

Supporting Statement for Electronic Records Express (ERE) Third Parties

OMB No. 0960-0767

A. Justification

1. **Introduction/Authoring Laws and Regulations**

If applicants for new or continuing Social Security disability benefits want to appeal an initial or reconsidered denial, they can request an appeals hearing before an administrative law judge in the Social Security Administration's (SSA) Office of Disability and Adjudication Review (ODAR). Prior to the hearing, appellants must submit evidence to ODAR supporting their claim.

In some cases, appointed representatives acting on behalf of disability claimants need to review their clients' evidence (and other information) before or after a hearing. This information collection request (ICR) covers the Electronic Records Express (ERE), an electronic platform developed in 2007 under the auspices of the E-Government Act of 2002 (P.L.107-347) and the Government Paperwork Elimination Act (GPEA; P.L.105-277), that allows third-party representatives to access and view all aspects of their clients' disability files online through ERE.

2. **Description of Collection**

Appointed representatives use the ERE website to access a client's electronic file. SSA collects the Social Security Number (SSN) of the individual claimant. Each time an appointed representative views or downloads a client's electronic or audio disability file online, the representative must provide the SSN. Appointed representatives can access their clients' files online as often as necessary. After the representative provides the SSN, our software checks the veracity of the representative's authorization. The third party obtains access once our software verifies the appointment.

The respondents for this collection are third-party representatives of disability claimants.

3. **Use of Information Technology to Collect the Information**

This is an electronic collection developed under the aegis of the GPEA plan.

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 request the SSN from third party appointed representatives, we could not provide access to their clients' files. 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

SSA published the 60-day advance Federal Register Notice on May 17, 2012 at 77 FR 29441, and SSA received no public comments. We published the 30-day Federal Register Notice on August 9, 2012 at 77 FR 47688. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. There have been no outside consultations with members of the public.

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 9,000 respondents are registered to use the ERE website to download information from their clients' electronic disability files. These users take 1 minute each 283 times a year to provide the information needed to access their clients' files. Accordingly, the burden is currently 42,450 hours; we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a 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 which 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**
When we last cleared this information collection in 2009, the burden was 44,000 hours. However, we are currently reporting a burden of 42,450 hours. In 2009, we were implementing new functionality and we estimated the number of users and frequency of access. The number of registered users is much lower than we originally anticipated because we continue to use a manual registration process. Although the number of registered users is lower than we expected, our data indicates that the users are accessing the download function much more frequently than we anticipated, resulting in the change in 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.