

Supporting Statement for Form SSA-3288
Consent for Release of Information
20 CFR Part 401 (Privacy and Disclosure of Official Records and Information) and
20 CFR Part 402 (Availability of Information and Records to the Public)
OMB No. 0960-0566

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 205(a) of the *Social Security Act* and the *Privacy Act of 1974* (5 U.S.C. 552a, Sections (b), (d)(1)-(2), (e)(2), and (f)(3) of the *United States Code*), provide the authority for the Commissioner of the Social Security Administration (SSA) to obtain the following:

- information necessary to access records;
- the designation of a representative to receive an individual's medical records;
- information necessary to amend or correct records; and
- consent statements from persons requesting information about an individual in SSA records.

These rules are also set forth under Sections 20 CFR 401.40(b)&(c), 401.45, 401.55(b), 401.65(a), and 401.100(a)&(b) of the *Code of Federal Regulations*. SSA implemented these provisions under 20 CFR 402.130.

2. Description of Collection

Under the Privacy and Disclosure of Official Records and Information, SSA has established methods in which the public can request:

- access to SSA records;
- the designation of a representative for the disclosure of SSA records;
- corrections or amendments to SSA records;
- consent for release of records; and
- records accessible through the Freedom of Information Act (FOIA).

We collect the necessary information for these requests through written correspondence, with the exception of the consent for release of records, for which there is the Form SSA-3288. The respondents are individuals requesting any of the following from SSA:

- a. **Access to Records** – 20 CFR 401.40(b) & (c); 401.45 – SSA developed a procedure for records notification and access that requires individuals to provide data sufficient to identify themselves and their record(s), and authorize any requested third party access to their records. The intent is to provide access and at the same time safeguard against access by unauthorized persons or to someone

else's records.

- b. Designating a Representative for Disclosure of Medical Records** – 20 CFR 401.55(b) – SSA developed special procedures for obtaining sensitive medical records that requires an individual to name a representative, preferably a qualified health professional, to receive the medical records on behalf of the individual. The representative reviews the complete medical records and determines whether SSA should make all of the contents available to the individual, such as sensitive psychological records that might have an adverse effect on the individual or a doctor/patient relationship. The designated representative makes the disclosure decisions on medical records.
- c. Correction or Amendment of Records** – 20 CFR 401.65(a) – SSA developed procedures for amending or correcting data maintained in SSA systems of records. Individuals must submit sufficient specified information to SSA to identify themselves, the data they wish to amend or correct, and to evaluate their request.
- d. Consent for Release of Records** – 20 CFR 401.100(a) and (b) – SSA obtains the required consent(s) (with certain exceptions specified by law) from anyone requesting information in SSA systems of records about another individual. Consents may be obtained on Form SSA-3288, "Consent for Release of Information" (attached for clearance), or on other non-SSA forms often used by large employers incorporating SSA-approved consent language. We will not release information requested about an individual until we obtain the required consent from that individual. Under the Privacy Act (5 U.S.C. 552a (b)), an individual may give SSA written consent to disclose his or her personal information to a third party of his or her choosing. In addition, an individual may have multiple needs for the disclosure of his or her personal information, such as for qualification for a mortgage or pre-employment screenings.
- e. FOIA Request for Records** – 20 CFR 401.130 and 20 CFR 402.130 – SSA developed a procedure for FOIA record requests, in which we collect data needed to identify the requester, the record requested and an address to where SSA should send the record. We only obtain the minimum amount of information needed to process the request.
- f. Request for Access to an Extract of Respondents SSN Record** – 20 CFR 401 and 402 – The SSN Printout displays the name and SSN assigned to a specific individual. An individual may occasionally request a SSN Printout for verification of their SSN. Social Security Administration (SSA) field offices (FOs) only provide an SSN Printout when all of the following criteria are met:

- disaster procedures have been invoked;
- the number holder's (NH's) residence is in the area affected by the disaster; and
- the NH is the individual requesting the SSN Printout.

When a field office employee determines we can provide an SSN Printout, they generate the printout from the Customer Information Control System (CICS) mainframe NUMIDENT query application. SSA does not consider an SSN Printout as official verification of an SSN; we only consider the SSN card as official verification. And we only print them for respondents who meet the above bulleted criteria.

The respondents are individuals requesting access to, correction of, or disclosure of SSA records.

3. Use of Information Technology to Collect the Information

Form SSA-3288 (Consent for Release of Information) is available to the public on the Internet in PDF format, which individuals can download, print, fill in, and send to SSA for processing. However, since the SSA-3288, and any request to designate a representative for disclosure of medical records (items b and d above), fall under the Privacy Act laws, these actions currently require a wet signature under the law. For this reason, SSA did not create an electronic version of form SSA-3288 under the Agency's Government Paperwork Elimination Act.

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 use a similar electronic-only collection instrument to obtain similar data. Currently, SSA has procedures by which the public can access and make corrections to their records online through the Request for Internet Services – Authentication (RISA) (0960-0596), items a and c above. However, this collection is used for other purposes, and, therefore, SSA cleared it separately. SSA cleared an entirely electronic procedure by which the public can submit consent requests and make FOIA requests through the FOIA Online system (request portal run by the Environmental Protection Agency), items d and e above. We do not provide burden for this procedure as the Environmental Protection Agency covers the burden for their collection under their own information collection request.

5. Minimizing Burden on Small Respondents

This collection does not significantly affect small businesses or other small entities. However, if we did not impose this burden, we would be unable to provide access to or disclose SSA records. We minimized the burden by carefully reviewing the forms and ensuring that we only ask small businesses and entities to complete relevant and necessary questions.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Form SSA-3288, we would not be able to provide access to or disclose SSA records. This would be a violation of regulations at 20 CFR 401.35. Because we only collect the information once, we cannot collect it 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 July 3, 2019 at 84 FR 31972, and we received no public comments. SSA published the second Notice on September 16, 2019, at 84 FR 48694. 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.

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)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
a. Access to Records	10,000	1	11	1,833	\$22.50*	\$41,243**
b. Designating a Representative for Disclosure of Records	3,000	1	2	6,000	\$22.50*	\$135,000**
c. Amendment of Records	100	1	10	17	\$22.50*	\$383**
d. Consent of	3,000,760	1	3	150,038	\$22.50*	\$3,375,855**

Release of Records (SSA-3288)						
e. FOIA Requests for Records	15,000	1	5	1,250	\$22.50*	\$28,125**
f. Respondents who request access to an extract of their SSN record	10	1	8.5	1	\$22.50*	\$22.50**
Totals	3,028,870			159,139		\$3,580,629**

* We based these figures on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data.

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

The total burden for this ICR is **159,139** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$3,580,629**. SSA does not charge respondents to complete our applications.

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 \$1,120,000. This estimate is a projection of the costs for (1) distributing the collection instrument; (2) SSA employee (e.g., field office) information collection and processing time.

15. Program Changes or Adjustments to the Information Collection Request

When we last cleared this IC in 2016, the burden was 159,134. However, we are currently reporting a burden of 159,138 hours. This change stems from a decrease in the number of responses for a waiver or reduction of fees, from 400 to 0, as we no longer take these requests. In addition, the burden change stems from an increase in the number of responses for consent of release of records (SSA-3288), from 3,000,010 to 3,000,760, due to a demonstration project. There is no change to the burden time per response. Although the number of responses for the SSA-3288 changed, SSA did not take any actions to cause this change.

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 (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.

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.