



**SOCIAL SECURITY ADMINISTRATION**

**2019 CHIEF FOIA OFFICER REPORT**

# 2019 Chief FOIA Officer Report

## Social Security Administration

### Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

#### A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your Chief FOIA Officer at or above this level?

**Yes**

2. Please provide the name and title of your agency's Chief FOIA Officer.

**Asheesh Agarwal  
General Counsel  
Social Security Administration**

#### B. FOIA Training:

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

**Yes**

4. If yes, please provide a brief description of the type of training attended and the topics covered.

- **Monthly FOIA Staff Meetings – Our monthly meetings covered various FOIA-related topics including, but not limited to FOIA appeals, partial disclosures, FOIA fees and fee-waivers, requirements for perfected requests under the FOIA (e.g., not**

enough information to search or too broad), and Office of Government Information Services (OGIS) referrals.

- **Bi-monthly FOIA/PA coordinator meetings – Discussions included the interface between the FOIA and the PA, FOIA fees, and fee-waivers. We also discuss cases that may be of interest or may become common.**
- **Department of Justice’s Introduction to the Freedom of Information Act Training class – Includes an overview of the FOIA’s Procedural requirements, and FOIA exemptions, basic principles for processing FOIA requests start to finish, searching for and reviewing documents, and preparing final determinations and requirements.**
- **Department of Justice’s Freedom of Information Act for Attorneys and Access Professionals class – Includes an overview of the FOIA’s procedural requirements and exemptions, workshops on the exemptions, basic principles for processing FOIA requests start to finish, the FOIA’s proactive disclosure requirements, and the interface between the FOIA and the Privacy Act.**
- **OGIS Negotiation for FOIA and PA Professionals class – Includes an overview of conflict resolution and negotiation skills for working with requesters.**

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

**Approximately 95% of our FOIA professionals attended substantive training during this reporting period.**

6. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

### **C. Outreach:**

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

**Yes, the Office of Communications’ Office of External Affairs (OEA) works with the FOIA professionals to conduct outreach with the requester community and open government groups. Additionally, we work with OEA to post disability application related data proactively. Below are some of the Outreach activities conducted in FY17:**

- **The Open Data Customer Feedback Process provides a mechanism for the public to make suggestions of releases and for SSA to share recent release information.**
- **In 2018, Facebook and Twitter were used to highlight the availability of the new FOIAonline system for SSA requests.**
- **Information was posted about FOIA and Privacy at the Open Government portal.**

#### **D. Other Initiatives:**

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

- **Released a training video to the agency explaining the FOIA and their obligations under it.**
- **Meeting with upper management to remind them of their respective components' obligations under the FOIA.**
- **In addition to Sunshine Week activities, we interact with non-FOIA professionals on an ongoing basis and take every opportunity to explain the requirements under FOIA.**
- **We also provide a copy of relevant FOIA policy and guidance to agency staff.**
- **We revised the FAQs on the internal and external FOIA websites to ensure we meet our statutory obligations.**
- **We provided training to the new FOIA liaisons in various components to include, but not limited to, what constitutes a record, applicable exemptions, how to use the FOIAonline platform to respond to tasks for record searches, the twenty-day response time limitations, and how to calculate fees if applicable.**
- **Non-FOIA professionals are also included in the bi-monthly FOIA/PA Coordinators' meeting where we go over training issues and interesting cases that may become more common.**

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

**We take the opportunity each year during Sunshine Week to provide an agency-wide email reminder to our employees. Additionally, we develop posters to draw attention to the importance of openness in government. We also work closely with OEA towards the goal of creating a more open agency through the principles of transparency, participation, and collaboration.**

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

The DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2018, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2018 Annual FOIA Report.

**The average number of days we reported to adjudicate any requests for expedited processing is 7.**

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

**We conducted a self-assessment of our FOIA program as part of our transition to FOIAonline and updated procedures to fit new capabilities. We expanded use of the FOIAonline software to not only the FOIA professionals, but also the non-FOIA professionals in the agency.**

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or estimate of the number).

**We received approximately 5300 emails to our FOIA Public Liaison mailbox and about 2000 phone calls.**

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

**We use a multiple track system so that simple and complex cases can be split between appropriate FOIA in a quick, but balanced way. We utilized the agency's Skills Connect program that matches employees in other components to assist with projects remotely. We also instituted a regular meeting with each FOIA professional to discuss any issues with requests to head off any processing problems. We continue to use FOIAonline to ease our search communications and upload documents. We also have continued the incoming case review process to catch and eliminate duplicate cases before they are entered into the system. We are also able to better identify items miscategorized as FOIA requests, such as requests for service on claims or general questions about the agency. The main challenges we faced this year are the challenges faced by all the agencies using the FOIAonline software. Multiple updates to the software caused severe limitations to the functionality of the program, leading to longer response times due to the inability to use FOIAonline. In addition, we had to readdress a number of cases where the FOIAonline program did not send the responsive documents to the requester after they were attached to the email response.**

### **Section III: Steps Taken to Increase Proactive Disclosures**

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

**The FOIA staff released the following documents that are available at <https://www.ssa.gov/foia/readingroom.html> under proactive disclosures:**

**FY2017 SSDI & SSI Claims Allowance Rates by Nation, Region, and State**

**OIG Special Agent Handbook**

**Archived POMS RS 01701.020 and RS 01701.110**

**2017 List of SSA Approved Forms**

**Agreement Rates by Administrative Law Judges (ALJ) National December 2016 to December 2017**

**Count of Consultative Exam Requests, Initial, and Reconsideration Medical Determinations FY 11-17**

**FY 11-17 Ticket to Work – Total Number of Tickets Assigned to Employment Networks**

**FY 11-17 Total Consultative Exams (CE) and CE Expenditures Broken Out by Claim Type**

**FY 12-17 Dire Need Claims Received and Granted**

**FY 12-17 Total number of State Disability Determination Employees**

**FY15 Final Form 462**

**FY 16 Continuing Disability Review Type Statistics**

**FY 16 Disability Beneficiaries Blindness – Deafness**

**FY 16 Disabled Workers by Type of Neoplasm**

**FY 16 Field Office Visitor Counts**

**FY 16 Final Form 462**

**FY 16 Field Office Employee Counts**

**FY 16 Foreign Pension Review Report Final**

**FY 16 Title 2 Claim Receipts by Field Office**

**FY 16 Types of Pending Disability Cases**

**FY 17 Attorneys and Non-Attorneys Eligible for Direct Fee Payment – Title 2 Claimant Representation**

**FY 17 Informal Remand Processing Statistics**

**FY 17 2<sup>nd</sup> Quarter Types of Pending Disability Claims**

**FY 17 Title 2 Claim Statistics on Representation**

**FY 17 Title 2 On-the Record Decisions by Hearing Office**

**FY 17 Wait Times for Title 2 Claims Pending at the Initial Application (by Field Office)**

**FY 17 Wait Times for Title 2 Claims Pending at the Initial Application (by State Total)**

**FY 17 Workload Data – Disability Decisions**

**FY 17 Key Workload Indicators**

**FY 17 300 Top Paid Claimant Representative Firms**

**FY 17 Claimant Representatives Receiving the Largest Volume of Fee Payments**

**FY 17 Continuing Disability Review Type Statistics**

**FY 17 Disability Determination Service (DDS) Reconsideration Processing**

**FY 17 Final Form 462**

**FY 17 Ticket to Work Employment Networks Ranked by Revenue**

**FY 18 Participating Consent Based SSN Verification (CBSV) Companies**

**Number of Schedule A Hires FY 15-17**

**Number of Ticket to Work Users FY 07-17 (By Field Office)**

**Number of Ticket to Work Users FY 07-17 (By State)**

**SSA CY 2016 Occupational Safety and Health Report – Appendix 4**

**SSA CY 2016 Occupational Safety and Health Report – Appendix 4, Attachment 1**

**SSA CY 2016 Occupational Safety and Health Report - Narrative**

**In addition, the Open Government staff released a number of documents last year based on data gathered from the requester community and open government groups. These documents are available on [www.data.gov](http://www.data.gov). Below is a sample listing of the releases:**

**National Beneficiary Survey**

**Ticket to Work Monthly Reports**

## **Periodic Continuing Disability Reviews (CDRs) Backlog**

## **Social Security Hearing Office Locations**

## **End of Year Generational Data for Social Security Employees**

## **2017 Most Popular Baby Names**

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

**FOIAonline has a convenient report that lists all documents released to requesters for your defined period of time. We review this report quarterly to search for any that have been requested and released 3 or more times and to identify any other documents that can be added to the FOIA library.**

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website.

**Yes**

4. If yes, please provide examples of such improvements.

**We simplified document names so it is clear what documents are posted and available. We began an ongoing project in 2017 to update our FOIA website to make it more organized and user friendly.**

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in that area.

**As stated above, we use the FOIAonline report to identify documents to improve timeliness of posting proactive disclosures. In addition, analysts send released documents that may be appropriate for the library to senior analysts and management to review for posting.**

## **Section IV: Steps Taken to Greater Utilize Technology**

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Is your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, please describe the best practices, the types of technology used and the impact on your agency's processing.

**Migration to FOIAonline has led to overall FOIA efficiencies such as linking all of our components to a single trackable system, making document retrieval and communications between components easier. FOIAonline also provides the capability for us to respond to requesters via secure email, which allows for quicker responses and reduced mailings and lost letters.**

**In addition, we utilize eDiscovery software to assist in de-duplicating and searching voluminous amounts of emails to locate responsive documents to increase efficiency in review processing time.**

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

**Yes**

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

**Yes**

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.

**N/A**

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

<https://www.ssa.gov/foia/index.html>

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in that area.

**Use of the FOIAonline software to respond to requesters using secure email has been a great improvement to our process. The FOIAonline software also allowed us to utilize SSA’s SkillsConnect program to obtain temporary assistance from employees in other SSA offices with the processing of our FOIA caseload.**

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency’s 2018 Annual FOIA Report and. When applicable, your agency’s 2017 Annual FOIA Report.

### **A. Simple Track:**

Section VII.A of your agency’s Annual FOIA Report, entitled “FOIA Requests – Response Time for All Processed Requests,” includes figures that show your agency’s average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for “simple” requests, which are those requests that are placed in the agency’s fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests? If your agency uses a multi-track system, beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

**Yes, N/A**

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer?

**Yes**

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

**98%**

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

## **B. Backlogs:**

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

### **Backlogged Requests**

5. If your agency had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

**No**

6. If not, did your agency process more requests during Fiscal Year 2018 than it did in Fiscal Year 2017?

**No, in Fiscal Year 2017 we were not able to separate FOIA requests from Privacy Act requests due to our old software, therefore the number of requests was higher. In Fiscal Year 2018, we developed a method to correctly separate those records.**

7. If your agency's request backlog increased during Fiscal Year 2018, Please explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests
- A loss of staff
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

**We had a few factors contributing to our inability to reduce our backlog:**

- **We only have 8 full time FOIA staff,**

- **The off and on reliability issues with FOIAonline, and**
- **We received an increase in requests for voluminous documents that require more review time. The most common type of voluminous request we received in fiscal year 2018 was for emails.**

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2018.

**SSA's backlog percentage for Fiscal Year 2018 is 1%.**

## **Backlogged Appeals**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

**No**

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal year 2017?

**Yes**

11. If your agency's appeal backlog increased during Fiscal year 2018, please explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals
- A loss of staff
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

**Due to the transition to the FOIA online software in Fiscal Year 2017, certain appeals based on cases from our old system were inadvertently tracked as requests rather than appeals. Accordingly, our backlogged appeals count was be lower than expected in Fiscal Year 2017. We have developed a method to track those cases correctly for Fiscal Year 2018.**

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

**SSA's appeal backlog percentage for fiscal year 2018 is 3.35%.**

### **C. Backlog Reduction Plans:**

13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2016?

N/A

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

N/A

### **D. Status of Ten Oldest Requests, Appeals, and Consultations:**

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

#### **TEN OLDEST REQUESTS**

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Yes

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2017 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

N/A

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

**None**

18. Beyond work on the 10 oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

**We utilized the agency's Skills Connect program to gather some detailees to assist with the Simple cases, freeing up the experienced analysts to work on their oldest Complex and Appeal cases.**

## **TEN OLDEST APPEALS**

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

**Yes**

20. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2017 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

**N/A**

21. Beyond work on the 10 oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

**We utilized the agency's Skills Connect program to gather some detailees to assist with the Simple cases, freeing up the experienced analysts to work on their oldest Complex and Appeal cases**

## **TEN OLDEST CONSULTATIONS**

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

**N/A**

23. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

**N/A**

## **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:**

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

N/A

25. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

26. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2018.

N/A

## **F. Success Stories**

Out of all the activities undertaken by your agency since March 2018 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

**The best improvement to our FOIA administration in Fiscal Year 2018 was the full transition to the FOIAonline system. Now that we are fully utilizing its tools, it has helped our overall processing efficiency. We now use completely electronic files for each case, making document collection and review a much simpler process and faster to complete. Transitioning to electronic cases also allowed us to utilize detailees from other components remotely to assist with processing cases. We can send our responses to the requesters through FOIAonline’s secure email, eliminating the extra wait requesters experienced from mailed responses. The ability in FOIAonline to better classify cases to separate FOIA and Privacy Act cases enables us to provide more accurate reporting on our FOIA program. We are also using the software to identify documents to post to the FOIA library much quicker than before.**

