

SYSTEM NUMBER:

60-0004

SYSTEM NAME:

Working File of the Appeals Council, Social Security Administration, Office of Disability Adjudication and Review (ODAR).

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Social Security Administration, Office of Disability Adjudication and Review, 5107 Leesburg Pike, Falls Church, VA 22241

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants - Title II (Retirement and Survivors Insurance (RSI), and Disability Insurance (DI)); Title XVI (Supplemental Security Income (SSI)); Title XI (claimants subject to Professional Standards Review).

CATEGORIES OF RECORDS IN THE SYSTEM:

This file may contain: communications between the Appeals Council (AC) and staff about analysis and recommendations to the AC; a copy of the administrative law judge (ALJ) decision or dismissal; a copy of the Request for Review of the hearing decision or dismissal; requests to medical support staff for comments and their responses, if not entered into the record; copies of AC actions on the case; notice of denial of request for review; notice of granting review; AC decisions; and copies of transcripts when available. It may also contain advisory opinions and other communications with other components of SSA and staff in the Department of Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205 and 1631(d)(1) of the Social Security Act, as amended.

PURPOSE(S):

We use the records in this system of records for members of the AC and their staff to construct documents internally for use in connection with a recommendation to, or action by, the AC in individual cases. While there may be both electronic and paper records in the *AC Working File*, this system covers any documents that are gathered, maintained, and viewed electronically in the Private Section of eView. eView is the interface that allows authorized users to view documents stored electronically. The Private Section is accessible only to authorized SSA staff.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM OF RECORDS,
INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:**

Routine use disclosures are as indicated below; however, any information defined as “return or return information” under 26 U.S.C. 6103 of the Internal Revenue Code (IRC) will not be disclosed unless authorized by the IRC, the Internal Revenue Service (IRS), or IRS regulations.

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:
 - (a) SSA or any component thereof; or
 - (b) Any SSA employee in his or her official capacity; or
 - (c) Any SSA employee in his or her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or
 - (d) the United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal, or another party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.
3. To IRS, as necessary, for auditing SSA’s compliance with safeguard provisions of the IRC, as amended.
4. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.
5. To the General Services Administration (GSA) and the National Archives and Records Administration (NARA) under 44 U.S.C. § 2904 and 2906, as amended by the NARA Act, for the use of those agencies in conducting records management studies.
6. To student volunteers and other workers, who technically do not have the status of Federal employees, when they are performing work for SSA as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned agency functions.

7. To the appropriate Federal, State, and local agencies, entities, and persons when (1) We suspect or confirm that the security or confidentiality of information in this system of records has been compromised; (2) We determine that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs of SSA that rely upon the compromised information; and (3) We determine that disclosing the information to such agencies, entities, and persons is necessary to assist in our efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. SSA will use this routine use to respond only to those incidents involving an unintentional release of our records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

We maintain and store records in this system in paper and in electronic form.

RETRIEVABILITY:

We retrieve records by claimant name and Social Security number (SSN).

SAFEGUARDS:

We will store the records in the *AC Working File* system of records in electronic media (e.g., computer data systems) and in paper forms. We permit only authorized SSA personnel who have a need for the information in the performance of their official duties to access the information. Security measures include the use of access codes (personal identification number (PIN) and password) to enter our computer systems that house the data.

Additionally, we give all of our employees and our contract employees annual reminders of the need to protect personal information to which they have access for official purposes and remind them of the criminal penalties that apply to unauthorized access to, or disclosure of, personal information. See 5 U.S.C. 552a(i)(1).

RETENTION AND DISPOSAL:

After the time in which to appeal a final action of the AC has elapsed, we will destroy the records. If a court affirms an AC decision, we will destroy the records one year after the final court decision. If a court reverses an AC decision, we will destroy the records six months after the final court action.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Commissioner, Office of Disability Adjudication and Review, Social Security Administration, 5107 Leesburg Pike, Falls Church, Va. 22041.

NOTIFICATION PROCEDURES:

Persons can determine if this system contains a record about them by writing to the system manager(s) at the above address and providing their name, SSN, or other information that may be in the system of records that will identify them. Persons requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as voter registration card, etc. Persons lacking any identification documents sufficient to establish their identity must certify in writing that they are the person they claimed to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another person under false pretenses is a criminal offense.

Persons requesting notification by telephone must verify their identity by providing identifying information that parallels the information in the record to which notification is being requested. If we determine that the identifying information the person provides by telephone is insufficient, the person will be required to submit a request in writing or in person. If a person requests information by telephone on behalf of another individual, the subject person must be on the telephone with the requesting person and us in the same phone call. We will establish the subject person's identity (his or her name, SSN, address, date of birth, and place of birth, along with one other piece of information such as mother's maiden name), and ask for his or her consent to provide information to the requesting person.

Persons requesting notification submitted by mail must include a notarized statement to us to verify their identity or must certify in the request that they are the person they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another person under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 C.F.R. 401.40).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 C.F.R. 401.40(c)). Some of the documents are compiled in anticipation of litigation and, thus, may be exempt from the access provisions of the Privacy Act (5 U.S.C. 552a(d)(5)).

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 C.F.R. 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from claimants; their representatives; appropriate members of the public, SSA, and other Federal, State, and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.