



OFFICE *of* GOVERNMENT INFORMATION SERVICES

May 22, 2015 — Sent via email

[REDACTED]

Re: Case No.: 201500499  
NG: CM

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION

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OGIS  
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Dear [REDACTED]

This responds to your March 10, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Social Security Administration (SSA) for records about your [REDACTED].

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 our jurisdiction is limited to assisting with the FOIA process.

I understand that you requested [REDACTED] records. SSA released [REDACTED] [REDACTED] Application for a Social Security Number” (also known as SS-5) form to you, but redacted the names of [REDACTED] parents pursuant to FOIA Exemption 6. You appealed that response, and SSA’s appeals office affirmed its determination on your request.

As SSA’s appeal response letter explains, SSA does 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 and the Federal Bureau of Investigation, 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. The policy is designed to protect the privacy interests of individuals, who 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 your correspondence to OGIS, you express your frustration at being asked to provide proof of death for individuals whose names you seek. In our role as the FOIA Ombudsman, OGIS has spoken to SSA about its policy on SS-5 forms, raising your



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concerns and those of other OGIS customers. As you note in your correspondence to OGIS, [REDACTED] birth date will be 100 years past as of [REDACTED]. You may wish to make another request for these records at that time, noting this fact to Social Security Office.

Although I understand that this is not the result for which you hoped, I hope that this information about your request and SSA's policy is useful to you. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

Nikki Gramian, Acting Director  
Office of Government Information Services (OGIS)

cc: Debbie Verzi, SSA