No**

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

**No**

- d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

**An unprecedented increase in requests and appeals due to an agency policy decision. As a result of that policy decision, information that had previously been included in certain correspondence to the public was no longer included; consequently, requests were made through FOIA. The information is now being included in the correspondence again.**

“Ten oldest” Not Closed

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

**N/A**

- f. If your agency was unable to close any of its ten oldest requests or appeals 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**

***Plans for Closing of Ten Oldest Pending Requests, Appeals, and Consultations and Reducing Backlogs:***

Given the importance of these milestones, it is critical that Chief FOIA Officers assess the causes for not achieving success and create plans to address them.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.

N/A

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead.

N/A

***Interim Responses:***

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.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

**Yes. In 2013, we sent more interim responses than we have in the past. Given the complex nature and scope of some of our requests, we believe that interim responses allow us to focus on portions of large requests and provide timely information to the requesters. Requesters have appreciated our efforts to provide interim responses.**

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

1%

### **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 2013?

**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 2013 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, these agency **success stories** will be highlighted during Sunshine Week by OIP. 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 a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report

**We believe that our efficient use of technology highlights our agency's efforts to better serve FOIA requesters. Here are some key areas that we believe improved our FOIA mission:**

- **Created a FOIA shared drive to enhance our FOIA process. We believe the long-term effects will include easier searches, greater collaboration, reduced processing times, enhanced records management, and cost savings through reduction of paper waste.**
- **Expanded our use of Adobe Professional software. This will allow for efficient internal reviews, better records management, and more electronic releases.**
- **Use of the U.S. Army, Aviation and Missile Research, Development and Engineering Center's (AMRDEC) Safe File Access Exchange (SAFE) to transmit records between federal agencies. This tool promotes efficiency by allowing us to send large encrypted files between agencies and reducing the need to burn and mail CDs or DVDs.**
- **Procurement of an e-Discovery software package that allows analysts to quickly locate duplicate records, particularly emails, sort the records, and export the records as PDFs. Ultimately, this will save our analysts time and effort resulting in requesters receiving faster responses.**

**SSA is committed to enhancing our FOIA process, as well as providing the best service to the public.**