

**Addendum to Supporting Statement
Epidemiological Research Request
20 CFR 401.165
OMB # 0960-0701**

Revisions to the Collection Instrument

SSA is making the following revisions to the announcement, “Service to Epidemiological Researchers to Provide Vital Status Data on Subjects of Health Research” at <http://www.ssa.gov/policy/about/epidemiology.html> (*.pdf file is attached).

- **Change #1:** We are making the following revisions to the paragraph under the heading “Summary”:

From: Section 311 of the Social Security Independence and Program Improvements Act of 1994 directed the Social Security Administration (SSA) to provide support to health researchers involved in epidemiological research. Specifically, when a study is determined to contribute to a national health interest, SSA will furnish information regarding whether a study subject is shown on the SSA administrative records as being alive or deceased (vital status). SSA will recoup all expenses incurred in providing this information.

To: Section 1106(d) of the Social Security Act directed the Social Security Administration (SSA) to provide support to health researchers involved in epidemiological research. Specifically, SSA will furnish information about whether study subjects are shown on SSA records to be alive or deceased pursuant to Section 1106(d), only when SSA in consultation with the Department of Health and Human Services finds that the research may reasonably be expected to contribute to a national health interest. The requestor must agree to reimburse SSA for expenses incurred providing the information and comply with all privacy safeguards.

Justification #1: SSA’s Office of the General Council (OGC) recommended this change in the reference from Section 311 to Section 1106(d) of the Social Security Act and helped revise this paragraph to be more consistent with the law.

- **Change #2:** We are making the following revisions to the “Contacts” heading:

From: or by telephone at 410-966-4848.

To: or by telephone at 410-96X-XXXX.

Justification #2: Due to staff retirement, new staff will be taking over the Epidemiological Service and we will change the contact telephone number to a shared

number. We are in the process of getting a new number assigned to shared users, and will replace the current number with the new shared one as soon as the new number is activated.

- **Change #3:** We are making the following revisions to the “Background” heading:

From: Historically, SSA had made disclosures of vital status data under the provisions of the Freedom of Information Act (FOIA, 5 U.S.C. 552(a)(3)). However, as a result of the Supreme Court decision in *United States Department of Justice v. Reporters Committee for Freedom of the Press* 489 U.S. 749 (1989), SSA discontinued the process of providing such data. The enactment of section 311 of the Social Security Independence and Program Improvements Act of 1994 restored the legal authority for SSA to release vital status data except for death data obtained from a state under the auspices of section 205(r) of the Social Security Act. A companion change to the Internal Revenue Code (26 U.S.C. § 6103) permits SSA to release "presumption of living" data based on reports of earnings obtained from the IRS.

To: Historically, SSA had made disclosures of vital status data under the provisions of the Freedom of Information Act (FOIA, 5 U.S.C. § 552(a)(3)). However, as a result of the Supreme Court decision in *United States Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989), SSA discontinued the process of providing such data. The enactment of Section 1106(d) of the Social Security Act restored the legal authority for SSA to release vital status data except for death data obtained from a state under the auspices of section 205(r) of the Social Security Act. A companion change to the Internal Revenue Code (26 U.S.C. § 6103(l)(5)(B)) permits SSA to use tax return information to determine the mortality status of individuals for epidemiological research in accordance with Section 1106(d) of the Act.

Justification #3: OGC recommended this change in the reference from Section 311 to Section 1106(d) of the Social Security Act to be more consistent with the law. They also informed us that the case cited must be in italics, and we must show section symbols or the word section.

- **Change #4:** We made the following change to bullets #2 and #3 under the “Background” heading:

From: “...SSA administrative records...”

To: “...SSA program records...”

Justification #4: OGC recommends the removal of the word “administrative,” as SSA regulations separately define non-program vs. program records, and the records

involved here are program records. Non-program records included administrative records (20 C.F.R. Section 401.105). Therefore, we changed the word to “program.”

- **Change #5:** We are deleting bullets #4 and #5 from under the “Background” heading, and replacing them with the following sentence in a separate paragraph after bullet #3: “No additional information is provided for records that could not be verified.”

Justification #5: OGC found no legal authority allowing SSA to disclose information on why we cannot verify input records. Therefore, SSA will no longer provide this information to requestors.

- **Change #6:** We are removing the Privacy Act Statement from this collection.

Justification #6: OGC recommends removal of the Privacy Act Statement as it is not necessary for this collection. We do not keep the information we collect from the requestors in a Systems of Record.

- **Change #7:** We are deleting #5.c. under the “Application Process” heading.

Justification #7: OGC recommends removal of the Employer Identification Number (EIN) or the Social Security Number for non-businesses. Therefore, we will no longer collect this information on the application.

- **Change #8:** We are making the following change on Page 8, Line 4, under the “Application Process” heading:

From: “...currently...”

To: “...effective, December 6, 2013,...”

Justification #8: OGC recommends we specify the period.

- **Change #9:** We are deleting “U5” from Page 8, Line 7 under the “Application Process” heading.

Justification #9: SSA dropped “U5” from the form number for Form SSA-1235.

- **Change #10:** We are making the following change on Page 8, Line 8, under the “Application Process” heading:

From: “...formalize the payment process...”

To: establish the financial arrangement between parties

Justification #10: OGC recommended this wording change.

- **Change #11:** In bullets 2 and 3 under the “Criteria Used to Approve Requests” heading, we are changing the word “administrative” to “program.”

Justification #11: OGC recommends removal of the “administrative” records. SSA regulations separately define non-program vs. program records, and the records involved here are program records. Non-program records included administrative records (20 C.F.R. Section 401.105).

- **Change #12:** We are making the following changes to the “Repeated Use of Service” heading:
 - We are adding “but not exclusive,” prior to “occurrences that”
 - In a separate paragraph after the last bullet, we are adding the following note:
 - **NOTE:** The requesting party is required to sign a new Form SSA-1235 for new submissions.

Justification #12: OGC recommends the wording change to add “but not exclusive” as the list of possible occurrences is incomplete. In addition, OGC recommended we add the NOTE after the last bullet to clarify that SSA’s Office of Finance requires a new Form SSA-1235 for all new submissions.

- **Change #13:** We are making the following changes under the “SSA Sensitive Data” heading:
 - Lines 1 and 2: We are changing “administrative” to “program”
 - We are deleting “831 Disability File,” and “Completed Determination Record (also known as the Disability Control File or DCF)” heading and descriptions

Justification #13: OGC recommends removal of the “administrative” records. SSA regulations separately define non-program vs. program records, and the records involved here are program records. Non-program records included administrative records (20 C.F.R. Section 401.105). In addition, the 831 Disability File and DCF are Systems of Records which are not relevant to or listed in the Model Epidemiological Agreement; therefore, we are removing them.

- **Change #14:** We are making the following changes to the heading: “Your SSA Data Protection Plan must include:”
 - For #5, “Derivations of SSA Data,” we are deleting the paragraph under bullet #3 beginning with “NOTE:”
 - For #6, “Linkages to Other Data,” we are replacing “MOA” with “Reimbursable Agreement”

Justification #14: For #5, the note is not relevant as the requestor receives only vital status determination; and for #6, OGC advised that the Agreement is reimbursable, not a Memorandum of Agreement.

- **Change #15:** We are deleting the entire “Explanatory Notes” section including the definitions.
- **Justification #15:** The respondents do not need these notes or definitions
- **Change #16:** We are deleting the “For Requesting SSA Program Data for Research” heading and the line below it under the “Where to Send” heading after the word “AND” at the bottom of the announcement.

Justification #16: This heading is not relevant for requestors of vital status.

Changes to the Reporting Burden

SSA does not believe the above changes will change the requestor’s reporting burden significantly. Therefore, we are not changing the burden for this information collection request.

Implementation Date for Changes to Application

SSA intends to make the above revisions by February 5, 2014, after OMB approves the information collection request.

Reasons Why We Were Unable to Publish 2nd Federal Register notice Within 60 Days of Publishing the First Notice

- SSA’s OGC reviewed the documentation after we published the first Federal Register Notice. Due to their extensive questions, changes, and comments, we needed to ensure we had OGC’s approval prior to publishing the second Notice.
- We were unable to make OGC’s revisions quickly due to staff shortages, staff retirements, and increased workloads.