

**Supporting Statement for Emergency Paperwork Reduction Act Approval For:  
Electronic Protective Filing Tool  
20 CFR 404.630, and 20 CFR 416.340 - 416.345  
OMB No. 0960-NEW  
Emergency Information Collection Request (ICR)**

**A. Justification**

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

***Introduction/Overview***

The COVID-19 pandemic limited the public's access to Social Security Administration (SSA) Field Offices (FOs), requiring SSA to rapidly modernize and improve online services available to the public. Since the beginning of the pandemic, underserved populations who have historically relied on in-office appointments and service decreased their submissions of Supplemental Security Income (SSI) claims. SSA uses the term "People facing barriers" to refer to these vulnerable populations, which include low-income individuals (especially those over age 65), the homeless, people with limited English proficiency, and disabled children.

SSA developed an online tool to allow Internet users to request an appointment to file an application for benefits and to establish a protective filing date with SSA. A protective filing date is the date by which SSA receives an individual's intent to file for Social Security benefits, Medicare Part A (Health Insurance), or SSI payments, which SSA then uses as the application date provided the individual files an application within a specific amount of time after that date. The electronic protective filing tool will allow individuals to submit information for the appointment request using a computing device, such as a personal computer or handheld (mobile) device instead of calling SSA by phone or visiting an FO. The tool will be available to potential claimants, as well as those individuals assisting them.

Based on this unexpected decrease in SSI claim submissions, mostly from people facing barriers, SSA is concerned this population needs more options and flexibility to help them apply for SSI. Our goal in developing this new SSI claims tool is to offer that flexibility, and to make it as easy as possible to complete the process. We are seeking emergency PRA approval because it is important to us to start offering this new tool to everyone, particularly underserved populations, as soon as we can. An emergency PRA approval would facilitate rapid rollout of the tool, and would mitigate the delay inherent in the extensive time period of the standard OMB approval cycle.

***Relevant Laws and/or Regulations***

As stated above, SSA uses the date we receive an individual's intent to file for Social Security benefits, Medicare Part A, or SSI, referred to as the protective filing date, as the application filing date provided the individual files an

application within a prescribed period as defined in *20 CFR 404.630 and 20 CFR 416.340-416.345*.

Currently, individuals call SSA to request an appointment, and SSA technicians use the enhanced Leads and Applications System (eLAS), OMB No. 0960-0822, to document the protective filing date. The new electronic protective filing tool will collect the information from the individual online, replacing the SSA technician's input of the information, and transmit it directly into eLAS to document the protective filing date.

## **2. Description of Collection**

### ***Background***

Historically, individuals contact SSA by phone, in person, or by mail to express interest in filing for benefits. Because same-day service to file an application is not always possible or individuals prefer to have an appointment, SSA technicians use eLAS to set up appointments and record the protective filing date for potential claimants. This process ensures that potential claimants do not miss out on possible benefits due to the lack of same-day service.

Protective filing is the precursor to filing an application for benefits. For instance, if an individual files an application for SSI payments within 60 days of the protective filing date, or an application for Social Security benefits within 6 months of the protective filing date, SSA uses the protective filing date as the application filing date. Thus, it is as if the application was filed on the day the individual contacted SSA to express interest in filing, which often results in SSA processing the application faster for that individual.

### ***Description of New Emergency Information Collection Tool***

To bridge the gap in services available to people facing barriers, SSA created a new online electronic protective filing tool that will allow individuals to request an appointment to file their application thereby establishing a protective filing date.

SSA will inform the public of the availability of the tool through various public outreach campaigns. Individuals will access the tool online through SSA's website, SSA.gov. The tool will allow individuals to submit basic information for the appointment request using a computing device, such as a personal computer or handheld (mobile) device instead of calling SSA by phone or visiting an FO. The electronic protective filing tool will be available to potential claimants, as well as those individuals assisting them.

Once the individual submits the requested information, the system will transmit the information into eLAS to document the protective filing date, and an SSA technician will schedule an appointment for an application interview.

### ***Information the Electronic Protective Filing Tool will collect***

After entering the tool from a landing page, individuals begin on a welcome screen with a link to the Terms of Service and a link to the Privacy Act statement. Following review of the information on the welcome screen, the system will ask the individual to tell us whether they are answering these questions about themselves, or about another person. To do so, the system will present the following options for individual to select:

- Yourself
- A minor child (including your own) whose care you are responsible for or for whom a court has appointed you the legal representative or
- An incompetent adult whose care you are responsible for or whom a court has appointed you the legal representative
- Your spouse,
- Someone else who is with the individual, or
- someone else who is not with the individual and is currently unable to sign their application

These are the categories of individuals who, under current regulations, can establish a protective filing date.

The next screens ask for the following information about the individual who will be claiming benefits, or requesting SSI payments:

- Name
- Phone number
- Mailing address
- Email address (optional)
- Date of birth
- Social Security number (SSN)
- Whether the individual is disabled or blind (if applicable)
- An estimate of when the disability began (if applicable)
- Language preference
- Special circumstances (if applicable)

Additionally, the tool will collect the name, phone number, and email address (optional) of the person submitting the information, if that person is different than the person who will be claiming benefits or SSI payments.

Once the system collects the data, it gives the individual the opportunity to review the information provided and electronically sign and submit the form. The system then transmits the information into eLAS and establishes a protective filing date. In addition, if the individual provided an email address(es), the electronic protective filing tool generates an email confirmation and sends it to the individual who will be claiming benefits or requesting SSI payments, and, if applicable, to the individuals submitting the appointment request on the claimant's behalf.

Subsequently, eLAS will notify SSA of the pending request, and an SSA technician will use the information submitted to schedule an appointment and send a notification of the date, time, and type of appointment to the individual who will be claiming benefits.

The respondents are individuals requesting an appointment with an intent to file for Social Security benefits, Medicare Part A (Health Insurance), or SSI payments, or other third-party individuals helping claimants with the filing process.

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

In accordance with the Government Paperwork Elimination Act, SSA created an online electronic protective filing tool, as an alternative method to calling or visiting a field office to establish a protective filing date; therefore, we expect 100 percent of the respondents to use the electronic version either through the Internet screens or handheld (mobile) device. Members of the public who prefer not to use the online version of this IC, or who do not have access to the Internet, may continue to visit an FO, call SSA's 800 Number (or an FO), or write to SSA to establish a protective filing date for an application for benefits.

### **4. Why We Cannot Use Duplicate Information**

SSA uses other collection instruments such as iAppointment (OMB No. 0960-0822), which respondents can currently only access through iClaim (OMB No. 0960-0618), and eLAS (OMB No. 0960-0822) to obtain similar data from some potential claimants and to create a protective filing date. Individuals filing an iClaim can indicate an interest in filing for SSI and, thereby, establish a protective filing date. However, that process is more complex because iClaim collects additional information specific to the applicable benefit applications. In addition, some individuals entering iClaim may not be eligible to file online either due to incorrect information or because they wish to file their application in a language other than English. These individuals are redirected to iAppointment, which collects basic contact information and creates an appointment for them.

Individuals who cannot, or choose not, to use iClaim or iAppointment, generally contact SSA via phone to request an appointment. Individuals who choose to contact SSA by phone provide an SSA representative with their basic contact information and express their intent to file, which representatives record in eLAS. Although contacting SSA by phone provides the same service, the process may take longer as waiting times vary depending on how many other callers are using the phone process.

The new electronic protective filing tool provides individuals with a simpler and quicker way to submit this information.

### **5. Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

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

Since the beginning of the COVID-19 pandemic, underserved populations decreased their submissions of SSI claims. By creating this new tool to request an appointment and establish a protective filing date, we hope to provide a service option for people who are unable to come into one of our offices. If we did not implement this new online electronic protective filing tool, the individuals in underserved populations may not have an alternative means to requesting an intent to file an application, thereby lengthening the process for them. Since we will only collect the information when individuals use the online electronic protective filing tool, 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 collect this information in a manner inconsistent with 5 *CFR* 1320.5.

**8. Solicitation of Public Comment and Other Consultations with the Public**

SSA published this Emergency PRA Approval Request in the *Federal Register* on February 28, 2022 at 87 FR 11111. Due to the critical time sensitivity of this ICR OMB has agreed to allow for a shorter formal public comment period of fourteen days.

We will initiate a new PRA process and will seek public comment in the *Federal Register* prior to the end of the standard 6-month duration of an Emergency clearance. We will also consider any comments submitted during the emergency clearance process at that time.

**Consultation with the Public:**

SSA consulted with a group of third-party advocates when developing this collection instrument. The agency also conducted two rounds of usability testing comprised of one-hour sessions with fifteen third party advocates and eleven potential claimants (first parties). We asked these groups for their thoughts on the questions in the tool, since we believed their experience gave them a unique perspective on the issues addressed by the tool.

Based on the feedback from the usability testing, we made several revisions to the collection tool to better accommodate the respondents.

**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**

The chart below shows our estimated burden figures for this new online electronic protective filing tool. We estimated these figures based on the current usage for iAppointment and eLAS (OMB No. 0960-0822):

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)**
Respondent Type 1 (ex: Potential Applicants)	17,000	1	6	1,700	\$27.07*	\$46,019**
Respondent Type 2 (ex: Professional Assistors)	2,125	10	7	2,479	\$25.09*	\$62,198**
Respondent Type 3 (ex: Attorney Representatives)	2,125	2	7	496	\$71.59*	\$35,509**
<b>Totals</b>	<b>21,250</b>			<b>4,675</b>		<b>\$143,726**</b>

\* We based this figure on the average U.S. worker’s hourly wages, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)), on average wages for Community and Social Service Organizations as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes210000.htm>), and on average lawyer’s hourly salary as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes231011.htm>).

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

We base our burden estimates on current management information data for total appointments for SSI applications and an estimate that 25% will be generated online using the new tool. Based on our usability testing, we believe that **6** minutes per response for a first party and **7** minutes for a third party accurately shows the average burden for reading the instructions, gathering the facts, and answering the questions. The total burden for this IC is **4,675** burden hours (reflecting current SSA management information data and usability testing),

which results in an associated theoretical (not actual) opportunity cost financial burden of **\$143,726**. SSA does not charge respondents to complete our online tools.

**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 \$2,895,350. This estimate accounts for costs from the following areas:

<b>Description of Cost Factor</b>	<b>Methodology for Estimating Cost</b>	<b>Cost in Dollars*</b>
Designing the Collection	Design Cost + Printing Cost	\$154,000
Distributing, Shipping, and Material Costs for the Collection	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee 42,500 of responses x 6 minutes of processing time	\$36,465
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$2,700,000
Quantifiable IT Costs (UXG support)	Any additional IT costs	\$4,885
<b>Total</b>		<b>\$2,895,350</b>

\* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have, as it is difficult for us to break down the cost for processing a single application, as field office and State Disability Determination Services staff often process several applications at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms and applications, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

**15. Program Changes or Adjustments to the Information Collection Request**

This is a new Internet-based tool that increases the public reporting burden. See question #12 above for updated burden figures.

**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.