

**Supporting Statement for
Authorization to Disclose Information to the
Social Security Administration
Form SSA-827
20 CFR 404.1512 and 416.912, 45 CFR 160 and 164
OMB No. 0960-0623**

A. Justification

1. Introduction/Authoring Laws and Regulations

Form SSA-827, Authorization to Disclose Information to the Social Security Administration (SSA), is a general and special authorization to disclose information to SSA to obtain medical and other information we need to determine whether or not a claimant has a disability. We need the written authorization to help get the information required to process disability claims, and to determine claimant's capability of managing benefits.

We developed the form to comply with the provisions regarding disclosure of medical, educational, and other information under *Pub.L. 104-191* (HIPAA); *45 CFR 160 and 164*; *42 USC 290dd-2*; *38 USC 7332*; *38 CFR 1.475*; *20 USC 1232g* (FERPA).

Sections *205(a)* and *1631(d)(1)* of the *Social Security Act (Act)* provide the Commissioner of Social Security with full power and authority to make rules and regulations; establish procedures; and adopt reasonable rules for the nature and extent of the evidence. These sections of the *Act* also allow the Commissioner to create the methods of taking and furnishing the same to evaluate the alleged disability.

Sections *223(d)(5)(A)* and *1614(a)(3)(H)(i)* of the *Act* require claimants to furnish such medical and other evidence as the Commissioner of Social Security may require to prove that they are disabled.

Section *223(d)(5)(B)* of the *Act* obliges the Commissioner to consider all evidence available in such individual's case record. Implementing disability regulations *20 CFR 404.1512* and *20 CFR 416.912* of the *Code of Federal Regulations* specifically require an individual to furnish medical evidence.

In addition, the regulations also require the individual to provide evidence of age, education and training, work experience, daily activities, efforts to work, and any other evidence showing how their impairment(s) affects the ability to work, or for a child, the ability to function.

We are submitting this ICR to add eAuthorization, (please see the Addendum for more information.

2. Description of Collection

SSA and its affiliated State Disability Determination services (DDS) use the SSA-827, Authorization to Disclose Information to SSA, to obtain medical and other information needed to determine whether or not a claimant is disabled. We use the SSA-827 to obtain information from all medical sources (such as hospitals, clinics, labs, physicians, and psychologists) including mental health, correctional, addiction treatment, and VA health care facilities.

We also use it to obtain information from all educational sources, such as schools, teachers, records administrators, and counselors; social workers and rehabilitation counselors; consulting examiners used by SSA; employers, insurance companies, workers' compensation programs; and others who may know about the claimant's condition, such as family, neighbors, friends, and public officials. Its efficient handling and widespread acceptance is critical to the success of the disability programs. The respondents voluntarily authorize and request disclosure of all medical records, education records, and other information related to their ability to perform tasks. While signing the SSA-827 is voluntary, failing to sign the form, or revoking it before we receive necessary information, could prevent, or result in denial or loss of benefits.

The form is available to the public as a preprinted paper form, on our Intranet as a fillable and printable eForm, and on the Internet as a printable form.

The SSA-827 is SSA's only form providing authorization from claimants for sources of medical and other information, including schools, to release such information to SSA. Usually, the DDS office sends the form(s), signed and dated by the claimant, to the designated medical or educational source(s). Respondents usually complete the SSA-827 at the initial, reconsideration, and as needed at the hearings appeal levels. SSA employees, private contractors employed by SSA, and State DDSs, collect the information. The respondents are applicants for title II benefits and title XVI payments.

3. Use of Information Technology to Collect the Information

Currently, all disability claims must have at least one original pen-and-ink "wet" signature; however, we are in the research and development phase of an electronic authorization process, which would eliminate the need for a paper SSA-827 in many claims.

The SSA-827 is currently available on the Internet in a PDF format, so the claimant can print a blank form, complete it, and forward the form back to SSA for processing.

SSA did not create an electronic version of the form SSA-827 under the agency's Government Paperwork Elimination Act (GPEA) plan because we currently do not have a technical solution to authenticate our claimants. However, SSA is implementing eAuthorization, which is an electronic process that will greatly

reduce the need for disability claimants to return the wet signed form through the mail.

4. Why We Cannot Use Duplicate Information

The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not significantly affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

SSA's disability program could not operate without this information collection. If we did not collect this information, SSA would not be able to receive claim-related information from third parties because the Health Insurance Portability and Accountability Act requires proper authorization. Since we only use the SSA-827 on an as needed basis, we cannot collect the information less frequently. There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 *CFR* 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public.

The 60-day advance Federal Register Notice published on April 27, 2011 at 76 FR 23640, and SSA received no public comments. The second Notice published on August 29, 2011 at 76 FR 53703. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult members of the public in the development or maintenance of this form.

When we need to obtain advice from outside the agency SSA consults with the Department of Health and Human Services, the Department of Education, the Department of Veterans Affairs, the American Health Information Management Association, and our State DDSs.

As we inadvertently published incorrect burden information in the first Federal Register Notice, we corrected the burden in the second Notice. Number 12 below shows the correct burden information.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects 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. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Approximately 4,121,551 respondents complete form SSA-827 each year. Beginning in FY 2012, the adult first person filers will use the electronic signature option, which reduces the estimated burden per response by one minute. SSA estimates approximately 62% of the total respondents are adult first person filers, as shown on the chart below. Accordingly, the burden is 680,164 hours.

Modality	Number of Respondents	Frequency of Response	Total Number of Responses	Estimated Burden Per Response (minutes)	Total Annual Burden (hours)
SSA-827 with electronic signature (adult first person only)	2,530,000	1	2,530,000	9	379,500
SSA-827 with wet signature	1,591,551	1	1,591,551	10	265,259
Reading the Internet Instructions	708,100*	1	708,100	3	35,405
Totals	4,121,551		4,829,651		680,164

*The respondents who read the Internet instructions are a small portion of the, 4,121,551 total respondents for this collection. Therefore, we did not include them in the total number of respondents listed in the final line of the chart.

This figure represents burden hours, and we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$10,386,309. This estimate is a projection of the costs for printing and distributing the collection instrument, and for collecting the information.

15. Program Changes or Adjustments to the Information Collection Request

There has been a decrease in burden hours. The burden reduction stems from SSA implementing eAuthorization.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

18. Exceptions to Certification Statement

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.