

Effective Date: January 11, 2006

(71 F.R. 1819)

**SOCIAL SECURITY ADMINISTRATION NOTICE OF SYSTEM OF RECORDS
REQUIRED BY THE PRIVACY ACT OF 1974**

SYSTEM NUMBER: 60-0059

System Name:

Earnings Recording and Self-Employment Income System, Social Security Administration,
Office of Systems.

Security classification:

None.

System Location:

Social Security Administration

Office of Systems

6401 Security Boulevard

Baltimore, Maryland 21235

Social Security Administration

Office of Earnings, Enumerations and Administrative Systems

6401 Security Boulevard

Baltimore, Maryland 21235

Social Security Administration

Office of Central Operations, Metro West Building

300 North Greene Street

Baltimore, Maryland 21201

Records also may be located at contractor sites and in Social Security Administration (SSA) program service centers (PSC) (contact the system manager at the address below for contractor and PSC addresses).

Categories of individuals covered by the system:

This system contains information about individuals who have been issued a Social Security number (SSN) and who may or may not have earnings under Social Security; or any person

requesting, reporting, changing and/or inquiring about earnings information; or any person affected by the Coal Industry Retiree Health Benefit Act of 1992; or any person having a vested interest in a private pension fund.

Categories of in the system:

This system contains records of every SSN holder, his/her name, date of birth, sex, and race/ethnic data and a summary of his/her yearly earnings and quarters of coverage; special employment codes (i.e., self-employment, military, agriculture, and railroad); benefit status information; employer identification (i.e., employer identification numbers and pension plan numbers); minister waiver forms (i.e., forms filed by the clergy for the election or waiver of coverage under the Social Security Act); correspondence received from individuals pertaining to the above-mentioned items; the replies to such correspondence; information about miners and their families needed to administer the Coal Industry Retiree Health Benefit Act of 1992 and pension plan information (i.e., nature, form, and amount of vested benefits); and information about the period during which an employee or self-employed person is exempt from coverage and taxes under the social security system of a foreign country as a result of a Social Security agreement between the United States and that foreign country.

Authority for maintenance of the system:

Sections 205(a) and 205(c)(2) and 233 of the Social Security Act (42 U.S.C. 405 and 433), the Federal Records Act of 1950 (64 Stat. 583), and the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406), and the Coal Industry Retiree Health Benefit Act of 1992 (Pub. L. 102-486, 106 Stat. 2776).

Purpose(s):

This system is used for the following purposes:

As a primary working record file of all SSN holders;

As a quarterly record detail file to provide full data in wage investigation cases;

To provide information for determining amount of benefits;

To record all incorrect or incomplete earnings items;

To reinstate incorrectly or incompletely reported earnings items;

To record the latest employer of a wage earner;

For statistical studies;

For identification of possible overpayments of benefits;

For identification of individuals entitled to additional benefits;

To provide information to employers/former employers for correcting or reconstructing earnings records and for Social Security tax purposes;

To provide workers and self-employed individuals with earnings statements or quarters of coverage statements;

To provide information to SSA's Office of the Inspector General for auditing benefit payments under Social Security programs;

To provide information to the National Institute for Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974;

To assist SSA in responding to general inquiries about Social Security, including earnings or adjustments to earnings, and in preparing responses to subsequent inquiries;

To store minister waivers, thus preventing erroneous payment of Social Security benefits;

To make assignments of responsibility for paying premiums and to perform other functions under the Coal Industry Retiree Health Benefit Act of 1992;

To issue certificates of coverage forms for United States citizens and residents who qualify for a foreign coverage exemption under the terms of a Social Security agreement between the United States and another country;

To determine whether an individual who requests a certificate of coverage, establishing a foreign coverage exemption under a Social Security agreement, has been issued one or more certificates in the past; and

To respond to inquiries concerning a worker's Social Security coverage status from an appropriate agency in a country which has a Social Security agreement with the United States

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 employers or former employers, including State Social Security administrators, for correcting and reconstructing State employee earnings records and for Social Security purposes.

2. To the Department of the Treasury for:

(a) Investigating the alleged forgery, or unlawful negotiation of Social Security checks; and

(b) Tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.

3. To the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

4. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

5. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records when the Social Security Administration contracts with a private

firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

6. To the Department of Energy for their study of low-level radiation exposure.

7. To a congressional office in response to an inquiry from the congressional office made at the request of the subject of a record.

8. To the Department of State for administering the Social Security Act in foreign countries through services and facilities of that agency.

9. To the American Institute, a private corporation under contract to the Department of State, for administering the Social Security Act on Taiwan through facilities and services of that agency.

10. To the Department of Veterans Affairs, Regional Office, Manila, Philippines, for administering the Social Security Act in the Philippines and other parts of the Asia-Pacific region through services and facilities of that agency.

11. To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

12. 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.

13. To a party named in an order, process, or interrogatory, in accordance with section 459 of the Social Security Act if a designee of the Agency is served with any such order, process, or interrogatory with respect to an individual's child support or alimony payment obligations.

14. To the Social Security Agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Social Security Act.

15. To Federal, State, or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or non-cash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

16. To officers and employees of Federal, State or local agencies upon written request in accordance with the Internal Revenue Code (IRC) U.S.C. 6103(l)(7)), tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to the Social Security Administration, and business and employment addresses) for purposes of, and to the extent necessary in, determining an individual's eligibility for, or the correct amount of, benefits under certain programs listed in the IRC. These programs are:

(a) Temporary Assistance to Needy Families provided under a State plan approved under part A of Title IV of the Social Security Act;

(b) Medical assistance provided under a State plan approved under Title XIX of the Social Security Act;

(c) Supplemental Security Income benefits provided under Title XVI of the Social Security Act, and federally administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93-66);

(d) Any benefits provided under a State plan approved under Title I, X, XIV, or XVI of the Social Security Act (as those Titles apply to Puerto Rico, Guam and the Virgin Islands);

(e) Unemployment compensation provided under a State law described in section 3304 of the IRC;

(f) Assistance provided under the Food Stamp Act of 1977; and

(g) State-administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93-66).

17. To appropriate officers and employees of a State or local child support enforcement agency, upon written request in accordance with the Internal Revenue Code (26 U.S.C. 6103(l)(8)), tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to the Social Security Administration, and business and employment addresses) for purposes of, and to the extent necessary in:

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals under a program established under Title IV-D of the Social Security Act (42 U.S.C. 651ff).

18. To the Office of Personnel Management (OPM) the fact that a veteran is, or is not, eligible for retirement insurance benefits under the Social Security program for OPM's use in determining a veteran's eligibility for a civil service retirement annuity and the amount of such annuity.

19. To the Department of Homeland Security (United States Citizenship and Immigration Services in accordance with 8 U.S.C. 1360(b), employee and employer name and address information for the purpose of informing that agency of the identities and locations of aliens who appear to be illegally employed.

20. 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.

21. To the Office of Personnel Management information derived from this system for the purpose of computing civil service annuity offsets of civil service annuitants with military service or the survivors of such individuals pursuant to provisions of section 307 of Pub. L. 97-253.

22. To the General Services Administration and the National Archives 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.

23. To the Office of Personnel Management, upon written request, tax return information for the purpose of administering the Civil Service and Federal Employees Retirement Systems in accordance with Chapter 83 and 84 of Title 5, U.S.C.

24. To Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under Titles II and/or XVI of the Social Security Act may be referred. Data released to RSA will not include any personally identifying information (such as names or Social Security numbers).

25. To Department of Veterans Affairs in accordance with the Internal Revenue Code (26 U.S.C. 6103(l)(7)), upon written request, tax return information for purposes of, and to the extent necessary for determining eligibility for, or the amount of, benefits under the following programs:

(a) Any needs-based pension provided under chapter 15 of Title 38, U.S.C. or under any other law administered by the Secretary of Veterans Affairs;

(b) Parents' dependency and indemnity compensation provided under section 1315 of Title 38, U.S.C.;

(c) Health-care services furnished under sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B) of Title 38, U.S.C.;

(d) Compensation paid under chapter 11 of Title 38, U.S.C., at the 100 percent rate based solely on unemployables and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

The tax return information which may be disclosed under this paragraph includes wages, net earnings from self-employment, payments of retirement income which have been disclosed to the Social Security Administration, and business and employment addresses, except that information on payments of retirement income will not be disclosed for use with respect to programs described in subparagraph (d).

26. To trustees of the United Mine Workers of America Combined Benefit Fund pursuant to section 9706(e)(1) of the Internal Revenue Code as added by the Coal Industry Retiree.

Health Benefit Act of 1992, Pub. L. 102-486, 106 Stat. 2776 (codified at 26 U.S.C. 9701-9721 (1992)), the identity of each coal industry assigned operator determined to be responsible for annual premiums, and the names and Social Security numbers of eligible beneficiaries with respect to whom the operator is identified.

27. To the United Mine Workers of America Combined Benefit Fund pursuant to section 9706(e)(2) of the Internal Revenue Code as added by the Coal Industry Retiree Health Benefit Act of 1992, Pub. L. 102-486, 106 Stat. 2776 (codified at 26 U.S.C. 9701-9721 (1992)), the names and Social Security numbers of eligible beneficiaries who have been assigned to a coal industry assigned operator responsible for that individual's annual premiums payable and a brief summary of the facts related to the basis for such assignments.

28. To the coal industry assigned operator determined to be responsible for an individual's annual premiums payable to the United Mine Workers of America Combined Benefit Fund pursuant to section 9706(f)(1) of the Internal Revenue Code as added by the Coal Industry Retiree Health Benefit Act of 1992, Pub. L. 102-486, 106 Stat. 2776 (codified at 26 U.S.C. 9701-9721 (1992)), detailed information from an individual's work history and other detailed information as to the basis for the assignment of that individual.

29. 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.

30. To entities conducting epidemiological or similar research projects, upon request, information as to whether an individual is alive or deceased pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), provided that:

(a) The Social Security Administration (SSA) determines, in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding re-release or re-disclosure of the information.

31. To Federal, State, and local agencies for determining alien applicants' eligibility for programs or benefit programs covered by sections 402, 412, 421 and/or 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, SSA will disclose information regarding quarters of coverage (non-tax return information) earned by:

The alien applicant;

His/her parents while the alien was under age 18; and/or

His/her spouse during the marriage (if the alien remains married to such spouse or the marriage ended with the death of the spouse).

32. 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.

33. To the Department of Housing and Urban Development (HUD) in accordance with the Internal Revenue Code (26 U.S.C. 6103(l)(7)), upon written request, tax return information (e.g., information with respect to wages, net earnings from self-employment, and payments of retirement income which have been disclosed to the Social Security Administration,) for use by HUD in an initial or periodic review of the income of an applicant or participant in any HUD housing assistance program.

34. To any source that has, or is expected to have, information that the Social Security Administration needs in order to establish or verify a person's eligibility for a certificate of coverage under a Social Security agreement authorized by section 233 of the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records in this system are maintained as paper forms, correspondence in manila folders on open shelving, paper lists, punch-cards, microfilm, magnetic tapes, and discs with online access files.

Retrievability:

Records in this system are indexed by SSN, name, and employer identification number.

Safeguards:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. This includes maintaining the magnetic tapes and discs within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have a special badge issued only to authorized personnel.

For computerized records electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal-oriented transaction matrix, and an audit trail. All microfilm and paper files are accessible only by authorized personnel who have a need for the information in the performance of their official duties.

Expansion and improvement of SSA's telecommunications systems has resulted in the acquisition of terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminal users. Access http://www.socialsecurity.gov/foia/bluebook/app_g.htm for additional information relating to SSA data security measures.

Retention and disposal:

All paper forms and cards are retained until they are filmed or are entered on tape and their accuracy is verified. Then they are destroyed by shredding. All tapes, discs, and microfilm files are updated periodically. The out-of-date magnetic tapes and discs are erased. The out-of-date microfilm is shredded.

SSA retains correspondence for 1 year when it concerns documents returned to an individual, denials of confidential information, release of confidential information to an authorized third party and undeliverable material, for 4 years when it concerns information and evidence pertaining to coverage, wage, and self-employment determinations or when the statute of limitations is involved, and permanently when it affects future claims development especially coverage, wage, and self-employment determinations. Correspondence is destroyed, when appropriate, by shredding.

System manager(s) and address(es):

Director

Division of Earnings Correction and Use

Office of Earnings, Enumeration and Administration Systems

Social Security Administration

6401 Security Boulevard

Baltimore, MD 21235

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)).

Record access procedures:

Same as Notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

Contesting record procedures:

Same as Notification procedures. Also, requesters should 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 untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

Record source categories:

SSN applicants, employers and self-employed individuals; DOJ, the Department of Homeland Security (United States Citizenship and Immigration Services); the Department of Treasury; the United Mine Workers of America Combined Benefit Fund; an existing system of records maintained by SSA, Master Beneficiary Record, 60-0090; correspondence, replies to correspondence, and earnings modifications resulting from SSA internal processes.

Systems exempted from certain provisions of the Privacy Act:

None.