

Privacy in SSA



Social Security Administration
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Agenda

- Tradition of privacy in SSA
- Current policy
 - SSA honors its historical commitment to privacy
 - Influences of outside environment (internet, automation, public attitudes, legislation)
 - Legal framework
- Accuracy of records
 - Supporting legislation and requirements
- Record sharing
- Employee education

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Historical Commitment

- SSA's First Regulation was issued on June 16, 1937

"No...employee of the Board...shall produce or disclose to any person or before any tribunal, directly or indirectly, whether in response to subpoena or otherwise, any record or any information...pertaining to any person"

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Historical Context: "Reg 1"

- First large database of personal information for purposes of administering a social program
- Mischaracterization by political opponents of the program
- Rise of the modern police state in Europe

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The Washington Times **April 29, 1937**

- "No wives need apply to the Social Security Board for information about their wandering husbands...nor can a lover find out his girl's actual age from the card-index files...No power on earth can pry from the Social Security Board any information whatsoever...Not even a member of the Cabinet ..."

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Current Public Attitudes

- Privacy is increasingly important to public
- Identity theft
- Government efficiency is very important to the public
- To what extent will the public be willing to trade privacy for efficiency?
 - Post 9/11 environment

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Accuracy of SSA Records

- Mission: Getting the right check to the right person at the right time
- Benefits are based on accurate reporting
 - Benefits payment surveys



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Privacy Act

- 552a(d)(2): permit the individual to request amendment of a record pertaining to him and
- 552a(d)(B)(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete;

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Privacy Act (continued)

- 552a(e) Agency requirements
- Each agency that maintains a system of records shall--
 - (1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by Executive order of the President;

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Privacy Act (continued)

- 552a(e)(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

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Privacy Act (continued)

- 552a(e)(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

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Privacy Act (continued)

- 552a(e)(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) (the FOIA) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

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Other Statutes

- Section 1106 of the Social Security Act does not allow disclosure of tax return information
- Computer Matching and Privacy Protection Act

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Record Sharing

- CMPPA and Non-CMPPA Matching Agreements
- SSA strives for matches that contain only verified data
- Other agencies notified of verified/non-verified data— MOU
- MOUs have limitations on redisclosure
- Examples: Department of Education, Department of Defense

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Disclosure Safeguards

- Training for incoming employees and refresher training
- Annual statement to all SSA employees
- Instructions for new initiatives with privacy implications
- Central office and regional network of subject matter experts

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Privacy Act: Training

- 552a (e)(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

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SSA's Future Vision

- The digitally connected employee
- The self service customer
- The paperless environment
- The enduring commitment to privacy

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Questions?


