

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

A. Justification

1. Introduction/Authoring Laws and Regulations

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. We developed Form SSA-827, Authorization to Disclose Information to the Social Security Administration (SSA), to comply with the provisions regarding disclosure of medical, educational, and other information under *Public Law 104-191* Health Insurance Portability and Accountability (HIPAA); 45 CFR 160 and 164; 42 USC 290dd-2; 38 USC 7332; 38 CFR 1.475; and 20 USC 1232g (FERPA) of the *United States Code*. In addition, the regulations at 20 CFR 404.1512 and 20 CFR 416.912 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.

2. Description of Collection

SSA must obtain sufficient evidence to make eligibility determinations for Title II and Title XVI payments. Therefore, the applicant must authorize release of information from various sources to SSA. The applicants use Form SSA-827 to provide consent for the release of medical records; education records; and other information related to their ability to perform tasks. Once the applicant completes Form SSA-827, SSA or the State Disability Determination Service sends the form to the designated source(s) to obtain pertinent records. The respondents are applicants for Title II benefits and Title XVI payments.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act (GPEA) plan, SSA created an internet version of Form SSA-827. In the past, we required all disability claims to have at least one original pen-and-ink "wet" signature; however, with the implementation of our Internet version of the SSA-827, eAuthorization, SSA eliminated

the need for a paper SSA-827 in many claims. eAuthorization allows claimants the option to sign and submit Form SSA-827 electronically (e827), rather than completing a paper form with a pen and ink signature. Based on our data, we estimate approximately 80% of respondents under this OMB number use the electronic version rather than the wet signed form through the mail. In addition, the SSA-827 is also currently available on the Internet in a fillable and printable PDF format, so the claimant can print a filled-in form, sign it, and forward the form back to SSA for processing.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect 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-827, SSA would not be able to receive claim-related information from third parties, because we would not have proper authorization as required by HIPPA. Because we only collect the information 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 18, 2017 at 82 FR 18335, and we received no public comments. SSA published the second Notice on June 27, 2017 at 82 FR 29316. 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.

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.

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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-827 with electronic signature (eAuthorization)	4,189,270	1	9	628,391
SSA-827 with wet signature (paper version)	1,055,807	1	10	175,968
Totals	5,245,077			804,359

The total burden for this ICR is **804,359** 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 estimated cost to the Federal Government to collect the information is \$36,681. This estimate is a projection of the costs for local printing and distributing the collection instrument and for collecting the information.

The estimated cost to the Federal Government for the Internet version 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

The burden increase stems from SSA implementing eAuthorized 827s from the Internet, EDCS and eView, and the HART court case. In addition, beginning FY 2014, accurate reporting of eAuthorizations became available with new management information tools. We still base our estimates of wet signed SSA-827s on educated estimates. FY 2014 also saw an increase in occasions where wet-signed 827s and eAuthorizations were both collected (for the same case). Another aspect of eAuthorizations is the ease by which respondents can submit multiple electronic SSA-827 for the same case. One final reason for increased numbers is the implementation of the iClaim tool, which collects SSA-827s within the iClaim process. We account for the iClaim burden here and not under iClaim (0960-0618). The current count reflects SSA-827s in three formats: wet-signed, eAuthorizations, and iClaim modalities.

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 (for example, 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.

We are not requesting an exemption for the Internet version.

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.