

EXPEDITE

REQUEST FOR COMMISSIONER'S IMMEDIATE ACTION FOR DISCLOSURE UNDER THE AD HOC PROVISION IN REGULATION 20 CFR 401.195

FACTS:

On September 11, 2001, terrorists carried out destructive attacks against the United States. Two hijacked passenger airliners were used to bring down both towers of the World Trade Center in New York and a third to destroy a section of the Pentagon in Washington, D.C. A fourth hijacked passenger aircraft crashed southeast of Pittsburgh, Pennsylvania.

Law enforcement officials have already contacted the Social Security Administration indicating that they will be contacting us for information in their investigation of these incidents. The information will concern people suspected of committing these terrorist acts and people who have relevant information to conduct the investigation.

In addition, we were asked by the law enforcement officials to help the rescue and recovery efforts by releasing information to help identify and locate victims and/or members of their families.

The Privacy Act permits disclosure of information without consent of an individual to another agency for a criminal law enforcement activity when a written request is received from the law enforcement agency that specifies the record that is needed and the law enforcement activity for which it is sought. However, section 401.155 of SSA's regulations limits disclosures for law enforcement purposes to situations in which an individual has been indicted or convicted of a violent crime or for the investigation and prosecution of criminal activity involving the social security program or another income or health-maintenance program. In this case, disclosures would not be permitted by section 401.155 of our regulation because the individuals involved have not been indicted or convicted of a crime.

Section 401.195 of the regulations provides that in situations where the regulation does not specifically allow for disclosure, the Commissioner may disclose information if not prohibited by Federal law. The example given in the regulation is that the Commissioner may disclose information necessary to respond to life-threatening situations. This ad hoc disclosure authority is currently exercised by the Commissioner in responding to law enforcement requests that fall outside the provisions in section 401.155. These requests

concern activities such as investigations involving threats against national security, hostage taking, or acts of terrorism.

In preparing for expected requests from law enforcement agencies related to investigation of the September 11, 2001 terrorist attacks against the United States, we are requesting an ad hoc Commissioner's decision allowing for disclosure of information maintained by the Social Security Administration. To expedite the handling of requests, we are also asking for approval that this initial ad hoc disclosure decision authority also be used for subsequent disclosures related to this same law enforcement activity.

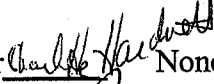
RECOMMENDATION:

We recommend approval of the release of information under section 401.195 to United States law enforcement agencies to use in their investigations of the above terrorism acts against the United States and for subsequent disclosures related to the same law enforcement activity following this initial decision.

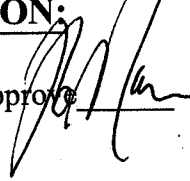
We also recommend approval for the release of information under section 401.195 to United States law enforcement agencies to use in their efforts to locate and identify victims of the above terrorist acts and/or members of their families.

CONSULTATION:

General Counsel for Social Security:

Concur  Noncur _____ Date 9/13/01

DECISION:

Approve  Noncur _____ Date 9/13/01

Policy Instruction	Help Bookmark Previous Next
	09/14/2001 at 04:01:35 PM

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Archived: 10/09/2001
Comments: Superseded by EM 01162

Identification Number	EM-01152-Superseded by EM-01162	Effective Date: 09/14/2001
Intended Audience:	All RCs/ARCMOS/ARCPOS/ADs/FOs/ TSCs/PSCs/DDSS/OCO/OQA/OPSOS/OHA	
Originating Office:	SSA, ODISP, Office of Disclosure Policy	
Title:	Disclosure of Information to the Federal Bureau of Investigation (FBI) and Other U.S. Law Enforcement Agencies (LE) Investigating the September 11, 2001 Terrorist Attacks Against the U.S.—ACTION – (One- Time-Only Instructions)	
Type:	EM - Emergency Messages	
Program:	Title II (RSI); Title VIII (SVB); Title XVI (SSI); Disability	
Link To Reference:	EM-01162	

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC**Document:**

RETENTION DATE: 03/14/02

Background

We anticipate SSA will receive requests from U.S. LE officials for information in SSA files concerning suspects or other persons who may have information concerning the terrorist attacks against the U.S. on September 11, 2001. These requests may also seek information from SSA to help identify and locate victims and/or members of their families. The Acting Commissioner of Social Security has exercised the ad hoc authority in SSA's disclosure regulations (20 CFR § 401.195) to allow the release of relevant information in response to these requests. Normally, these requests are handled by Central Office in Baltimore. But because of the urgency and sensitivity of the requests, regional and field offices and the Office of Inspector General (IG) (including regional IG offices) may accept and respond to requests from U.S. LE agencies as outlined below.

These procedures apply only to requests concerning the terrorist attacks against the U.S. occurring on September 11, 2001.

Criteria for Requests

Information may be disclosed to U.S. LE agencies involved in the terrorist investigation when the requests:

- is in writing on LE agency letterhead and signed by an official of the LE agency (a fax request is acceptable);
- reasonably describes the information being sought. In this regard, SSA personnel should use their knowledge of SSA records to be as helpful as possible with LE organizations requesting information. For example, for a request seeking information about whether a name matches a particular SSN, a Numident printout and/or copy of the actual Form SS-5 could reveal additional information relevant to the investigation such as date and place of birth, when and where the number was issued, evidence presented when applying for the number such as a birth certificate or immigration document, etc.; and
- indicates the information sought is in connection with terrorist activity occurring on September 11, 2001.

NOTE: If you receive a request for earnings or wage information such as employer names and addresses, amount of earnings/wages reported to SSA, and the period(s) during which the earnings/wages were earned, contact the Office of Disclosure Policy (ODP) immediately. This is "tax return information" and subject to more complex disclosure rules as outlined in the Internal Revenue Code. See the list of contacts below.

NOTE: The FBI has set up a process for submitting requests to SSA and is informing all FBI agents to request information from SSA through the Baltimore, Maryland FBI field office. Please advise agents requesting information to use this process. However, if the agent insists, this does not preclude you cooperating with FBI agents who may contact you directly.

Regional and Field Office Components

Process any requests received. As necessary, contact ODP if you have any questions.

State Disability Determination Service (DDS) Units

State DDS units should direct any requestors to the local FO.

Teleservice Centers (TSC)

TSCs should direct any requestors to the local FO.

Central Office and Office of Hearing and Appeal (OHA) Components

Central Office and OHA components should direct any requestors to the Office of Disclosure Policy; the fax number is provided below or requestors may be referred to any of the listed contacts shown below.

Action

Please provide ODP with a copy of each incoming request and a description of any information disclosed. This information may be faxed or mailed. The fax number is 410-966-0869; the mailing address is:

Office of Disclosure Policy
3-A-6 Operations Building
Baltimore, MD 21235

Headquarters Contacts

Listed below are the names and telephone numbers of ODP contacts for any questions concerning this emergency message or requests received.

946, 7(c) Team Leader, Strategic Initiatives Team (SIT)

946, 7(c) Senior Advisor, ODP

946, 7(c) Team Leader, ODP

946, 7(c) Team Leader, ODP

946, 7(c) Senior Analyst, ODP

946, 7(c) Analyst, ODP

946, 7(c) Analyst, ODP

946, 7(c) Senior Analyst, ODP

946, 7(c) Team Leader, ODP

EM-01152-Superseded by EM-01162 - Disclosure of Information to the Federal Bureau of Investigation (FBI) and Other U.S. Law Enforcement Agencies (LE) Investigating the September 11, 2001 Terrorist Attacks Against the U.S.—ACTION — (One-Time-Only Instructions) - 09/14/2001

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12/22/04

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<h1>Policy Instruction</h1>	Help Bookmark Previous Next
	09/19/2001 at 04:11:58 PM

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Archived: 04/27/2004
Comments: The EM is replaced by AM-04061 4/27/2004

Identification Number **EM-01162 SEN** Effective Date:
09/19/2001

Intended Audience: All
 RCs/ARCMOS/ARCPOS/ADs/FOs/TSCs/PSCs/
 DDSs/OCO/OQA/OPSOS/OHA
 All Deputy Commissioners; Office of the
 General Counsel; Office of the Inspector
 General

Originating Office: SSA, ODISP, Office of Disclosure Policy
 Disclosure of Information to the
 Federal Bureau of Investigation (FBI)
 and Other U.S. Law Enforcement
 Agencies (LE) Investigating the
 September 11, 2001 Terrorist Attacks
 Against the U.S.—ACTION –
 (One-Time-Only Instructions)

Title: EM - Emergency Messages

Type: Title II (RSI); Title XVI (SSI)

Program: EM-01177

Link To Reference: [EM-01177](#)

SENSITIVE - NOT TO BE SHARED WITH THE PUBLIC

Document:

Retention Date: June 30, 2004

Date Changed: January 20, 2004

NOTE: THIS EM SUPERSEDES EM-01152 ISSUED ON September 14, 2001. PLEASE DISCONTINUE USE OF EM-01152 AND FOLLOW THE INSTRUCTIONS IN THIS EM IF YOU RECEIVE WRITTEN REQUESTS OR OTHER INQUIRIES FROM U.S. LAW ENFORCEMENT OFFICIALS FOR INFORMATION FROM SSA IN CONNECTION WITH THE TERRORISTS' ATTACKS AGAINST THE U.S. ON SEPTEMBER 11, 2001.

Background

Since the terrorists' attacks on the New York World Trade Centers and the Pentagon on September 11, 2001, SSA has been receiving requests from Federal Bureau of Investigation (FBI) and other U.S. LE agencies for information in SSA files concerning suspects or other persons who may have information concerning the terrorist attacks. We anticipate that the requests will continue to be made until the investigation has been concluded. The requests may also seek information from SSA to help identify and locate victims and/or members of their families. The Acting Commissioner of Social Security has exercised the ad hoc

authority in SSA's disclosure regulations (20 CFR § 401.195) to allow the release of relevant information in response to these requests.

Arrangements have been made with the FBI for requests to be submitted to SSA through the SSA Office of the Inspector General (IG). However, as has already happened, SSA field offices (FO) and other components have received some requests directly from the FBI as well as from other U.S. LE agencies. To ensure expeditious and consistent processing of the requests, the SSA IG and the Office of Disclosure Policy (ODP) have established a streamlined process for the requests. Therefore, all SSA components and State Disability Determination Service units should follow the procedures below for any requests or inquiries they receive in connection with the terrorists' attacks.

These procedures apply only to requests concerning the terrorist attacks against the U.S. occurring on September 11, 2001.

1. If you receive an oral (e.g., telephone or in-person) inquiry, advise the inquirer:

a. A request for information must:

- be in writing on LE agency letterhead and signed by an official of the LE agency (a fax request is acceptable);
- reasonably describe the information sought; and
- indicate the information sought is in connection with terrorist activity occurring on September 11, 2001.

b. To submit the request to the local SSA IG office. See the IG contact list below for the appropriate IG referral office.

2. If a written request is received

a. SSA Regional, Field Office, Teleservice Centers (TSC), or State Disability Determination Service (DDS) Units

Handcarry or fax the request immediately to nearest OIG field division. See IG contact list below for the appropriate IG referral office.

b. Central Office and Office of Hearing and Appeal (OHA) Components

Handcarry or fax the request immediately to ODP or to an IG referral office. See the ODP and IG contact lists below.

3. ODP

Address and fax number

Office of Disclosure Policy
3-A-6 Operations Building
Baltimore, MD 21235

Facsimile: 410-966-0869 or 410-9664304

4. Headquarters Contacts

Listed below are the names and telephone numbers of ODP contacts for any questions concerning this emergency message or requests received.

- 416, 7(C)* Team Leader, Strategic Initiatives Team (SIT), *416, 7(C)*
Senior Advisor, ODP,
- 416, 7(C)* Team Leader, ODP, *416, 7(C)*
- 416, 7(C)* Team Leader, ODP, *416, 7(C)*
- 416, 7(C)* Senior Analyst, ODP, *416, 7(C)*
- 416, 7(C)* Analyst, ODP, *416, 7(C)*
- 416, 7(C)* Analyst, ODP, *416, 7(C)*
- 416, 7(C)* Senior Analyst, ODP, *416, 7(C)*
- 416, 7(C)* Team Leader, ODP, *416, 7(C)*

5. IG Contact Offices

(1) ATLANTA FIELD DIVISION

Address: SSA OIG OI, Atlanta Federal Center, 61 Forsyth Street, Suite 5T55, Atlanta, GA 30303; or Post Office Box 2527, Atlanta, GA 30301

Main Office Number: (404) 562-5540

Facsimile Number: (404) 562-5543

Contacts Phone Number Area of Responsibility

- F *416, 7(C)* Special Agent-in-Charge
- 416, 7(C)* 7 Assistant SAC
- F *416, 7(C)* Assistant SAC

(2) BOSTON FIELD DIVISION

Address: SSA OIG OI, JFK Federal Building, Room 1800, Boston, MA 02203; or Post Office Box 8847, Boston, MA 02114

Duty Agent: (617) 565-2662

Facsimile Number: (617) 565-9894

Contacts Phone Number Area of Responsibility

~~46, 7(C)~~ Special Agent-in-Charge
~~46, 7(C)~~ Assistant SAC
~~46, 7(C)~~ Assistant SAC

(3) CHICAGO FIELD DIVISION

Address: SSA OIG OI, 200 West Adams Street, Suite 2951, Chicago, IL 60606

Main Office Number: (312) 353-7815

Facsimile Number: (312) 353-1848

Contacts Phone Number Area of Responsibility

~~46, 7(C)~~ Special Agent-in-Charge
~~46, 7(C)~~ Assistant SAC

(4) DALLAS FIELD DIVISION

Address: SSA OIG OI, 1301 Young Street, Room 600, Dallas, TX 75202

Facsimile Number: (214) 767-0655

Contacts Phone Number Area of Responsibility

~~46, 7(C)~~ Special Agent-in-Charge
~~46, 7(C)~~ Assistant SAC

(5) DENVER FIELD DIVISION

Address: SSA OIG OI, Federal Office Building, 1961 Stout Street, Room 465, Denver, CO 80294

Facsimile Number: (303) 844-4173

Contacts Phone Number Area of Responsibility

~~46, 7(C)~~ Special Agent-in-Charge
~~46, 7(C)~~ Assistant SAC

(6) LOS ANGELES FIELD DIVISION

Address: SSA OIG OI, 3 Hutton Centre Drive, Suite 760, Santa Ana, CA 92707

Facsimile Number: (714) 241-0296

Contacts Phone Number Area of Responsibility

~~46, 7(C)~~ Special Agent-in-Charge
~~46, 7(C)~~ Assistant SAC
~~46, 7(C)~~ Resident Agent-in-Charge

(7) NEW YORK FIELD DIVISION

Address: SSA OIG OI, 26 Federal Plaza, Room 3718, New York, NY 10278

Main Office Number: (212) 264-8270

Facsimile Number: (212) 264-6270

Contacts Phone Number Area of Responsibility

212, 7(C) Special Agent-in-Charge
212, 7(C) Assistant SAC

(8) PHILADELPHIA FIELD DIVISION

Address: SSA OIG OI, 900 Market Street, Suite 320, Philadelphia, PA 19107; or Post Office Box 779, Philadelphia, PA 19105

Main Office Number: (215) 521-0300

Facsimile Number: (215) 521-0316

Contacts Phone Number Area of Responsibility

215, 7(C) Special Agent-in-Charge
215, 7(C) Assistant SAC

(9) SEATTLE FIELD DIVISION

Address: SSA OIG OI, 300 Elliott Avenue West, Suite 345, Seattle, WA 98119

Duty Agent: (206) 553-1000 or (206) 553-1001, x112

Facsimile Number: (206) 553-1002

Contacts Phone Number Area of Responsibility

206, 7(C) Special Agent-in-Charge
206, 7(C) Assistant SAC

Facsimile Number: (503) 378-2140

(10) ST. LOUIS FIELD DIVISION

Address: ssa oig oi, st. louis field division, 1224 fernridge parkway suite 300, st. louis, missouri 63141

Main Office Number: (314) 849-7905

Facsimile Number: (314) 849-6640

Contacts Phone Number Area of Responsibility

314, 7(C) Special Agent-in-Charge
314, 7(C) Assistant SAC

the September 11, 2001 Terrorist Attacks Against the U.S.—ACTION —
(One-Time-Only Instructions) - 09/19/2001

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Archived: 11/15/2004
Comments: Beyond retention date

Identification Number: AM-04061 REV
Intended Audience: All
Audience: RCs/ARCMOS/ARCPOS/ADs/FOs/TSCs/PSCs/DDSs/OCO/OQA/OPSOS/OHA
Originating Office: SSA, ODISP, Office of Disclosure Policy
Title: Disclosure of Information to the Federal Bureau of Investigation (FBI) and Other U.S. Law Enforcement Agencies (LE) Investigating the September 11, 2001, Terrorist Attack Against the U.S. – ACTION – One-Time-Only Instructions
Type: AM - Admin Messages
Program: Title II (RSI); Title XVI (SSI)
Link To: EM-01152
Reference: EM-01162

Effective Date:
05/07/2004

Document:
RETENTION DATE: October 31, 2004

This AM revises AM-04061 issued April 28, 2004.

THIS AM REPLACES EM-01162 ISSUED September 19, 2001.

THIS AM ALSO REPLACES EM-01152 ISSUED ON September 14, 2001. PLEASE DISCONTINUE USE OF EM-01152 AND FOLLOW THE INSTRUCTIONS IN THIS AM IF YOU RECEIVE WRITTEN REQUESTS OR OTHER INQUIRIES FROM U.S. LAW ENFORCEMENT OFFICIALS FOR INFORMATION FROM SSA IN CONNECTION WITH THE TERRORISTS' ATTACKS AGAINST THE U.S. ON SEPTEMBER 11, 2001.

Background

Since the terrorists' attacks on the New York World Trade Centers and the Pentagon on September 11, 2001, SSA has been receiving requests from Federal Bureau of Investigation (FBI) and other U.S. LE agencies for information in SSA files concerning suspects or other persons who may have information concerning the terrorist attacks. We anticipate that the requests will continue to be made until the investigation has been concluded. The requests may also seek information from SSA to help identify and locate victims and/or members of their families. The Commissioner of Social Security has exercised the *ad hoc* authority in SSA's disclosure regulations (20 CFR § 401.195) to allow the release of relevant information in response to these requests.

Arrangements have been made with the FBI for requests to be submitted to SSA through the SSA Office of the Inspector General (IG). However, as has already happened, SSA field offices (FO) and other components have received some requests directly from the FBI as well as from other U.S. LE agencies. To ensure expeditious and consistent processing of the requests, the SSA IG and the Office of Public Disclosure (OPD) have established a streamlined process for the requests. Therefore, all SSA components and State Disability Determination Service units should follow the procedures below for any requests or inquiries they receive in connection with the terrorists' attacks.

These procedures apply only to requests concerning the terrorist attacks against the U.S. occurring on September 11, 2001.

**1. If you receive an oral (e.g., telephone or in-person) inquiry, advise the inquirer:
a. A request for information must:**

- be in writing on LE agency letterhead and signed by an official of the LE agency (a fax request is acceptable);
- reasonably describe the information sought; and
- indicate the information sought is in connection with terrorist activity occurring on September 11, 2001.

b. To submit the request to the local SSA IG office. See the IG contact list below for the appropriate IG referral office.

2. If a written request is received from

a. SSA Regional, Field Office, Teleservice Centers (TSC), or State Disability Determination Service (DDS) Units

Handcarry or fax the request immediately to nearest OIG field division. See IG contact list below for the appropriate IG referral office.

b. Central Office and Office of Hearing and Appeal (OHA) Components

Handcarry or fax the request immediately to OPD or to an IG referral office. See the OPD and IG contact lists below.

3. OPD

Address and fax number

Office of the General Counsel
Office of Public Disclosure
3-A-6 Operations Building
Baltimore, MD 21235

Facsimile: 410-966-0869 or 410-966-4304

4. Headquarters Contacts

Listed below are the names and telephone numbers of OPD contacts for any questions concerning this emergency message or requests received.

- Jonathan R. Cantor, Deputy Executive Director, OPD, 410-966-4206
- 46, 7(C)* Team Leader, Strategic Initiatives Team (SIT), *46, 7(C)*
- 46, 7(C)* Senior Advisor, OPD, *46, 7(C)*
- 46, 7(C)* Team Leader, OPD, *46, 7(C)*
- 46, 7(C)* Senior Analyst, OPD, *46, 7(C)*
- 46, 7(C)* Analyst, OPD, *46, 7(C)*
- 46, 7(C)* Analyst, OPD, *46, 7(C)*
- 46, 7(C)* Senior Analyst, OPD, *46, 7(C)*
- 46, 7(C)* Team Leader, OPD, *46, 7(C)*

5. IG Contact Offices

(1) BOSTON FIELD DIVISION

Address: SSA OIG OI, JFK Federal Building, Room 1800, Boston, MA 02203; or Post Office Box 8847, Boston, MA 02114

Duty Agent: *46, 7(C)*
Facsimile Number: (617) 565-9894

Area of Responsibility Phone Number
 Special Agent-in-Charge: *46, 7(C)*
 Assistant SAC: *46, 7(C)*
 Assistant SAC: *46, 7(C)*

(2) NEW YORK FIELD DIVISION

Address: SSA OIG OI, 26 Federal Plaza, Room 3718, New York, NY 10278

Main Office Number: (212) 264-8270
Facsimile Number: (212) 264-6270

Area of Responsibility Phone Number
 Special Agent-in-Charge: *46, 7(C)*
 Assistant SAC: *46, 7(C)*
 Assistant SAC: *46, 7(C)*

(3) PHILADELPHIA FIELD DIVISION

Address: SSA OIG OI, 900 Market Street, Suite 320, Philadelphia, PA 19107; or Post Office Box 779, Philadelphia, PA 19105

Main Office Number: (215) 521-0300
Facsimile Number: (215) 521-0316

Area of Responsibility Phone Number
 Special Agent-in-Charge: *46, 7(C)*
 Assistant SAC: *46, 7(C)*

(4) ATLANTA FIELD DIVISION

Address: SSA OIG OI, Atlanta Federal Center, 61 Forsyth Street, Suite 5T55, Atlanta, GA 30303; or Post Office Box 2527, Atlanta, GA 30301

Main Office Number: (404) 562-5540
Facsimile Number: (404) 562-5543

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*
Assistant SAC: *46, 7(c)*

(5) CHICAGO FIELD DIVISION

Address: SSA OIG OI, 200 West Adams Street, Suite 2951, Chicago, IL 60606

Main Office Number: (312) 353-7815
Facsimile Number: (312) 353-1848

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*

(6) DALLAS FIELD DIVISION

Address: SSA OIG OI, 1301 Young Street, Room 600, Dallas, TX 75202

Facsimile Number: (214) 767-0655

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*
Assistant SAC: *46, 7(c)*

(7) ST. LOUIS FIELD DIVISION

Address: SSA, OIG, OI, St. Louis Field Division, 1224 Fernridge Parkway, Suite 300, St. Louis, Missouri 63141

Main Office Number: (314) 514-9324
Facsimile Number: (314) 514-9641

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*

(8) DENVER FIELD DIVISION

Address: SSA OIG OI, Federal Office Building, 1961 Stout Street, Room 465, Denver, CO 80294

Main Office Number: (303) 844-1220
Facsimile Number: (303) 844-4173

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*

(9) LOS ANGELES FIELD DIVISION

Address: SSA OIG OI, 3 Hutton Centre Drive, Suite 760, Santa Ana, CA 92707

Main Office Number: (714) 241-7518
Facsimile Number: (714) 241-0296

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*
Assistant SAC: *46, 7(c)*

(10) SEATTLE FIELD DIVISION

Address: SSA OIG OI, 300 Elliott Avenue West, Suite 345, Seattle, WA 98119

Duty Agent: (206) 553-1000 or (206) 553-1001, x112
Facsimile Number: (206) 553-1002

Area of Responsibility Phone Number
Special Agent-in-Charge: *46, 7(c)*
Assistant SAC: *46, 7(c)*

AM-04061 REV - Disclosure of Information to the Federal Bureau of Investigation (FBI) and Other U.S. Law Enforcement Agencies (LE) Investigating the September 11, 2001, Terrorist Attack Against the U.S. - ACTION - One-Time-Only Instructions - 05/07/2004

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PolicyNet/ POMS&TSCOG/ Part 02 /Chapter 033/ Subchapter 10

Effective Dates: 09/13/2004 - Present (Go to [History](#))

[SEA 04-01 GS - Seattle Region Subpoena/Court Order Guide - 04/02/2004](#)

TN 4 (09-04)

GN 03310.035 Disclosure Without Consent - Law Enforcement

A. INTRODUCTION

The Privacy Act permits a Federal agency to disclose personal information from its systems of records for law enforcement purposes when a request is received in writing from the head of a law enforcement agency within the U.S.

However, as permitted by this statute, SSA's rules for disclosure are more restrictive. This is because:

- SSA has a longstanding pledge to the public to maintain the confidentiality of its records.
- SSA seldom has records that are useful to law enforcement agencies. However, information derived from tax returns may not be disclosed (i.e., such as addresses, or employment information cannot be disclosed) if derived from tax return information.
- SSA's resources should not be diverted for non-program purposes, such as unproductive searches for information that may or may not be useful to law enforcement agencies.

B. POLICY - GENERAL

1. When Disclosure Is Permitted

SSA may disclose information for law enforcement purposes in the following general situations:

- Investigation or prosecution of fraud or other criminal activity involving the social security program (see [GN 03325.010](#)).
- Non-violent crimes involving fraud or abuse of a government income- or health-maintenance program.

- Certain violent crimes (Restrictions on disclosure in these cases are listed below in Section F.)
- Other Federal statutes require SSA to disclose its records, such as in connection with Federal income tax cases involving civil or criminal violations, or the location of aliens.
- Investigations or prosecutions of persons engaging in activities that jeopardize or could jeopardize the security and safety of SSA clients, employees or workplace, or that otherwise disrupt the operations of SSA facilities (including DDS facilities). In such instances, information could also be disclosed to private security contractors.

NOTE: See GN 03310.045B for “health and safety” disclosure involving non-SSA employees.

2. What May Be Disclosed

Only information that is relevant to the investigation or prosecution of the case may be disclosed.

Law enforcement agencies generally request SSNs, addresses and tax information. The limitations on disclosure of tax return information are stricter than limitations on other kinds of information. Specific circumstances in which these and other records may be disclosed are described below.

When medical records are disclosed, they must be covered with a completed Form SSA-1994 (Confidential Sheet for Transmittal of Medical Information). See GN 03310.999, Exhibit 2.

3. Valid Requests

Unless otherwise noted, a request from a law enforcement agency must:

- be in writing on the agency letterhead,
- specify the records being requested, and
- be signed by an official of the requesting office.

FOs should rely on their knowledge of local law enforcement agencies to determine whether a request is from the proper person.

The law enforcement official to whom the information is to be released must have jurisdiction in the particular case.

4. Disclosure Initiated by SSA

During the course of interviews and claim development, FOs may come in possession of information that indicates a possible violation of another government agency's law or regulations.

Disclosure to another agency of a possible violation is permitted as long as it is covered by one of the routine uses published in the Blue Book. Normally, these routine uses permit disclosure only in situations involving Federal income- or health-maintenance programs.

Judgement should be exercised in deciding whether to make these referrals. Two factors should be considered:

- The information to be disclosed should normally be of significant value to the other agency rather than merely incidental to a minor violation.
- Involvement in the case should not lead to an excessive use of SSA's resources in helping the other agency's investigation.

C. POLICY - FEDERAL AGENCIES: NON-VIOLENT CRIMES

1. Income and Health Maintenance Programs

Non-tax return information can be disclosed to Federal agencies which administer income and health maintenance programs when the information relates to:

- eligibility for benefits,
- payment status, or
- other matters relating to benefit payments, including an individual's address, date of birth, SSN or medical records.

The requester must furnish the number holder's SSN and name, or the name along with sufficient identifying information to locate an SSN. We will not disclose a name if the requester furnishes only an SSN.

2. Welfare Fraud in Native American Territories

The FBI has jurisdiction over investigation and prosecution of welfare fraud on Native American territories. State officials do not have jurisdiction in these cases. (See C.1 above for information that may be disclosed.)

3. Secret Service

The Secret Service (part of the Department of Homeland Security) may be given any information (including tax return information) relating to alleged theft, forgery or unlawful negotiation of Social Security benefit and Medicare payment checks.

4. Department of Justice

U.S. attorneys and the FBI, under the Department of Justice, may be given:

- Any information (including tax return information) relating to a violation of the Social Security Act, and
- Non-tax return information in connection with welfare fraud in Native American territories.

5. U.S. Postal Service

The U.S. Postal Service may be given non-tax return information in connection with alleged theft, forgery or unlawful negotiation of Social Security benefit and Medicare payment checks.

6. Bureau of Citizenship and Immigration Services (BCIS)

The BCIS, part of the Department of Homeland Security, may be given SSN and other non-tax return information to help identify and locate aliens. Requests from BCIS must certify that the persons for whom information is requested are aliens rather than U.S. citizens.

a. Responding to a Request from a Local BCIS Office

The local BCIS offices are instructed to send their requests for information from SSA to the BCIS District Director in Baltimore, who forwards them to OCRO. SSA requires that all requests must be in writing.

At the discretion of management, an FO may decide to handle BCIS requests locally if the volume is low. However, an FO may choose to return any requests it receives from a local BCIS office with instructions to send them to the BCIS District Director in Baltimore.

If an FO receives a valid request from a BCIS field office for a copy of an alien's SS-5, the FO can furnish a Numident. However, these requests should normally be limited to specific cases. Routing through the BCIS Director in Baltimore is the preferred method for handling this type of request.

b. Other Disclosures to BCIS

SSA has other procedures for providing information to BCIS in special cases. These special cases are never handled in FOs:

- Identification and location of alleged Nazi war criminals, and
- Identification of aliens who have posted earnings, but were issued non-work SSNs (see GN 03310.025A.8.)

If an FO does receive a request for information in this type of case, it should be referred to the Office of Public Disclosure in Central Office through your Regional Privacy Coordinator.

c. Potential Violations of the Social Security Act

Information or an inquiry from BCIS may indicate a potential violation of section 208 of the Social Security Act (concerning false statements or representations and other violations). If a violation is indicated, development should be undertaken independently of your response to BCIS.

If you suspect that the BCIS documents presented by the alien are fraudulent or altered, you may contact BCIS without the alien's consent to verify the documents. You may use Form G-845 (SSA-BCIS Document Verification Request) for this referral. (See RM 00203.540.) If BCIS indicates that the document is not valid, develop for fraud per GN 04105.000 ff.

D. POLICY - FEDERAL TAX ADMINISTRATION

1. When Disclosure Is Permitted

SSA may disclose information to IRS when it is needed to:

- Investigate violations of Federal tax laws,
- Verify Social Security numbers, or
- Verify benefit amounts when required for tax purposes.

IRS must furnish the number holder's SSN and name, or the name along with sufficient identifying information to locate an SSN. We will not disclose a name if IRS furnishes only an SSN.

2. Valid Requests

To be valid, a request from IRS must:

- Be in writing on IRS letterhead,
- Be signed by an official of the IRS central office or a local field office,
- Indicate that the purpose is for a civil or criminal investigation in connection with Federal tax administration, and
- State specifically what information is needed. If it is not clear what information IRS needs, the request should be returned to them for clarification.

3. Who May Disclose

Although any SSA component may disclose information to IRS, the exchange of information is normally performed by a computer interface program. When IRS offices have questions which cannot be answered by the interface, they normally contact OPR in Central Office to obtain the necessary information.

An FO may furnish information (including Numidents) in response to a written request from IRS local offices or Service Centers in an emergency situation (such as a pending IRS court case). Otherwise, IRS agents should be instructed to follow their office's established procedure for routing requests to SSA Central Office.

FOs should normally accept requests for information about only one individual. In certain circumstances, an FO may accept a case involving a few taxpayers. Volume requests involving earnings records should be routed to OCRO, and requests involving benefit data should be routed to the servicing PSC.

E. POLICY - STATE AND LOCAL AGENCIES: NON-VIOLENT CRIMES

1. Conditions of Disclosure

All of the following conditions must be met before SSA will disclose information upon request from State or local law enforcement agencies. A request must:

- Be in writing and signed by an official of the law enforcement agency or designee. For example, requests for TANF fraud investigations generally must come from the State Department of Public Welfare or the State's Attorney General's Office as designee;
- Specify the particular portion of the record desired and the law enforcement activity for which the record is sought; and
- Ask for only the minimum information necessary.

However, local FOs should not provide tax-return information. (See GN 03320.015 if tax-return information is requested.)

2. State and Local Welfare Programs

a. Non-tax Return Information

Any SSA office may disclose non-tax return information to State or local agencies administering health-

or income-maintenance programs.

The information that is disclosed must be needed to investigate and prosecute fraud and abuse of these programs. The information may include:

- Benefit data
- Dates of birth
- Medical records (Transmit under cover of SSA-1994)
- Health insurance data
- Social Security number verification
- Addresses
- Other records relevant to the case.

The agencies may also obtain this information from SSA under the BENDEX automated data exchange.

b. Tax Return Information

Tax return information may be disclosed only to agencies administering one of the Federal grant programs: TANF, Medicaid, State supplemental security income, unemployment, food stamps or adult assistance programs. Moreover, the information may be disclosed only under the BENDEX automated data exchange because of IRS safeguard requirements.

The State component responsible for the BENDEX file should be contacted to arrange for disclosing tax return information. The DEQY or SEQY should never be used for this purpose.

3. Other State and Local Requests

Disclosures for non-violent crimes are generally limited to fraud and abuse of income- and health-maintenance programs. However, disclosure is permitted in cases of violent crime, as explained below. Questionable requests from State and local law enforcement agencies should be referred to the SSA Privacy Officer for a decision.

F. POLICY - VIOLENT CRIMES

1. Disclosure

a. When To Disclose

Violent crimes are those 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.

Examples of such 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, terrorism, etc.

Any SSA office may release non-tax return information for criminal investigation or prosecution if a valid request is received and:

- The crime was violent, **and**
- The individual about whom the information is needed has been indicted or convicted of that crime, **and**
- The penalty for conviction is incarceration for at least one year and a day regardless of the sentence imposed.

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

b. Requirements For a Proper Request

In such cases, SSA discloses in response to a written request from a supervisory official of a law enforcement agency within the U.S. The request must:

- show that the above conditions in a. above are met, **and**
- explain what information is needed and why it is needed.

c. When Disclosure Is Not Proper

The following types of requests do not meet the criteria for disclosure:

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

d. What to Disclose

Disclosure should be limited to the information requested. The information which may be disclosed is:

- Address (if not taken from Federal tax-return information),
- SSN verification, **and**
- Other information that is relevant to the investigation and prosecution of the case.

2. National Security Situations

a. Types of Crimes

National security situations include:

- Threats against high government officials (such as the President), and
- Possible espionage, hijacking, hostage taking and bombing.

b. Referral to the Privacy Officer

(Refer all requests for information involving these types of crime to the SSA Privacy Officer (PO) at (410)966-4206. In most cases the PO will in turn make a referral to the Commissioner of SSA.

Before referring the case to the PO, quickly find out as much as possible about the crime, the requester's position in the law enforcement agency, and the information needed. You may ask the requester to

telefax a written request.

3. SSA Referrals to Law Enforcement Agencies

As in non-violent crimes, SSA usually does not initiate referrals to law enforcement agencies. One exception is a threat to the life of the President or other high government officials. Any such case in which an SSA component believes a referral is appropriate should be referred to the SSA Privacy Officer.

Cases involving threats to the lives of other individuals (including SSA employees) are treated as disclosures for health and safety reasons, and are explained in [GN 03310.045.B.4](#).

G. POLICY - FOREIGN AND INTERNATIONAL CASES

Refer all requests for information from a foreign or international law-enforcement agency (e.g., Interpol) to the Privacy Officer.

History

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Effective Date	Title
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*GN 03310.035 - Disclosure Without Consent - Law Enforcement
Batch run: 09/13/2004
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§401.155 Law enforcement purposes.

(a) *General.* The Privacy Act allows us to disclose information for law enforcement purposes under certain conditions. Much of the information in our files is especially sensitive or very personal. Furthermore, participation in social security programs is mandatory, so people cannot limit what information is given to us. Therefore, we generally disclose information for law enforcement purposes only in limited situations. Paragraphs (b) and (c) of this section discuss the disclosures we generally make for these purposes.

(b) *Serious crimes.* SSA may disclose information for criminal law enforcement purposes where a violent crime such as murder or kidnapping has been committed and the individual about whom the information is being sought has been indicted or convicted of that crime. The Privacy Act allows us to disclose if the head of the law enforcement agency makes a written request giving enough information to show that these conditions are met, what information is needed, and why it is needed.

(c) *Criminal activity involving the social security program or another program with the same purposes.* We disclose information when necessary to investigate or prosecute fraud or other criminal activity involving the social security program. We may also disclose information for investigation or prosecution of criminal activity in other income-maintenance or health-maintenance programs (e.g., other governmental pension programs, unemployment compensation, general assistance, Medicare or Medicaid) if the information concerns eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program.

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§401.195 Situations not specified in this part.

If no other provision in this part specifically allows SSA to disclose information, the Commissioner or designee may disclose this information if not prohibited by Federal law. For example, the Commissioner or designee may disclose information necessary to respond to life threatening situations.