

**Supporting Statement for the SSA-3368
Disability Report – Adult
20 CFR 404.1512 and 416.912
OMB No. 0960-0579**

A. Justification

1. Introduction/Authoring Laws and Regulations

Adult applicants for Social Security Administration (SSA) disability benefits must provide medical, job history, and any other evidence required by SSA's Commissioner to prove that their impairment is disabling. Since SSA needs a vehicle to collect this evidence, we use the paper Form SSA-3368 and its electronic versions, Electronic Disability Collect System (EDCS) 3368 and the Internet i3368 for this purpose.

Sections 223 (d)(5)(A) and 1631(e)(1) of the *Social Security Act (Act)* authorize SSA to collect this information. In addition, disability regulations in sections 20 CFR 404.1512 and 416.912 of the *Code of Federal Regulations* require adult disability applicants to furnish medical evidence and, if asked, evidence of age, education and training, work experience, efforts to work, and any other evidence showing how their impairment(s) affects their ability to work. Sections 205(a) and 1631(d)(1) of the *Act* give the Commissioner the authority to establish regulations and procedures governing the type of evidence needed to evaluate an alleged disability and methods of collecting this evidence.

2. Description of Collection

State disability determination services (DDS) use the SSA-3368 and its electronic versions to determine if an adult disability applicant's impairment(s) is severe and, if so, how the impairment(s) affects the applicant's ability to work. This determination dictates whether the DDSs and SSA will find the applicant disabled. The collection is mandatory for applicants filing to obtain title II disability benefits or title XVI Supplemental Security Income (SSI) payments.

We collect the information via several modalities: the SSA-3368 paper form, the EDCS SSA-3368 Intranet application, and the i3368 Internet application. The respondents complete the application by themselves with self-help information available, or another may complete the paper form or electronic application on their behalf. The respondents generally do not need information from someone else to complete the application. The respondents are disabled individuals or people helping the disabled individuals applying for title II disability benefits or title XVI SSI payments.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA created electronic modalities of Form SSA-3368. Based on our data, we

estimate approximately 97% of respondents use one of the electronic versions. SSA designed the electronic modalities to collect the same information as the paper form, but we needed to format them differently as they include certain enhancements (ex: instructions for claims representatives, help screens) to guide the interviewer or applicant through the application process.

- **Electronic Disability Collect System (EDCS SSA-3368)** – Adult disability applicants may call or go to an SSA field office to provide the information the collection requires. In these cases, a claims representative interviews applicants and enters their answers on the EDCS SSA-3368. Approximately 86% of respondents use this option.
- **Internet 3368 (i3368)** – The i3368 is a fully electronic version of the paper form. Adult disability applicants, or their representatives, may access, complete, and submit the SSA-3368 electronically through this Internet-based application. SSA designed the i3368 to walk first-time users through this information collection. It contains numerous help screens and explanations about why we ask certain questions on the form. An estimated 11% of respondents use this option.

We also provide applicants with a print-only PDF version of the form on SSA's website.

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

If we did not use Form SSA-3368, we would deprive individuals of the right to present evidence pertaining to their claim. In addition, we would violate regulatory requirements relating to due process. As we only collect this information when individuals apply for SSI payments, we cannot collect it 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 May 17, 2012, at 77

FR 29441, and we received no public comments. SSA published the second Notice on August 9, 2012, at 77 FR 47688. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision 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 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.

SSA's Privacy Policy covers all information obtained through the Internet version of this form for Internet Services. Our Internet privacy policy is:

- The respondent does not need to give us personal information to visit our site.
- We collect personally identifiable information (name, SSN, DOB or e-mail) only if specifically and knowingly provided by the respondent.
- SSA will use personal identifying information the respondent provides only in conjunction with services the respondent requests as described at the point of collection.
- We sometimes perform statistical analyses of user behavior in order to measure customer interest in the various areas of our site. We will disclose this information to third parties only in aggregate form.
- We do not give, sell, or transfer any personal information to a third party.

Additionally, SSA ensures the confidentiality of the respondent's personal information in several ways:

- SSA encrypts all electronic requests using the Secure Socket Layer (SSL) security protocol. SSL encryption prevents a third party from reading the transmitted data even if intercepted. This protocol is an industry standard, and is used by banks such as Wells Fargo and Bank of America for Internet banking.
- SSA gives the respondent adequate warnings that the Internet is an open system, and there is no absolute guarantee that others will not intercept and decrypt the personal information he or she has entered. SSA advises the respondent of alternative methods of providing personal information, i.e., visit to a field office or a call to the 800 number to speak with a representative.
- Only upon verification of identity does SSA allow the respondent access to additional Internet applications that allow requests and changes to

personal information from SSA records.

11. Justification for Sensitive Questions

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

12. Estimates of Public Reporting Burden

The chart below shows a breakdown of the burden hours associated with each collection method:

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Annual Burden (hours)
SSA-3368 (Paper form)	29,072	1	60	29,072
Electronic Disability Collection System (EDCS)	2,853,426	1	60	2,853,426
i3368 (Internet)	421,226	1	90	631,839
Totals	3,303,724			3,514,337

The total burden for this ICR is **3,514,337** hours. 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 \$35,958,328. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information. It also includes keying costs for the Electronic Disability Collect System.

15. Program Changes or Adjustments to the Information Collection Request

We discontinued the i3368-PRO upon full implementation of the revised i3368 Internet application as promised in our last full information collection request. The i3368 absorbs the former i3368-PRO users. We successfully completed full implementation of the i3368 as promised in our last request. In addition, we periodically update the dollar amount for monthly gross earnings in questions on the paper form (See Addendum for more information).

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date

For our **paper** SSA-3368: 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.

For our **Internet** i3368, 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.