

**Supporting Statement For
Private Printing and Modification of Prescribed Applications and Other Forms
20 CFR 422.527
OMB No. 0960-0663**

A. Justification

1. Introduction/Authoring Laws and Regulation

Our regulation at *20 CFR 422.527* of the *Code of Federal Regulations* requires a person, institution, or organization (third party requesting entities) to obtain approval from the Social Security Administration (SSA) prior to reproducing, duplicating, or privately printing any application or other form prescribed by the agency. We require such approval whether or not the requesting entity intends to charge a fee for SSA's application(s) or other form(s). If the requesting entity does not intend to charge a fee, they do not require SSA's authorization to reproduce forms. SSA allows our publicly available forms to be reproduced free of charge by anybody. Section *1140(a)(2)(A)* of the *Social Security Act (Act)* prohibits requesting entities from charging a fee to reproduce, reprint, or distribute any SSA application, form, or publication unless they obtain the authorization of the Commissioner of Social Security in accordance with such regulations as the Commissioner may prescribe under *42 USC 1320b-10(a)(2)(A)* of the *United States Code*. This rule implements Section *1140(a)(2)(A)* of the *Act* by adding SSA's publications to the pre-authorization requirement identified in *20 CFR 422.527*, and by establishing that requesting entities only require SSA's authorization when they intend to charge a fee. The rule also prescribes the procedures requesting entities who intend to charge a fee must follow to obtain SSA's written authorization prior to reproducing, reprinting, or distributing SSA's applications, forms, or publications.

2. Description of Collection

If a third party organization outside SSA would like to reproduce a form or publication and charge a fee to customers for the reproduction, the organization must receive prior written approval from SSA. The respondent can find the requirements, and instructions to reproduce SSA's forms, or publication and charge a fee to customers on SSA's website at www.ssa.gov/online/thirdpartyforms.html.

To obtain SSA's approval, the third-party organization mails SSA's Office of Media and Logistics Management Forms Policy and Design Team, or emails ^FM OFSM CPM Third Party Approval <FM.OFSM.CPM.Third.Party.Approval@ssa.gov> the following information to SSA on company letterhead.

- The title and form number to be reproduced;
- A summary of how the reproduced form will be used by the requesting organization;
- The services that the customer is receiving from the organization;

- The requesting organization's name and corporate address;
- The requesting individual's name and address;
- The requesting individual's area code and telephone number;
- A draft of the form to be reviewed; and
- A description of how the organization intends to provide only the most up-to-date edition of the forms.

SSA uses the information to: (1) ensure requests comply with the law and regulations; and (2) process requests from third-party entities who want to reproduce, duplicate, or privately print any SSA application or other SSA form. SSA employees review the requests and provide approval via email or mail to the third-party entities. If third parties are found making unauthorized copies of SSA forms SSA may impose a civil money penalty not to exceed \$5,000, or \$25,000 in the case of a violation consisting of a broadcast to telecast. On several occasions SSA's has found found SSA's forms posted online by companies charging a fee for access or reproducing forms as part of a workbook that is sold to clients. In addition, on occasion SSA receives reports of forms being accepted at field offices without SSA's code attached; typically, these are reported to us if there is a discrepancy on the form and we are asked to investigate. SSA does not have a formal process in place to track non-compliance, because it is an infrequent occurrence. In the event SSA finds out a third party made unauthorized copies, SSA issues a certificate letter requesting the company to comply with the regulations outline on SSA's website, or cease production of the form. If we do not receive a response from the third party SSA escalates the issue to the Office of Inspector General. The respondents are third-party entities who submit a request to SSA to reproduce, duplicate, or privately print an SSA-owned form.

3. Use of Information Technology to Collect the Information

Since SSA no longer supplies an application for this request, we explain the written requirements for this regulation on our website, www.ssa.gov/online/thirdpartyforms.html. SSA accepts submissions via email, and many third party companies submit their request via email to a control box, rather than mail. Based on our current data, we estimate approximately 100% of respondents under this OMB number submit their requests via email.

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

Since obtaining SSA approval for reproducing, duplicating, or privately printing any application or other form prescribed by the agency is mandated by law, we need to collect this information to allow respondents to reproduce SSA forms. If we did not collect the information, the respondent would not legally be able to reproduce SSA forms or charge a fee. Because we only collect the information on an as needed basis, we cannot collect it less frequently. There are no technical or legal obstacles that prevent 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 June 30, 2022, at 87 FR 39153, and we received no public comments. The 30-day FRN published on September 20, 2022 at 87 FR 57551. If we receive any comments in response to this Notice, we will forward them to OMB.

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)**
20 CFR 422.527	10	15	10	25	\$16.17*	\$404**

* We based this figure on the median hourly salary of third-party Personal Care and Service occupations hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes390000.htm>).

** 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**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that **15** minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **25** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$404**. 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 to the respondents.

14. Annual Cost To Federal Government

The annual cost to the Federal Government is approximately \$2,288. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$0*
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$920
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	\$1,368
Total		\$2,288

* 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. In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms 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, 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.

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 requirements to display an 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.