



OFFICE of GOVERNMENT INFORMATION SERVICES

March 24, 2016 — Sent via email

[REDACTED]
[REDACTED]

Re: Case No.: 201600396
NG: CM: KG

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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OGIS
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Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on January 9, 2016 via email. Your request for assistance pertains to a records request to the Social Security Administration (SSA).

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.

OGIS carefully reviewed your submission, and we understand that you requested [REDACTED]. SSA released a copy of [REDACTED] with the names of [REDACTED] parents redacted. You appealed this decision and provided [REDACTED] birth certificate, [REDACTED] mother's death certificate, [REDACTED] mother's birth date, and [REDACTED] death certificate. SSA responded to your appeal by releasing a copy of [REDACTED] SS-5 form with his mother's name unredacted; the agency explained that it was releasing this information because you provided proof of her death. However, the agency did not release [REDACTED] father's name. You dispute this response, explaining that although you do not have proof of [REDACTED] father's death, it is unlikely he is alive today.

It is SSA's current policy that the agency will not release parents' names on SS-5 forms unless:

- it receives their written consent or acceptable proof of their death;
- the parents were born more than 120 years ago; or
- the number holder [REDACTED] on the SS-5 is at least 100 years of age.

Under the policy, without proof of death such as a death certificate, an obituary or newspaper article or a coroner's report, the SSA will not release [REDACTED] father's name until February 2026, when [REDACTED] reaches the age of 100.



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.

SSA has explained to OGIS that its 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 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).

Regarding the agency's use of FOIA Exemption 6, in considering withholding information under that exemption, 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).

Please also know that concerns about identity theft, especially with regard to an individual's name in the context of his or her parents' names, particularly his or her mother's maiden name, also informed SSA's policy.

I hope that this information about your request is useful to you. At this time, there is no further action that OGIS can take on your request for assistance. Thank you for contacting OGIS.

Sincerely,

/S/

JAMES V.M.L. HOLZER
Director