



SOCIAL SECURITY ADMINISTRATION

2024 CHIEF FOIA OFFICER REPORT

2024 Chief FOIA Officer Report

Social Security Administration

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENESS

The guiding principle underlying the Attorney General’s 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

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. See 5 U.S.C. § 552(j)(1) (2018). Is your agency’s Chief FOIA Officer at or above this level?

Yes

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

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3. What Steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

None

B. Presumption of Openness

4. The Attorney General’s 2022 FOIA Guidelines provides that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters?

Yes

5. In some circumstances, agencies may respond to a requester that it can neither confirm or deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. If your agency tracks *Glomar* responses, please provide:

- The number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible)
- The number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times)

N/A – Our agency does not track *Glomar* responses.

6. If your agency does not track the use of *Glomar* responses, what would your agency need to track in the future? If possible, please describe the resources and time involved.

To track the issuance of *Glomar* responses, we would require an update to our FOIA case management solution. The Solution would require an enterprise-wide customization to allow for tracking for the *Glomar* responses.

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

At the end of July 2023, we moved to a new FOIA case management solution. We updated our FOIA website to so requesters know how to make requests directly via the agency’s FOIAXpress Public Access Link. From our FOIA web site, requesters can navigate to other ssa.gov web sites to view publicly available information, such as the agency’s Open Government Initiative page.

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires ... proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urges[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

Under the direction of SSA’s Chief FOIA Officer, the FOIA team offered numerous trainings to agency personnel throughout Fiscal Year 2023. Internal trainings include the following:

- **Presentations to agency components concerning the FOIA regulations and FOIA exemptions;**
- **Presentations to agency personnel (including the agency’s FOIA coordinators) concerning proper disclosure of agency records;**
- **Examinations and review of new case law;**
- **Trainings related to communications with the FOIA requesters; and**
- **Trainings related to timely dispositions of Fee Waiver and Expedited Processing requests.**
- **Trainings related to the utilization of the new FOIA case management solution that we implemented at the end of July 2023.**

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

Yes

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

- **Monthly FOIA Staff Meetings – Our monthly meetings include but are not limited to discussions concerning FOIA appeals, exemptions, recent Federal court cases, partial disclosures, FOIA fees and fee waivers, requirements for perfected requests under the FOIA, communications with the requester, and Office of Government Information Services (OGIS) inquiries.**
- **Quarterly FOIA/Privacy Act (PA) coordinator meetings – Discussions included the interface between the FOIA and the PA, FOIA fees, and fee waivers, as well as using the new FOIA processing software.**

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

100% of our FOIA professionals attended substantive training during this reporting period.

5. 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

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

- **Quarterly FOIA/Privacy Act (PA) coordinator meetings – Discussions included the interface between the FOIA and the PA, FOIA fees, and fee waivers. This year we also offered training on the new FOIA case management solution and conducted an outreach training for non-FOIA professionals to assist in their understanding of their role in the agency's FOIA case processing and its importance.**
- **Provided additional guidance to the non-FOIA professionals, i.e, component FOIA coordinators during Sunshine Week.**

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and if applicable, any specific examples.

Yes, SSA FOIA professionals regularly reach out via email or phone to requesters to clarify and narrow complex or voluminous requests. For example, when we receive requests for employee emails, we contact the requesters to verify the employees requested, the time frame, and any keywords to be used in the search.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center Interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

No

9. 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 Fiscal Year 2023 (please provide a total number or an estimate of the number for the agency overall).

In Fiscal Year 2023, SSA received about 7,975 emails to our FOIA Public Liaison mailbox and about 1,200 calls to our FOIA Public Liaison voicemail line.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

No

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

We use case management reports from FOIAXpress and Excel spreadsheets to monitor the number and complexity of cases assigned to each FOIA analyst.

12. Optional – If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

SSA is in the process of updating our FOIA regulations which will provide clarity on the fair and effective FOIA administration.

SECTION III: PROACTIVE DISCLOSURES

The Attorney General’s 2022 FOIA Guidelines emphasize that “proactive disclosure of information is ... fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures

We have some documents that are automatically updated and posted at certain times of the year. We also manually search FOIAXpress for released documents that may be of public interest and should be included in the electronic Reading Room. In addition, FOIA professionals recommend documents that are good candidates for proactive disclosure.

2. How long after identifying a record for proactive disclosure does it take your agency to post it?

Two weeks or less.

3. Does your agency post logs of its FOIA requests?

We post the raw data files with our FOIA Annual Reports, as required.

- If so, what information is contained in the logs?

The tracking number, the type of request, the request track, submitted date, received date, perfected date, due date, which agency office the request is assigned to, the request status, closed date, dispositions used, exemptions used, and Exemption 3 statutes used.

- Are they posted in CSV format? If not, what format are they posted in?

No, they are posted in Microsoft Excel format.

4. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

The FOIA staff released 46 documents that are available in SSA's electronic FOIA Reading Room, under the Proactive Disclosures page located at <https://www.ssa.gov/foia/readingroom.html>. These releases included hearings statistics, data on disability claim applications, position descriptions, COVID-19 re-entry plans, SSA Political Appointees, and monthly Caseload Analysis reports.

5. 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

6. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

We simplified document titles so it is clear what documents are easily searchable once posted. We began an ongoing project in 2017 to update our FOIA website to make it more organized and user friendly. We also reviewed the documents to verify if they were Section 508 compliant. Most of our documents are posted as searchable pdfs or excel spreadsheets.

7. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe the interaction.

Agency staff outside the FOIA office provide us with updated documents at certain intervals to post the most current information for the Proactive Disclosures page. From the electronic Reading Room, the public may also select links to pages maintained by other agency components, such as the public POMS and information that has been released on [Data.gov](https://www.data.gov).

8. Optional - Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

As stated above, various components provide records to the FOIA staff at specified times of the year to post to our electronic Reading Room. Since transferring to the FOIAXpress case management solution, we have been able to run reports on released documents to determine if any of those are appropriate for posting to the reading room. Having analysts identify records that would be appropriate for posting also helps. This year we identified and posted 20 more documents than in the prior fiscal year.

SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes, in light of the September 2023 sunset of FOIAonline, we evaluated several processing software platforms and chose a new one, FOIAXpress, an Opexus owned software, as our new FOIA case management solution, implemented at the end of July 2023. We worked with Opexus to get FOIAXpress implemented and online before FOIAonline was decommissioned to provide continuous access for requesters to electronically submit their requests. FOIAXpress also allows us to release records and responses electronically to requesters who create an account within the FOIAXpress Public Access Link.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

Please see the response to item #1 above.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if

possible, estimate how much time and financial resources are saved since implementing the technology.

SSA uses the eDiscovery tool Veritas to complete keyword searches of documents, particularly employee emails, to help narrow down the records for our review. We do not have metrics of time or financial savings due to the use of Veritas.

4. 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

5. Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on FOIA.gov?

Yes

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.

N/A

7. 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 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.

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

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes

9. Optional – Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area

Best Practices

We work with our Information Technology staff to improve the quality of keyword searches in Veritas in response to requests for email communications. Using Genband and softphone allows us to contact requesters from an US Government phone number while teleworking. We have also leveraged the functionality in FOIAXpress to

communicate with the requesters and release documents via secure emails. Collectively these items allow us to process cases more efficiently.

Challenges

In fiscal year 2023, we faced the challenge of having to replace FOIAOnline which was scheduled to be decommissioned in September 2023. FOIAonline was degrading quickly, leading to delays in processing. The need for a new, more robust FOIA case management solution was vital to our administration of the agency’s FOIA program. Our move to FOIAXpress required many ours to plan, implement, and train; thus, we experienced delays in FOIA case reviews.

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOG

The Attorney General’s 2022 FOIA Guidelines instruct agencies “to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs.” Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

Yes

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

- **If an individual is requesting information from their own claim file, they can visit their local Social Security office to receive the records.**
- **Many records are available to first-party requesters via a *my* Social Security account.**

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

At the end of July, SSA implemented a new *Electronic Request for Consent to Disclose* where first-party requesters can verify their identity and then electronically consent to and authorize SSA to disclose a selected group of records to another person or entity. More information on this service is available at:

https://www.ssa.gov/privacy/electronic_request_for_consent_to_disclose.html

B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

5 days

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A of your agency's Fiscal Year 2023 Annual FOIA Report, 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

6. Does your agency utilize a separate track for simple requests?

Yes

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?

No

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

No

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

94.22%

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

N/A

C. Backlogs

BACKLOGGED REQUESTS

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, according to Annual FOIA Report Section XII.D.2, did the backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?

No

12. If not, according to Annual Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did in Fiscal Year 2022?

No

13. If your agency's request backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to 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 types of complex requests contributing to your backlog increase)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible.

We experienced a few of the factors listed above in fiscal year 2023. We lost full time staff members and detailees. In addition, the complexity of the received requests increased. There have been a number of requests for employee email records over multiple years, large amounts of policies, and training requests. Although we contacted the requesters of these large requests to attempt to limit the scope, many of them were not interested in doing so. In addition, the degradation of the FOIAonline program caused additional limitations in our processing and responses. A lot of resources also had to be devoted to the selection and implementation of FOIAXpress, our new FOIA case management solution.

14. 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 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

2.48%

BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the end of Fiscal Year 2023, according to Section XII.E.2 of the Annual FOIA Report, did the backlog decrease as compared with the backlog reported at the end of Fiscal year 2022?

No

16. If not, according to Section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal year 2022?

Yes

17. If you appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to 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 types of complex requests contributing to your backlog increase)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible.

We received 159 more appeals in Fiscal Year 2023 than in Fiscal Year 2022. Many of these appeals came from FOIAOnline system issues that prevented requesters from submitting needed documents with their initial requests, i.e., FOIAonline was not successfully saving supporting documentation that requesters submitted with their request. We also lost detailles who had been assisting with the processing of simple case appeals, and the case complexity has been increasing, as stated in the answer to question 13. In addition, the transition to FOIAXpress took significant time and impacted some case processing and reviews.

18. 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 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received in Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with “N/A.”

4.94%

D. Backlog Reduction Plans

19. In the 2023 guidelines for the Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your 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 2023.

No, SSA did not have a backlog of more than 1000 requests in Fiscal Year 2022.

20. If your agency had a backlog of more than 1000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog in Fiscal Year 2024.

N/A

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E of your Fiscal Year 2022 Annual FOIA Report?

No

22. 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 2022 Annual FOIA Report. If you had less than ten oldest requests to close, please indicate that.

4

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

The FOIA Division Director meets with each analyst bi-weekly to discuss their cases and to overcome any challenges to move these cases along which assists in closing our aged requests. . In addition to the bi-weekly meetings, the FOIA Division Director and analysts meet solely to work through the oldest pending cases.

TEN OLDEST APPEALS

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 for your Fiscal Year 2022 Annual FOIA Report?

No

25. 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 XII.C of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten oldest appeals to close, please indicate that.

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

The FOIA Division Director meets with each analyst bi-weekly to discuss their cases and to overcome any challenges to move these cases along which assists in closing our aged appeals. In addition to the bi-weekly meetings, the FOIA Division Director and analysts meet solely to work through the oldest pending cases.

TEN OLDEST CONSULTATIONS

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported in Section XII.C of your Fiscal Year 2022 Annual FOIA Report?

Yes.

28. 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 2022 Annual FOIA Report. If you had less than ten oldest appeals to close, please indicate that.

N/A

ADDITIONAL INFORMATION REGARDING TEN OLDEST

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.

We had to spend a large amount of time implementing our new FOIA case management solution because of the decommissioning of FOIAonline. This year without that distraction, we will be meeting bi-weekly with all analysts working on the oldest cases to get them prioritized and processed.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation,
- Common causes leading to litigation,
- Any other information to illustrate the impact of litigation on your overall FOIA administration.

SSA had 7 FOIA Lawsuits filed against us in Fiscal Year 2023. Of these, 5 were resolved and 2 are still active. We also had 1 pending FOIA case that had been filed prior to FY 2023, but not decided or otherwise still pending for a portion of FY 2023.

One of these cases is now in appeal. The common litigation cause was regarding production of requested records. As reported in the FY2023 Annual FOIA report, the costs of litigation in FY2023 were \$28,245.75