



## OFFICE of GOVERNMENT INFORMATION SERVICES

November 1, 2013— Sent via email & US mail



Re: Case No.: 201300648  
MN: NG: KM

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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Dear [REDACTED]

This responds to your June 28, 2013 request for assistance from the Office of Government Information Services (OGIS), which we received on July 1, 2013 via email. Your request for assistance pertains to your May 2013 Freedom of Information Act (FOIA) request to the Social Security Administration (SSA) seeking access to a copy of [REDACTED] original Social Security application, an SS-5 form.

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and its jurisdiction is limited to assisting with the FOIA process.

OGIS Facilitator Kirsten Mitchell carefully reviewed the correspondence you submitted. I note that the SSA withheld from disclosure the names of [REDACTED] [REDACTED] parents, the very information you are interested in accessing. The SSA's current policy states that it will not release parents' names on SS-5 forms unless it receives their written consent or acceptable proof of their death, they were born more than 120 years ago, or the number holder on the SS-5 is at least 100 years of age. Acceptable proof of death includes a death certificate, an obituary or newspaper article or a police report.

OGIS learned that in creating this policy, SSA looked at how other agencies, including the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), handle records involving extreme age. Generally, both agencies will not release records about individuals who are younger than 100 years without proof of death. Because Social Security applications are unique records in that they list both parents' names, SSA added 20 years to the 100-year requirement for the parents' names. As you know, the SSA's main mission is to provide Social Security benefits. The SSA does not serve as the official resource for verifying parentage or an individual's birth date or date of death and for this reason, it requires strict proof of these dates before disclosing them to the public. The policy is designed to protect the privacy interests of individuals, whose



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information happens to be maintained in SSA records. These individuals are afforded protection from a clearly unwarranted invasion of personal privacy under both Exemption 6 of FOIA, 5 U.S.C. § 552(b)(6), and the Privacy Act of 1974, 5 U.S.C. § 552a(b).

In considering withholding information under Exemption 6, 5 U.S.C. § 552(b)(6), an agency must weigh the public interest in disclosure against an individual's privacy interest. Courts have consistently held that FOIA is intended to allow people to learn about the conduct of agencies, not to discover information about other individuals. The U.S. Supreme Court held that "the statutory purpose [of FOIA] is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency's own conduct." *U.S. Dep't of Justice vs. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 773 (1989).

I note that [REDACTED] birth date is listed as [REDACTED] [REDACTED] at which time 100 years will have passed since her birth. You may wish to submit a new FOIA request to SSA at that time.

In our role as the FOIA Ombudsman, OGIS is speaking to the SSA about its policy on SS-5 forms, raising your concerns and those of other OGIS customers. The SSA is reviewing the matter. At this time, there is no further action that OGIS can take on your request for assistance. We continue to monitor this matter, and if we learn that the SSA has changed this policy, we will notify you.

Thank you again for contacting OGIS. At this point, there is no further action that we can take on your request for assistance and we consider your case closed.

Sincerely,



Miriam Nisbet, Director  
Office of Government Information Services

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.