

**Supporting Statement for
Electronic Protective Filing Tool
20 CFR 404.630, and 20 CFR 416.340 - 416.345
OMB No. 0960-0826**

A. Justification

1. Introduction/Authorizing Laws and Regulations

Introduction/Overview

The Social Security Administration (SSA) developed an online tool, the electronic protective filing tool (ePFT), 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 benefits. SSA uses the protective filing date as the claimant's application date provided the individual files an application within a specific amount of time after that date. By using the protective filing date as a claimant's application date, SSA protects the claimant from potentially losing benefits for the period between the expression of intent and the date the application is filed. The ePFT allows individuals to submit information necessary to request an appointment over the Internet using a computing device, such as a personal computer or handheld (mobile) device, instead of calling SSA by phone or visiting a field office. The tool is available to potential claimants, as well as individuals assisting them. Our goal in developing the ePFT was to offer flexibility and to make it as easy as possible to complete the process of requesting an appointment and establishing a protective filing date. After an individual answers a limited set of questions and provides current contact information, SSA contacts the potential claimant to provide support in completing the benefit application.

Third parties, including individuals, advocacy organizations, or social service organizations who may already have a relationship with the prospective applicant, may also utilize this tool. By providing a simplified intake mechanism that is usable by third parties, the ePFT further reduces the burden associated with completing the initial steps of applying for benefits.

Relevant Laws and/or Regulations

As stated above, SSA uses the date we receive an individual's intent to file for benefits (the protective filing date) as the application filing date, provided the individual files an application within a prescribed period as defined in Sections 20 CFR 404.630 and 20 CFR 416.340-416.345 of the *Code of Federal Regulations*.

2. Description of Collection

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 because individuals prefer to have an appointment, SSA technicians use SSA's enhanced Leads and Appointments System (eLAS), OMB Control No. 0960-0822, 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. Protective filing is the precursor to filing an application for benefits. The protective filing allows SSA to treat the initial date an individual contacted SSA to express interest in filing as if the application was filed on that day, which protects the claimant from

potentially losing benefits for the period between the expression of intent and the date they file the application.

As mentioned above, individuals can call SSA to request an appointment, and SSA technicians use eLAS to document the protective filing date. Alternatively, the ePFT collects the information from the individual online, replacing the SSA technician's input of the information, and transmits it directly into eLAS to document the protective filing date.

SSA created the ePFT to allow individuals another option, aside from contacting SSA by phone, in person, or by mail, to request an appointment to file their application and establish a protective filing date.

Electronic Protective Filing Tool (ePFT)

Individuals access the ePFT through SSA's website, SSA.gov. The ePFT allows 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 ePFT is available to potential applicants, as well as individuals assisting them.

After entering the ePFT from SSA's website, individuals begin on a welcome screen that displays a link to the Terms of Service. Next, a user sees the Privacy Act statement page. The user then provides a response about whether they are answering these questions about themselves or about another person. The ePFT presents the following options for the individual to select:

1. Yourself
2. A minor child (including your own) whose care you are responsible for or for whom a court has appointed you the legal representative
3. An incompetent adult whose care you are responsible for or for whom a court has appointed you the legal representative
4. Your spouse
5. Someone else who is with you as you answer these questions
6. Someone else who is not with you but has a good reason why they cannot sign their own SSI application at this time

Under our current regulations, the individuals listed above are those who can establish a protective filing date for a claimant. The fifth and sixth categories (those related to "someone else") can be used by advocacy organizations or other social service institutions who may help an individual apply for benefits. These latter two categories also can be used in circumstances where, for example, a neighbor or friend may help an individual apply for benefits. Nearly all prospective applicants will fit into one of these six categories.¹

The selected response slightly modifies the questions the system asks and responses it requires in the ePFT. Most notably, in circumstances when a third party indicates they are completing the tool on behalf of a minor, an incompetent adult, a spouse, or an individual who is not with them, the tool requires the third party to provide their own contact information in addition to the contact information of the individual (see the additional information mentioned below in these cases).

¹ The only category of individuals who we excluded from using the ePFT are in circumstances where a third party was completing the form on behalf of another individual who was not present with the third party *and* there was not a good reason the individual could not sign their own application for SSI. SSA does not believe this would pragmatically hinder the use of ePFT by any individual, as in this circumstance the individual necessarily could still act on their own.

The ePFT next asks for the following information about the individual who will be filing for benefits:

- 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 life circumstances (if applicable)

Additionally, the ePFT collects 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.

Once the ePFT collects the data, it gives the individual the opportunity to review the information provided and electronically sign and submit the form. The ePFT then transmits the information into eLAS, documenting it as an ePFT submission, and establishes a protective filing date. If the individual provided an email address(es), the tool generates an email confirmation and sends it to the individual who will be filing for benefits, and, if applicable, to the individual submitting the appointment request on the claimant's behalf.

Next, an SSA technician uses the information submitted to schedule an appointment, and SSA sends the claimant notification of the date, time, and type of appointment.

SSA mails the appointment date notification no later than two weeks after the individual submitted the request using the ePFT. SSA currently defaults to providing phone-based appointments unless the individual requests to meet in-person. At this time, the appointment date notification is not provided to any third parties who provided assistance with using the tool. However, if an individual fails to attend their scheduled appointment, SSA may follow-up with the third party.

The respondents are individuals with an intent to file for SSI (or third parties helping these individuals) and who want to request an appointment to do so.² During this appointment, the individual may also be able to apply for additional benefits, including Title II Social Security benefits and Medicare Part A (Health Insurance).

3. Use of Information Technology to Collect the Information

In accordance with the Government Paperwork Elimination Act, SSA created the ePFT 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 call or visit an FO, call SSA's 800 Number, or write to SSA to establish a protective filing date for an application for benefits.

² Third parties may include representatives, legal aid or other advocacy or social service organizations operating on behalf of the potential claimant, or friends or family operating on behalf of the potential claimant.

4. Why We Cannot Use Duplicate Information

There are other tools currently available to SSA to assist in scheduling an appointment for the claimant, but these tools are not directly available to respondents or include other constraints that limit their usefulness for the goals stated in this Supporting Statement. These include iAppointment (OMB No. 0960-0822), which respondents can currently only access through iClaim (OMB No. 0960-0618), and eLAS (OMB No. 0960-0822) which SSA technicians utilize to obtain similar data from some potential claimants and to establish a protective filing date.

iClaim is SSA's web-based application for Title II benefits such as retirement, spouse, or disability insurance benefits. In iClaim, a claimant can indicate an interest in filing for SSI, which establishes a protective filing date for SSI. In some cases, individuals can also apply for SSI while using iClaim. However, that process is more complex because iClaim collects specific information applicable to the benefit applications, making it significantly lengthier than ePFT. In addition, first-party applicants using iClaim must attempt to create or log onto a *mySocialSecurity* account, which some individuals may not be able to successfully do on their own.

Second, iAppointment is a module that was added as an alternate pathway to iClaim in circumstances where iClaim users may not be eligible to file online either due to incorrect information or because they wish to file their benefit 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. An individual who contacts SSA by phone provides the SSA representative with their basic contact information and express their intent to file. The SSA representative records the basic contact information and protective filing date in eLAS. Although contacting SSA by phone provides the same service as ePFT, this process may take longer as wait times vary depending on how many other callers are using the phone process.

The ePFT 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

In creating this new tool to request an appointment and establish a protective filing date, we provide a service option for people who are unable to come into one of our offices or choose not to call an SSA office to establish a protective filing date. If we did not implement the ePFT, 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 only collect the information when individuals use the ePFT, 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 the 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 agreed to allow for a shorter formal public comment period of fourteen days. We received three public comments during the fourteen-day period which we addressed under the Emergency Approval documentation. In addition, we allowed for a full 30-day Comment Period which ended on March 30, 2022. During that time, we received eight more public comments, which we addressed in the Addendum to this Supporting Statement document.

The 60-day advance Federal Register Notice for the regular OMB approval process published on June 8, 2022, at 87 FR 34922, and we received no public comments. The 30-day Notice published on August 9, 2022, at 87 FR 48547. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public on the revisions to this application.

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 table below shows our estimated burden figures for this online electronic protective filing tool:

| 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 | \$28.01* | \$47,617** |
| Respondent Type 2 (ex: Professional Assistors) | 2,125 | 10 | 7 | 2,479 | \$25.94* | \$64,305** |

| | | | | | | |
|--|---------------|---|---|--------------|----------|--------------------|
| Respondent Type 3 (ex: Attorney Representatives) | 2,125 | 2 | 7 | 496 | \$72.18* | \$35,801** |
| Totals | 21,250 | | | 4,675 | | \$147,723** |

* 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), 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 ePFT. 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 \$147,723. 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:

| Description of Cost Factor | Methodology for Estimating Cost | Cost in Dollars* |
|---|--|--------------------|
| 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 |
| Total | | \$2,895,350 |

* 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

There are no changes to the public reporting burden since the implementation of ePFT under the Emergency approval.

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.