

Per discussion today at the meeting held by the Department of Human Services, I am sharing our [SSA Public Policy Home](#) website. The section of interest to you is found in [POMS GN 03312](#). Each subsection contains information on the requirements and guidelines we use to release information without consent. If you are able to secure a consent form, of course that is the easier way to get information. In the event that is not possible, these are the basics (taken from GN 03312.001):

The principles under which SSA may disclose information for a law enforcement activity are based on the Privacy Act as implemented by SSA regulations, [20 C.F.R. § 401.155](#). As discussed below, these principles allow disclosure in the following situations:

- criminal activity involving serious crimes where the individual about whom information is sought has been indicted or convicted of that crime;
- investigation or prosecution of criminal activity involving fraud or abuse in a SSA program;
- non-violent criminal activity involving fraud or abuse in a government income-maintenance or health-maintenance program similar to an SSA program;
- other Federal statutes that require SSA to disclose records; or
- investigation or prosecutions of persons engaging in activities that jeopardize or could jeopardize the security and safety of members of the public served by SSA, SSA employees or workplace, or that otherwise disrupt the operations of SSA facilities (include State Disability Determination Service facilities). In such instances, information may be disclosed to Federal, State, or local law enforcement agencies, as well as private security contractors.

From [GN 03312.040](#), a request for information from a law enforcement agency must:

- be in writing on the agency's letterhead,
- specify the records being requested,
- explain why the records are needed, and
- be signed by a supervisory official of the requesting office

NOTE: Under the Office of Management and Budget Guidelines Circular A-108 which implements the Privacy Act, the law enforcement official signing the request must not be below the section chief level. Thus, a request signed by an officer or detective of a law enforcement agency is not acceptable.

A request for information must contain sufficient information for SSA to identify the individual about whom information is sought. A request must be in writing and should contain the individual's name, SSN, and date of birth. If the request does not include the individual's SSN, it should include his/her name and date of birth, and at least one of the following:

- place of birth,
- mother's maiden name, or
- father's name

Based on the information you provided during today's meeting, including the information about access to food being limited by padlock where keys are held by mentally ill individual, it sounds that the health and safety of the individuals may be at risk. If this is your assessment, the related guidance is at [GN 03312.065](#) and [GN 03316.135](#).

GN 03312.065 Law Enforcement Disclosures Involving Health and Safety Situations

A. Policy

If a law enforcement request demonstrates compelling circumstances affecting the health or safety of an individual, under the Privacy Act health and safety disclosure exception, SSA may disclose non-tax return information to the law enforcement entity that has jurisdiction over the matter. A disclosure may be initiated by SSA or made in response to a request. Requests for health and safety disclosures are discussed in [GN 03316.135](#).

NOTE: In these cases, the Privacy Act and SSA regulations require SSA to send a notice to the individual whose record is disclosed, informing him/her that the disclosure has been made. Neither the Privacy Act nor SSA's regulation mandates a time period for sending the notice. See [GN 03316.135](#).

B. Example

A law enforcement official contacts an FO and states that it is attempting to locate and apprehend an individual who threatened another individual. If, based on the information available, the threat appears to show compelling circumstances affecting the health or

safety of an individual, information may be disclosed to the law enforcement official concerning the location, prosecution or detention of the individual making the threat.

GN 03316.135 Disclosures Without Consent in Health and Safety Situations

A. Policy

Under the Privacy Act (5 U.S.C. § 552a(b)(8)), you may disclose non-tax return information in compelling circumstances affecting the health or safety of an individual. SSA may initiate a disclosure or respond to a request from an entity that could take action on the information disclosed.

In these cases, the Privacy Act requires SSA to send a notice to the subject individual informing him/her that the disclosure has been made. The Privacy Act does not mandate a time period during which this notification must be sent. See [GN 03312.065](#).

EXAMPLE:

You may disclose information to:

- The police or another appropriate party for the location, prosecution or detention of an individual who has threatened another individual (including an SSA employee).
- An appropriate mental health clinic, agency, hotline, etc., to report a threatened suicide.

There are also rare occasions in which a public or hospital official needs to identify a deceased, amnesiac, unconscious or mentally incapacitated person. You may provide information in this situation if the requester cannot obtain it from any other source. Unless the person has filed a claim, the Form SS-5 would probably be SSA's main source of information.

Also, the DDS may disclose information to any public agency (such as a State Health Department) responsible for the identification, location or treatment of individuals who have medical conditions that are legally reportable and perilous to the health or safety of themselves or the public.

The Privacy Act does not require us to warn individuals of threats made to their personal health and safety by other individuals, nor does it prohibit us from doing so, when such

information is contained in our records. Under compelling circumstances, when responding to a request or initiating a disclosure to local law enforcement concerning a person causing a threat, we may likely want to warn the individual whose personal health or safety is being threatened. Consult with the regional PAC for additional guidance if the circumstances of the disclosure indicate or suggest that we warn the individual whose personal health or safety is being threatened.

B. Procedure

The component receiving a request may disclose relevant information if the request demonstrates a compelling circumstance affecting the health and safety of an individual if in the opinion of the component's manager such a circumstance exists. If there are any questions concerning the appropriateness of the disclosure, contact the regional or component Privacy Act Coordinator (PAC) for advice. As necessary, the regional or component PAC should consult with the Office of Public Disclosure, Office of the General Counsel, for advice (see [http://sharepoint2007.ba.ssa.gov/ogc/employeeinfo/sub/officelist.aspx?function=Privacy and Disclosure](http://sharepoint2007.ba.ssa.gov/ogc/employeeinfo/sub/officelist.aspx?function=Privacy%20and%20Disclosure) for contact information).

If a disclosure is made, send a notice to the individual whose record was disclosed. The following is suggested language for the notice:

This to advise you the Social Security Administration recently released information about you to the _____ in a compelling circumstance involving the health and safety of an individual. We made this disclosure in accordance with the Privacy Act (5 U.S.C. 552a(b)(8)) and SSA regulations (20 C.F.R. § 401.160). Both the Privacy Act and our regulations permit us to disclose information in a compelling circumstance affecting the health and safety of an individual.

If you want information about the information we released, you can contact our office. If you contact our office, please refer to this notice.

<https://secure.ssa.gov/apps10/poms.nsf/lrx/0203312000>

GN 03312.010 Disclosure for Criminal Activity Involving SSA Programs

A. Policy

1. Disclosure Relating to Criminal Activity Involving SSA Programs

Disclosure may be made concerning criminal activity involving SSA programs. Such criminal activity encompasses:

- fraud, and other abuse in Social Security programs (see [GN 03316.005C.1.](#)), and
- activities of persons that jeopardize or could jeopardize the security and safety of members of the public served by SSA, SSA employees or their workplace, or that otherwise disrupt the operations of SSA facilities (including State Disability Determination Service facilities). In such instances, information may be disclosed to Federal, State, or local law enforcement agencies, as well as private security contractors (see [GN 03316.005E.](#)).

2. Criminal Activity Under Other Statutes Involving SSA Programs

SSA may disclose relevant tax return and non-tax return information to law enforcement authorities to investigate or prosecute fraud or other criminal activities under statutes within their jurisdiction involving Social Security programs upon receipt of a written request which meets the Agency's law enforcement disclosure criteria as discussed in [GN 03312.040](#). See [GN 03320.015](#) for restrictions that may apply to the disclosure of tax return information.

Relevant information may be disclosed from any SSA system of records. SSA's systems of records may be reviewed at:

<http://www.socialsecurity.gov/foia/bluebook/bluebook.htm>.

EXAMPLE: A law enforcement request seeks verification of an SSN for an individual who has been arrested for fraudulently endorsing and cashing a stolen non-SSA check. The suspect represented the SSN as belonging to him/her in cashing the check. The SSN may be verified under these circumstances. If the SSN belongs to another individual, do not disclose the name of the true number holder.

B. Procedure

See [GN 03312.001E.](#)

GN 03312.035 Kinds of Information That May Be Disclosed for Law Enforcement Purposes

A. Policy - Non-Tax Return Information

Non-tax return information pertains to information in SSA records that relates to benefit entitlement or eligibility, benefit amounts, and other matters concerning benefit status in an SSA program. Non-tax return information includes:

- benefit data (benefit amount, date of entitlement, date of termination or suspension),
- dates of birth,
- medical records,
- health insurance data,
- enumeration data, and
- addresses

See [GN 03325.002A.5.](#), [GN 03325.002D.](#), [GN 03325.003A.4.](#), and [GN 03325.003C.](#) for further information concerning disclosure and verification of SSNs.

NOTE: Because of their sensitivity, these records must be identified as medical records when disclosed. Cover medical records with a completed Form SSA-1994 (Confidential Sheet for Transmittal of Medical Information). If an SSA-1994 is not available, make a cover sheet to identify the records as "Confidential - medical information."

B. Policy - Social Security Numbers (SSN)

1. Disclosure of SSNs

SSA may only disclose or verify the SSN of the individual under investigation when SSA has determined that the SSN is relevant to an investigation or prosecution of:

- criminal fraud or other abuse of a Social Security program, including misuse of the SSN;
- criminal fraud or other abuse of an income-maintenance or health-maintenance program; or
- in other situations in which SSA's criteria for disclosing information are met (see [GN 03312.001B.](#)).

See [GN 03325.002](#) for further instructions concerning disclosure of SSNs.

2. Verification of SSNs

SSA may verify an SSN when:

- the law enforcement authority is investigating or prosecuting fraud or other criminal activity under statutes within their jurisdiction involving Social Security programs (this includes SSN misuse), (see [GN 03312.010A.2.](#) and [GN 03316.005C.](#)) and
- in other situations in which SSA's criteria for disclosing information are met and the SSN verification is relevant to the investigation or prosecution being pursued.

See [GN 03325.003](#) for further instructions concerning verification of SSNs.

C. Policy - Tax Return Information

Section 6103 of the Internal Revenue Code (26 U.S.C. § 6103) restricts SSA's disclosure of tax return information to State agencies to situations specified in that law. See [GN 03320.001D.1.](#) for the definition of tax return information. Tax return information may be disclosed pursuant to a law enforcement request only if the disclosure is authorized in [GN 03320.015.](#)

SI 00501.055 Exchange of Information with Law Enforcement Officials — Fugitive Felons and Parole and Probation Violators

Citations:

Sec. 202 of Public Law (P.L.) 104-193

A. Policy

Section 202 of P.L. 104-193 requires SSA to provide certain information about fugitive felons and parole/probation violators to a Federal, State, or local law enforcement (LE) officer in specific circumstances when requested. The information request must be in writing. **The disclosure of information under this provision applies only to SSI recipients,** and does not include disclosure of Federal tax return information.

The written request from the LE officer must be on the law enforcement agency's letterhead and include the following:

- the name of the individual being sought and enough other information to identify him or her;
- a statement that the person is an individual described in [SI 00530.005](#);
- a statement that the individual has information necessary for the officer to conduct his/her official duties; and
- a statement that the officer's official duties include the location or apprehension of the individual.

SSA must then determine whether the individual that the LE officer is seeking is an SSI recipient. For purposes of releasing information to a LE officer under this provision, consider individuals in payment suspense status (e.g., PS codes E01, E02, N01, N02, N03, N04, N05, N06, N20, S06, S07, S08, S09, S10, etc.) to be current SSI recipients. Do **not** release information under this provision on an individual who is an SSI claimant, and who has not yet been determined eligible, or on an SSI claimant who has been denied eligibility (including DS codes N01, N02, N03, N04, N06, N07, N13, N17, and PS code T51). Do **not** release information under this provision on an individual whose benefits have been in suspense for more than 12 consecutive months (PS code T31).

When the written request meets the requirements above, SSA must provide the law enforcement officer with the recipient's SSN, current address, and photograph (if available in SSA's records).

IMPORTANT: You may provide the information above to an LE officer as soon as you receive the written request, verify that it complies with the law as described above, and determine that the individual is an SSI recipient. Follow the procedure in [SI 00501.055B.1](#). **Refer to the instructions in [SI 00530.410](#) before taking any action to suspend or deny the benefits of an individual described in [SI 00530.005](#) based upon information received from a LE officer.**

B. Procedure - Disclosure of Information

1. Individual Considered an SSI Recipient

If the individual is considered an SSI recipient for purposes of this provision (see [SI 00501.055A.](#)), retain the written request in the recipient's file. When the written request from the LE officer meets the requirements in [SI 00501.055A.](#), provide the officer with the recipient's SSN and current address. You may provide this information to the LE officer by telephone. You must initiate the call to the LE officer's telephone number shown on the written request. If someone calls the FO and identifies himself or herself as a LE officer requesting information on the SSI recipient, do not give out the information unless you are certain that it is the LE officer who made the written request. If the recipient's file contains a photograph (or copy of a photo ID) of the recipient,

provide a copy to the LE officer **if the folder is available in the FO**. It is not necessary to request a prior folder from storage in order to search it to see if it possibly contains the recipient's photograph. Advise the LE officer that SSA does not routinely keep photographs of SSI recipients.

If the individual is in current pay status and the criteria for suspension of benefits in [SI 00530.001](#) apply, explain to the LE officer that SSA must notify the recipient that we will suspend his/her SSI benefits. Negotiate a date with the LE officer to issue the notice. The notice must be issued within 30 days. See [SI 00530.017](#) for required manual notices and notice instructions. See [SI 00530.205](#) for systems input instructions.

2. Individual is Not Considered an SSI Recipient

If the individual is **not** considered an SSI recipient for purposes of this provision (see [SI 00501.055A.](#)), follow disclosure policy in [GN 03312.035](#). The rules for disclosure of information to LE on such an individual are different from those covered by this provision of law.

C. Procedure - Reports To Teleservice Center (TSC)/Spike Unit

When a Federal, State or local law enforcement (LE) agency contacts a TSC or SPIKE unit to report an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime as described in [SI 00530.005](#), or is violating a condition of probation or parole, advise the LE officer that the report must be **in writing** on the LE agency's letterhead, and must include all of the items listed in [SI 00501.055A](#).

CAUTION: Do not give out the information requested by the caller. Provide the caller with the address of the servicing FO for the LE agency, since the LE officer may not know the claimant's SSN and address.

If a third party who is not a LE officer contacts you about someone who may be a fugitive felon or a probation or parole violator, take the information (claimant's name, SSN if known, address, and any information the caller can provide about the claimant's status as a felon including the jurisdiction he/she is fleeing from, if known) and forward it to the servicing FO via Modernized Development Worksheet (MDW).