

Justification for Non-Substantive Changes for SSA-1696
Claimant's Appointment of a Representative
20 CFR 404.1707, 404.1720, 408.1101, 416.1507, and 416.1520
OMB No. 0960-0527

Background

Section 206 of the *Social Security Act* provides the Commissioner of the Social Security Administration (SSA) authority to administer specific requirements for representing claimants before the agency. SSA created Form SSA-1696 for claimants and representatives to use to fulfill the written notice of appointment requirement. While use of Form SSA-1696 is not mandatory, it is our experience that representatives favor it to document their appointments.

Under normal circumstances, the claimant and the representative complete and sign the form and then submit it to SSA for recognition of the appointment via various methods such as mail; analog fax; eFax; the iAppeals and Electronic Records Express (ERE) portals (which allow for this submission); or in-person to an SSA employee in a field office or hearing office.

Due to the current COVID-19 health emergency, claimants and potential appointed representatives meet less often in person to complete the form, and the backlogs and closures of the field and hearing offices inhibit the swift processing of the information, slowing down SSA's ability to process the paper form. While we still accept, and will continue to accept, paper forms, to address these limitations, we created an online fillable and submittable form, the e1696, which utilizes *Adobe Sign* technology to accept and process an electronic signature (eSignature), as a short-term solution. This online form is very similar to the current, fillable Form SSA-1696; however, representatives will be able to initiate it from our website and all respondents (i.e., representatives and claimants) will complete, electronically sign, and submit it online using the *Adobe Sign* web application. Use of the *Adobe Sign* web application does not present any added burden on respondents; respondents will not be required to download and install the application locally on their device, nor will they have to pay any subscription or licensing fees.

With this new modality for submission, respondents will be able to enter their responses into structured data fields on the e1696 screens within the *Adobe* platform by following a secure link that *Adobe Sign* will send to the email addresses the initiating respondent (i.e., potential appointed representative) provides. Each respondent will receive an email from *Adobe Sign* with instructions for how to access, complete, eSign, and submit the form, in sequence (first the representative and then the claimant) using this online service. Once both respondents sequentially complete their respective sections, sign, and submit the form, the e1696 system will electronically transmit an image of the completed form to SSA's WorkTrack system for queuing and processing. Each section will be open for entry only to the person who should complete it and will not be open for editing to the other (e.g., representative's first and last name fields will be edited only by the representative, the respondent who initiates the submission).

To protect the respondents' privacy, the representative will create a password to protect access to the form. The initiating respondent (i.e., the potential representative) will create the password and provide it to the claimant. To view the completed e1696, the respondents will need to enter the password correctly before obtaining access to the information. Additionally, the system will redact certain PII on the form during completion and submission of the form. The *Adobe Sign* platform will provide a redacted (of certain PII) copy of the completed e1696 to both respondents via the password-protected link in an email. Lastly, each session will time-out after 60 minutes of inactivity. The respondents will need to follow the link to re-enter and continue completing the form each time they access the form, or whenever it times out. The form will be available to the respondents for five days, during which SSA will send daily reminders to both respondents. This is to ensure timely submission and prevent unnecessary delays in processing the appointment. After those five days, respondents will no longer be able to complete and submit the form. However, the potential representative may begin the process again to submit a new form.

Once received, SSA will process the forms as we did previously: an SSA technician will enter the information captured on the form into the Registration and Appointment Services for Representatives (RASR) application. The technician will forward the image copy of the completed form to the electronic folder housed in SSA's system.

SSA will use this new electronically submittable PDF process during the current COVID-19 health emergency. Once the current emergency ends, we will reevaluate the submittable PDF process and determine whether we will continue to use it or discontinue it.

We expect to implement this new electronic version of the SSA-1696, the e1696, as soon as possible after OMB approval. Therefore, we are asking for OMB's approval as soon as possible to ensure we can begin using this new version with the public.

Justification for Non-Substantive Changes to the Collection or Resubmission of the Collection within One Year of OMB Approval

We are making the following interim changes to the information collection due to COVID-19 restrictions:

- **Change #1:** The representative must read and acknowledge instructions to complete the form as well as the Privacy Act Statement associated with the SSA-1696.

Justification #1: Because the instructions for the online form are different from the paper form, we have placed the online instructions before the template to ensure both respondents read them and acknowledge them before moving on to fill out the form. Some representatives currently fill out several of these forms, and may have memorized the instructions for the paper version. To ensure everyone knows about the changes to our electronic version, we are highlighting some sections to bring

attention to them and encourage everyone to read the new instructions.

- **Change #2:** The second screen requires the representative to enter and confirm the email addresses of the representative and the claimant. It also requires the representative to establish and confirm a password and share it with the claimant (offline, via a method of the representative's choice) to protect the confidentiality of the information contained within the e1696.

Justification #2: Once the representative submits the email addresses and creates a password, the representative will receive an email from *Adobe Sign* with a secure link to complete the form electronically. To ensure the system can send that email containing the link, we require the representative to include both respondents' email addresses.

- **Change #3:** We divided the e1696 fields into (1) fields for the representative to complete and (2) fields for the claimant to complete. Once the representative completes the fields assigned to the representative and signs the form, the claimant will receive an email with a link to access the partially completed form, which will mask the representative's ID and Employee Identification Number (EIN) to the claimant (using asterisks), to complete the fields assigned to the claimant. The claimant will access the in-progress form using the secure link sent to the claimant in the *Adobe Sign* email. Similar to representative ID and EIN, we will mask the claimant's Social Security Number on the completed copy of the form.

Justification #3: In keeping the fields and submissions separate, we ensure both the representative and claimant can complete the entire form online without requiring any physical interaction between them; we also ensure that each respondent does not fill out the fields we expect the other respondent should complete.

- **Change #4:** We added the following reminder to the instructions: You do not have to sign this form (blue box).

Justification #4: This language reminds both respondents, particularly the claimant, that they are neither obligated to make the appointment, nor to sign the form, especially if they do not agree with the information already captured on the form. While the e1696 online process is convenient, it does not afford claimants the aspect of an in-person interaction with SSA staff, so we are adding this language to the electronic version of the form to ensure that they understand that receiving emailed links from SSA does not necessitate completion and submission of the form.

- **Change #5:** We revised the instructions in the second bullet "General information about this form" to tailor them to the electronic version of the form.

Justification #5: As explained above, since the electronic version of the form will not require any interaction with SSA staff, we needed to ensure we better explained how to use this version.

- **Change #6:** We revised the instructions for “Appointing a Representative” to conform to the two-step e1696 completion process. Specifically, we changed the instructions in Section 4 “Representative’s Information,” Section 6 “Claim Type,” and Section 7 “Fee Arrangement,” to remove the language directed towards the claimant. We also included revised language requesting claimants to review sections completed by their representative that they are able to view.

Justification #6: We changed the instructions to tailor them to the electronic environment, as the electronic form will only allow the representative access to complete the fields that contain the representative’s question to answer, just as it will allow the claimant access to complete the fields with the questions the claimant needs to answer. The claimant will review representative-completed fields (other than representative ID and EIN, which will be masked) before signing the form. Because the representative ID and EIN will be redacted (i.e., appear as asterisks), we included revised language requesting that claimants review the sections completed by their representative that they are able to view.

- **Change #7:** In addition to the changes in #6 above, in Section 6 “Claim Type,” we changed the selections boxes (checkmark) to “yes” or “no” radio buttons. Respondents will be required to select a response for each question with a “yes” or a “no.” To clarify that all fields require a response, we marked all fields with asterisks.

Justification #7: We made this revision to ensure representatives make a selection. In the prior format, the application allowed respondents to leave the fields unmarked. Not knowing the scope of the appointment would likely delay processing of the appointment, to prevent such delays, we made the fields required and changed them to radio buttons.

SSA will implement the e1696 upon OMB’s approval. Since we are not requiring any additional information, are making no substantive changes to the content of the form other than to adapt it to the new electronic submission method, and making only minor revisions to the instructions, we expect no change in the current burden information for this collection. As mentioned above, we intend to implement this new electronic version of the form as soon as possible after OMB approval.