

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

A. Justification

- 1. Introduction/Authoring Laws and Regulations** - The Freedom of Information Act (FOIA) generally provides that any person has a right, enforceable in court, to obtain access to certain Federal agency records (certain exceptions and exemptions apply: 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. Description of Collection** - 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 we receive the 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 who are requesting information/documents under the FOIA.
- 3. Use of Information Technology to Collect the Information** - SSA has automated the collection of this information so the public can submit the information electronically within the eFOIA system.

- 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. 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. Minimizing Burden on Small Respondents** - This collection does not significantly affect small businesses or other small entities.
- 6. Consequences of Not Collecting Information or Collecting it Less Frequently** - If SSA did not collect the data required for the annual report, we would be in violation of the FOIA. 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. 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 September 9, 2011, at 76 FR 55999, and SSA received no public comments. The 30-day Notice published on November 16, 2011, at 76 FR 71105. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with members of the public in the maintenance of this form.
- 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 we collect 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 5,000 respondents use this form annually. The estimated average response time is 3 minutes for a total of 250 burden hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
- 13. Annual Cost to the Respondent** - There is no known cost burden to the respondents.

- 14. Annual Cost To Federal Government** - The estimated cost to the Federal Government to collect the information is negligible. Because the cost of maintaining the system that collects this information is accounted for within the cost of maintaining all of SSA's automated systems, it is not possible to calculate the cost associated with just one Internet application.
- 15. Program Changes or Adjustments to the Information Collection Request** - There are no changes to the public reporting burden.
- 16. Plans for Publication Information Collection Results** - SSA will not publish the results of the information collection.
- 17. Displaying the OMB Approval Expiration Date** - SSA is not requesting an exception to the requirement to display the OMB approval expiration date.
- 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.