

**General Request for Social Security Records/eFOIA**  
**20 CFR 402.130**  
**OMB # 0960-0716**

A. **Justification**

1. The Freedom of Information Act (FOIA) generally provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that one of nine exemptions or one of three special law enforcement record exclusions protect such records (or portions of them).

Enacted in 1966 the FOIA established for the first time an effective statutory right of access to government information. The primary intent of the FOIA was to make the government accountable to the public for its actions. In addition the FOIA requires the government to make all records available to members of the public on request, unless one of nine exemptions under this law would allow the government to withhold the records.

In accordance with *20 CFR 402.130* of the *Code of Federal Regulations* and *5 USC 552(a)(3)* of the *United States Code*, the public interest to be considered in any request for personal information is limited to "the kind of public interest for which Congress enacted the FOIA." This "core purpose of the FOIA" is to "shed light on the agency's performance of its statutory duties."

2. The public enters their information request via the eFOIA Internet screens. These screens connect to a database that tracks the request in compliance with the law that requires the Social Security Administration (SSA) to track the number of requests we receive and respond to the requester within 20 days from the date of receipt of request. The law also requires SSA to prepare an annual report to the Department of Justice on the annual number of requests we receive, the type, the fees charged, etc. Respondents are members of the public including individuals, institutions or agencies requesting information/documents under the Freedom of Information Act.
3. SSA has automated the collection of this information so the public can submit the information electronically within the eFOIA system. SSA based the decision to develop the eFOIA system to process the FOIA work and to collect annual report data electronically on a best practices study conducted by an outside contractor (HW&W). The study revealed that electronic collection of this data would be more efficient, lessening the time required to receive and thus process a request.
4. The nature of the information collected and the manner in which it is collected preclude duplication, as this is SSA's electronic version for FOIA requests. Even though SSA collects similar information from paper FOIA requests (letters) received from members of the public, this is the only electronic form for the

- public to use to make general FOIA requests.
5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.
  6. If SSA did not collect the data required for the annual report, we would be in violation of the Freedom of Information Act. Since the FOIA allows the public to request information on an individual basis, SSA cannot collect the information less frequently. There are no technical or legal obstacles that prevent burden reduction.
  7. There are no special circumstances that would cause SSA to conduct this information collection in a manner that is not consistent with 5 CFR 1320.5.
  8. The 60-day advance *Federal Register Notice* published on August 22, 2008, at 73 FR 49730, and SSA received no public comments. The 30-day Notice published on December 11, 2008, at 73 FR 75492. There have been no outside consultations with members of the public.
  9. SSA provides no payment or gifts to the respondents.
  10. The information requested is protected and held confidential in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974) and OMB Circular No. A-130.
  11. The information collection does not contain any questions of a sensitive nature.
  12. Approximately 5,000 respondents use the eFOIA annually. The estimated average response time is 3 minutes for a total of 250 burden hours. The total burden reflects as burden hours, and SSA calculated no separate cost burden.
  13. There is no known cost burden to the respondents.
  14. The annual cost to the Federal Government is approximately \$462,000. This estimate is a projection of the costs for creation of the collection instrument and for collecting the information.
  15. SSA is reporting no changes in the public reporting burden.
  16. SSA will not publish the results of the information collection.
  17. OMB has granted SSA an exemption from the requirement that SSA print the expiration date for OMB approval on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). OMB granted this exemption so that SSA would not need to

take otherwise useable editions of forms out of circulation because the expiration date had been reached. In addition, SSA avoids Government waste because we will not have to destroy and reprint stocks of forms.

18. SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. **Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.