

88oGN 03312.001 Disclosure Without Consent for Law Enforcement Purposes

Citations:

5 U.S.C. § 552a(b)(7)

[20 C.F.R. § 401.155](#)

A. Introduction

The Privacy Act (5 U.S.C. § 552a(b)(7)) permits, but does not require, a Federal agency to disclose personal information from its systems of records to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

Because disclosures under the Privacy Act's law enforcement disclosure exception are permissible, not mandatory, the Social Security Administration's (SSA) regulations ([20 C.F.R. § 401.155](#)) which implement the Privacy Act are more restrictive than this statute for the following reasons:

- SSA has a longstanding pledge to the public to maintain the confidentiality of its records.
- SSA occasionally has records that are useful to law enforcement agencies.
- Some information that may be useful to law enforcement agencies is restricted by Federal statute from disclosure (e.g., the disclosure of employer names and addresses, or other employment information taken from wage reports filed with SSA by employers generally is restricted from disclosure by section 6103 of the Internal Revenue Code (26 U.S.C. § 6103). (See [GN 03320.015](#).)
- SSA's resources should not be diverted for non-program purposes, such as searches for information that may or may not be productive to law enforcement agencies.

B. Preview

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.

C. Definitions

1. Agent of a Federal Government Agency

This means a third party entity that a Federal government agency authorizes to act on its behalf when certain SSA conditions are met (see [GN 03313.001G](#)).

2. Disclosure

This means the release or showing of personal information about an individual to a third party, other than to a parent of a minor or to the legal guardian of an individual who is the subject of a judicial finding of incompetency due to age or physical or mental incapacity.

3. Health-Maintenance Program

This means any noncommercial program (such as Medicare and Medicaid) administered by a government agency that is designed to provide an individual with health care (both prevention and treatment) or to subsidize the cost of such care. A commercial insurance, acting as an agent or contractor of the State, may *administer* such a program for a State or local agency.

4. Income-Maintenance Program

This means any noncommercial program administered by a government agency that is designed to provide an individual with basic necessities of life (such as food, clothing, shelter and utilities), or supplement the individual's income to permit the purchase of such necessities. Examples of State and local income maintenance programs include subsidized housing, food stamps, Temporary Assistance for Needy Families, general assistance, title XX services, fuel subsidies, workers' compensation, unemployment compensation, government pension programs, and State supplementation.

NOTE: Loan programs of any type, even if subsidized by a government agency such as the Department of Housing and Urban Development or another government agency, are *not* income-maintenance programs for SSA disclosure purposes.

5. Minimization

This means disclosing only the minimum information that is relevant and necessary to accomplish the purpose for which information is requested.

6. Non-Tax Return Information

See [GN 03320.001D.2](#) for definition of tax return information.

7. Record/Information

This means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

8. Routine Use

This means the disclosure of a record, without the consent of the individual who is the subject of the record, for a purpose which is compatible with the purpose for which SSA collected the record. Each of SSA's systems of records has a section titled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses." SSA's statements of routine uses can be reviewed by linking to <http://www.socialsecurity.gov/foia/bluebook/bluebook.htm>. and reviewing the routine use section of each of SSA's systems of records.

9. System of Records

This means a group of records under the control of SSA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. A listing of all of SSA's systems or records can be reviewed at: <http://www.socialsecurity.gov/foia/bluebook/bluebook.htm>.

10. Tax Return Information

See [GN 03320.001D.1](#) for definition of tax return information.

D. Policy – Minimization

SSA employs a policy of minimization when disclosing information to third parties, i.e., to the extent practicable, disclosing only the minimal information necessary to accomplish the purpose at hand. For example, if you are disclosing information to a third party in order to obtain information to process a claim for benefits, do not disclose the type of claim unless it is necessary to the particular situation.

When a disclosure is necessary, the following standards apply:

- Only the minimal information that is relevant and necessary should be disclosed.
- Only a minimum number of contacts should be made. The disclosure to the third party might be nothing more than the individual's name and Social Security number (SSN), the fact that the individual has a claim before SSA, and, by inference, the nature of the situation. If it is not necessary to disclose the SSN, it should not be disclosed. For example, if there is no indication that the third party from whom SSA is seeking information maintains that information by SSN or otherwise needs to know the SSN, do not disclose it.
- When deciding how much information to disclose, consider whether the information can be obtained elsewhere without making a disclosure, and what uses the third party might make of any information disclosed by SSA.

E. PROCEDURE

Social Security Field offices (FO) are staffed to assist the local population base. Each FO services a certain number of Zip Codes and assists individuals and third party requesters in that office's designated service area. While a beneficiary may visit any FO and receive service, a third party requester (public or private) should seek service from the FO servicing the subject individual's mailing Zip Code.

When handling requests, FOs should determine how the requests impact their resources and normal operations and, as necessary, seek guidance from the regional office, through the regional Privacy Act Coordinator.

The following procedures apply to the handling of law enforcement requests, whether they are handled in a FO or in another SSA component.

NOTE: Whenever disclosure is allowed, only disclose the minimum information necessary to satisfy the request (see [GN 03312.001C.5](#).)

IF THE REQUEST IS FROM A	AND	THEN
Federal law enforcement agency	The Federal law enforcement agency's request meets the criteria for disclosure,	The receiving FO or other SSA component can disclose the requested information. Any questions concerning the appropriateness of a disclosure should be discussed with the component Privacy Act Coordinator (PAC). As necessary, the component PAC should consult with the Office of Public Disclosure, Office of the General Counsel (see http://sharepoint.ba.ssa.gov/ogc/intranet/default.aspx for contact information).
	The Federal law enforcement agency's request does not meet the criteria for disclosure,	The receiving FO or other SSA component should send a denial letter to the requester, explaining why SSA cannot disclose the requested information. Do not include any appeal language as a Federal law enforcement agency (1) does not have appeal rights under the Privacy Act, and (2) cannot make a request under the Freedom of Information Act (FOIA), and therefore cannot appeal under the FOIA.
	A portion of the information requested by the Federal law enforcement agency may be disclosed,	The receiving FO or other SSA component should provide the information that may be disclosed and explain why the withheld information is not being disclosed. Do not include any appeal language as a Federal law enforcement agency (1) does not have appeal rights under the Privacy Act, and (2) cannot make a request under the Freedom of Information Act (FOIA), and therefore cannot appeal under the FOIA.
State or local law enforcement	State or local law enforcement	Disclose the requested information.

IF THE REQUEST IS FROM A	AND	THEN
agency	agency's request meets the criteria for disclosure,	
	State or local law enforcement agency's request does not meet the criteria for disclosure, i.e., all or a portion of the requested information must be withheld,	Handle the request as a potential full or partial Freedom of Information Act Denial. See GN 03350.005B .

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GN 03312.020 Law Enforcement Requests from State and Local Agencies Involving Non-Violent Crimes

A. Policy - conditions of disclosure

Disclosures to State and local agencies for non-violent crimes are generally limited cases involving investigation or prosecution of fraud and abuse in income-maintenance and health-maintenance programs.

A request must meet the requirements for a valid request as discussed in [GN 03312.040](#). See [GN 03312.035](#) for the kinds of information that may be disclosed.

NOTE: Tax return information is defined in [GN 03320.001D.1](#). See [GN 03320.015C.3](#) for authorized disclosures of tax return information to State and local agencies. In these cases, handle the requests in accordance with the procedure in [GN 03320.001E](#).

Examples of situations in which tax return information may be disclosed are to State and local agencies for administering one of the Federal grant programs such as TANF, Medicaid, State supplemental security income, unemployment, food stamps, or adult assistance programs, and child support enforcement purposes.

Moreover, tax return information may be disclosed only under the BENDEX automated data exchange because of IRS safeguard requirements (see [GN 03314.150B.1](#), for a discussion of the BENDEX data exchange). The DEQY or SEQY should never be used for this purpose.

Local FOs should not provide tax-return information.

If a request is from an agency other than the agency with which SSA has a written agreement to furnish tax return information, seek advice from the Office of Public Disclosure, Office of the General Counsel, through the component Privacy Act Coordinator (see <http://sharepoint.ba.ssa.gov/ogc/intranet/default.aspx> for contact information).

B. Procedure

Follow any specific procedure discussed in [GN 03312.020A](#). If a procedure is not discussed in [GN 03312.020A](#), see [GN 03312.001E](#).

GN 03312.040 Valid Law Enforcement Requests

A. Policy - Valid Requests

A request 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.

Field offices (FO) should rely on their knowledge of local law enforcement agencies to determine whether a request is from the proper person.

B. Policy - Identifying Information Required

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

See [GN 03312.001E](#), Chart, if a request contains less than the required identifying information.

C. Policy - Request Includes Name and SSN Only

Disclose information when a request includes only the name and SSN when you can positively locate a single record in SSA files containing that exact name and SSN. If there is any uncertainty as to whether the name and SSN provided match information in SSA records, do not disclose.

D. Policy - Request For Name When Only the SSN is Provided

Providing a name to match an SSN when no other identifying information is provided (e.g., date of birth, place of birth, father's name, and mother's maiden name) is restricted to the most sensitive law enforcement situations or health and safety situations.

Law enforcement requests of this type should be referred to the Office of Public Disclosure, Office of the General Counsel, through the component Privacy Act Coordinator, for advice on handling.

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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.](#)

GN 03312.005 Disclosure for Criminal Law Enforcement Purposes Involving Violent Crimes

A. Policy – Violent Crimes

1. Description of Violent Crimes

Violent crimes are serious crimes which are characterized by the use of physical force or by the threat of physical force. The force may:

- cause actual injury, or
- coerce the victim to an action because of real fear of suffering serious bodily injury.

2. Circumstances Under Which Disclosure May Be Made for a Violent Crime

Disclosure may be made for criminal law enforcement purposes involving violent crimes where a valid written request has been received (see [GN 03312.040](#)) which indicates:

- a violent crime has been committed (see [GN 03312.005A.3.](#)), **and**
- the individual about whom the information is being sought has been **indicted** for or **convicted** of that crime, **and**
- the penalty upon conviction is incarceration for at least one year and a day regardless of the sentence imposed.

IMPORTANT: When a person violates parole, we can release information if the violent crime provisions are met for the original conviction.

NOTE: See [GN 03312.050](#) and [GN 03312.060](#) for the policy and procedures that apply to certain requests involving serious crimes where the individual about whom information is sought has **not** been indicted or convicted.

3. Examples of Violent Crimes

Violent crimes include, but are not limited to:

- murder;
- rape;
- kidnapping;
- armed robbery;
- burglary of a dwelling;
- arson;
- drug trafficking/drug possession with intent to manufacture, import, export, distribute or dispense;
- hijacking;
- car-jacking; and
- terrorism

4. When Disclosure is Not Proper

The following types of requests normally do not meet SSA's criteria for disclosure for a law enforcement purpose:

- requests for information concerning an individual who is only the **suspect** of a crime.
- requests involving non-violent crimes such as embezzlement, and shoplifting.

EXCEPTION: If the request indicates that the criminal activity being pursued may involve a Social Security program, e.g., misuse of a Social Security number, disclosure of some relevant information may be appropriate (see [GN 03312.010A.2.](#)) SSA, not the requester, determines the relevancy of the requested information to the criminal activity.

5. What May Be Disclosed

See [GN 03312.035](#) for a discussion of the types of information that may be disclosed when SSA determines that the requested information is relevant to the alleged criminal activity.

B. Procedure

See [GN 03312.001E](#).

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 03316.005 Disclosure Without Consent to Administer SSA Programs

A. Policy – Disclosure Within SSA

The Privacy Act (5 U.S.C. 552a(b)(1)) allows disclosures of personal information within SSA to officers and employees who have a need for the information in the performance of their duties.

SSA employees and officials must adhere to established standards of conduct when accessing, using, and disclosing personal information in the Agency's files. The standards of conduct are explained in the annual personnel reminders to all employees and in SSA's disclosure regulations, 20 C.F.R. Part 401, Appendix A. See, respectively, <http://personnel.ba.ssa.gov/ope/cpps/APR.html>. and <http://policy.net.ba.ssa.gov/repository/cfr20/401/401-app-01.htm>.

B. Policy – State Disability Determination Service (DDS) Role In SSA Disclosures

For the purpose of making disability determinations under sections 221 and 1633 of the Social Security Act (Act), SSA's disclosure regulations define 'Social Security Administration' as including State DDS units (see [20 C.F.R. § 401.25](#)). State DDSs are bound by and must comply with SSA's confidentiality and disclosure requirements (see SSA regulations [20 C.F.R. § 404.1631](#).)

State DDSs may disclose information to third parties, as necessary, to carry out the disability determination functions under sections [221](#) and [1633](#) of the Act. States DDSs should not make decisions to disclose SSA information for purposes unrelated to the disability determination function unless:

- the DDS is specifically authorized in POMS Chapter GN 033 or the DDS Security Manual to disclose information, or
- a DDS has received authorization from an SSA regional office (RO) to disclose information.

An SSA RO may approve arrangements for a DDS to disclose information to other State agencies when:

- SSA has the authority to disclose information to that State agency,
- the DDS and other State agency agrees to abide by SSA's confidentiality and disclosure rules and requirements, and
- a data exchange agreement is negotiated between SSA and the State agency allowing the DDS to provide information to the State agency.

C. Policy - Disclosure To Third Parties For Program Purposes

1. General

SSA has established routine uses under the Privacy Act that allow the Agency to disclose personal information to Federal, State, and local agencies and private entities, as necessary, to administer SSA programs and responsibilities under the Social Security Act (Act). Primarily, the disclosures relate to determining initial and continuing entitlement to or eligibility for benefits under the programs SSA administers under the Act. Examples of allowable disclosures to third parties include releases of information pertaining to:

- verifying an individual's entitlement to or eligibility for benefits;
- verifying an individual's capability to manage his/her benefit payments;
- verifying information provided by representative payees or payee applicants;
- locating an individual in connection with an SSA program matter when his/her address is unknown to SSA;
- verifying SSNs for employers for wage reporting purposes;
- disclosing wage reports to employers or former employers to reconstruct wage records submitted to SSA;
- disclosing information to social security agencies of foreign countries with which SSA has entered into international social security (totalization) agreements to adjudicate claims filed under the U.S. or foreign social security system and for carrying on other SSA or foreign program-related activities;
- disclosing information to medical and vocational consultants to prepare for or evaluate consultative examinations or vocational assessment of individuals applying for disability benefits under sections [221](#) and [1633](#) of the Act;
- processing an individual's application for a Social Security number;
- conducting investigations of fraud and other criminal abuse in SSA programs; and
- reporting the activities of persons that pose a risk to the safety and security of SSA employees, customers, and facilities to appropriate law enforcement officials.

When necessary to administer the Title II Federal Old-Age, Survivors, and Disability Insurance Benefits program, Title VIII Special Benefits for Certain World War II Veterans, or the Title XVI Supplemental Security Income program, or provisions of Title XVIII Medicare for which SSA has responsibility, when relevant, both tax return information and non-tax return information may be disclosed.

2. Systems of Record from Which Disclosure May Be Made

A disclosure necessary to assist in administering an SSA program or responsibility may be made from any SSA system of records containing a statement of routine use allowing the particular disclosure. The systems of records from which disclosures are most frequently made are the following:

- 60-0058—Master Files of Social Security Number (SSN) Holders and SSN Applications,
- 60-0059—Earnings Recording and Self-Employment Income System,
- 60-0089—Claims Folders System,
- 60-0090—Master Beneficiary Record,
- 60-0103—Supplemental Security Income Record and Special Veterans Benefits System,
- 60-0222—Master Representative Payee File,
- 60-0269—Prisoner Update Processing System (PUPS),
- 60-0320—Electronic Disability (eDib) Claims File, and
- 60-0330—eWork System.

D. Policy - Minimization

SSA employs a policy of minimization when disclosing information to third parties, i.e., to the extent practicable, disclosing only the minimal information necessary to accomplish the purpose at hand. For example, if you are disclosing information to a third party in order to obtain information to process a claim for benefits, do not disclose the type of claim unless it is necessary to the particular situation.

When a disclosure is necessary, the following standards apply:

- Only the minimal information that is relevant and necessary should be disclosed.
- Only a minimum number of contacts should be made. The disclosure to the third party might be nothing more than the individual's name and Social Security number (SSN), the fact that the individual has a claim before SSA, and, by inference, the nature of the situation. If it is not necessary to disclose the SSN, it should not be disclosed. For example, if there is no indication that the third party

from whom SSA is seeking information maintains that information by SSN or otherwise needs to know the SSN, do not disclose it.

- When deciding how much information to disclose, consider whether the information can be obtained elsewhere without making a disclosure, and what uses the third party might make of any information disclosed by SSA.

EXAMPLE: When processing a claim for benefits, if it becomes necessary to disclose information to a third party to obtain information relative to the claim for benefits, disclose only the information the third party needs to in order to provide the requested records. For example, do not disclose the individual's address, telephone number, SSN, or the fact that he/she has filed a claim with SSA, if it is not necessary to disclose this information.

E. Policy - Disclosure To Protect SSA Employees, Clients, And Facilities

Disclosure of information to appropriate law enforcement agencies, including private contractor security guards, to protect the safety and security of SSA employees, clients, and facilities is an extension of administration of SSA programs. SSA has established a routine use that allows these disclosures as warranted (see [GN 03316.045A.2.](#) and [GN 03312.010A.1.](#)).

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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.

GN 03312.040 Valid Law Enforcement Requests

A. Policy - Valid Requests

A request 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.

Field offices (FO) should rely on their knowledge of local law enforcement agencies to determine whether a request is from the proper person.

B. Policy - Identifying Information Required

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

See [GN 03312.001E.](#), Chart, if a request contains less than the required identifying information.

C. Policy - Request Includes Name and SSN Only

Disclose information when a request includes only the name and SSN when you can positively locate a single record in SSA files containing that exact name and SSN. If there is any uncertainty as to whether the name and SSN provided match information in SSA records, do not disclose.

D. Policy - Request For Name When Only the SSN is Provided

Providing a name to match an SSN when no other identifying information is provided (e.g., date of birth, place of birth, father's name, and mother's maiden name) is restricted to the most sensitive law enforcement situations or health and safety situations.

Law enforcement requests of this type should be referred to the Office of Public Disclosure, Office of the General Counsel, through the component Privacy Act Coordinator, for advice on handling.

To Link to this section - Use this URL:
<http://policy.ssa.gov/poms.nsf/lnx/0203312040>

GN 03312.040 - Valid Law Enforcement Requests - 09/12/2005
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GN 03301.020 Privacy Act

A. Introduction

The Privacy Act (PA) lists specific situations in which an agency:

- must disclose information to individuals who are the subject of agency records, and
- may disclose information to certain third parties.

It seeks to give individuals a degree of control over records kept about them and the uses made of the records. It gives agencies the responsibility of ensuring that individuals' rights to privacy are protected.

B. Policy - PA

1. Scope

The PA does not nullify section 1106(a) of the Social Security Act because it does not extend to all personal information in SSA records.

The PA applies only to personal information contained in a "system of records, i.e., information retrieved by the use of a personal identifier." Examples of such records are the Master Beneficiary Record or the Supplemental Security Income Record, in which information is retrieved by the beneficiary's SSN.

The PA does not apply to:

- records not contained in a systems of records and retrieved by a personal identifier (such as records maintained by subject matter, date, or administrative codes),
- deceased individuals, or
- business entities.

2. Individual Rights

Individuals have the right to:

- know what records are collected about them by the agency,
- access their own records (see [GN 03340.000](#)), and
- request that their own records be amended (see [GN 03345.000](#)).

3. SSA's Responsibilities

The following are SSA's responsibilities.

a. Acquiring and Collecting Information

SSA is required to:

- Collect necessary information directly from the individual to the maximum extent possible.
- Collect only information needed for the equitable and efficient administration of the Social Security Act. Information must be relevant to the purpose for which it is collected.
- Tell the individual the legal authority for requesting information, and whether a response is mandatory or voluntary. (A response is mandatory only if there is a specific penalty under the law for failure to provide the information.)
- Tell the individual why the information is needed, what routine use may be made of the information, and about the effects of failure to provide the information.
 - Tell the individual that information about entitlement may be verified by using computer matching, or be shared with other Federal and State agencies to determine or verify eligibility for their programs.

b. Disclosure

SSA will disclose information without the individual's consent only if permitted under one of the exceptions listed in [GN 03301.020B.4.](#), below.

c. Documentation

SSA is required to:

- Publish notices in the *Federal Register* to inform individuals about systems of records maintained by the agency that may include personal information about them. (See AIMS, Chapter 14.05.)

- Keep an accounting of disclosures unless the disclosures are within the agency on a need-to-know basis, required by the FOIA or made with the individual's written consent (See [GN 03360.035](#)).

4. Exceptions to the PA

There are twelve exceptions for which the PA allows an agency to disclose personal information without the individual's consent. The following is a list of the nine exceptions which commonly apply to SSA. A complete list of all exceptions is in [GN 03301.099D](#), Exhibit 3.

Disclosure is permitted:

- Within SSA on a need-to-know basis, i.e. when SSA employees need the information in order to perform their duties.
- When required under the FOIA, as explained in [GN 03301.015](#).
- For a routine use. Routine uses are those which are published in the *Social Security Administration Privacy Act Notices of Systems of Records* (the Blue Book), a manual distributed to all SSA components. The most important routine uses are also listed in [GN 03316.000](#).
- For research and statistical purposes (see [GN 03316.130](#)).
- For law enforcement purposes. Information may be disclosed to another agency or instrumentality of any governmental jurisdiction within or under control of the U.S. for a civil or criminal law enforcement activity. The activity must be authorized by law and an official of the agency or instrumentality must make a written request.

SSA's Regulation No. 1 is more restrictive on disclosures for law enforcement than is the PA (see [GN 03312.000](#)).

- For health and safety reasons (see [GN 03316.135](#)).
- Pursuant to the order of a court of competent jurisdiction (see [GN 03330.000](#)).
- To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.
- To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

C. Policy - Computer Matching Act Of 1988

1. Purpose

The purpose of the Computer Matching and Privacy Protection Act is to ensure that computer matching by Federal agencies meets the requirements for use of Federal records under the Privacy Act of 1974.

Computer matching is the computerized comparison of records for the purpose of:

- establishing or verifying eligibility for a Federal benefit program, or
- recouping payments or delinquent debts under such a program.

2. Notification Requirement

The Act requires SSA to explain to title II and title XVI beneficiaries and applicants that information about their initial or continued entitlement may be:

- verified by using computer matching, or
- shared with other Federal and State agencies to determine initial or continuing eligibility in their programs.

This explanation appears on most forms used to collect information from the public. It also appears on Form SSA-3157 (Facts About Computer Matching). (See the exhibit in [GN 03360.999](#).)

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