



## SOCIAL SECURITY

Refer to:  
S9H: AC4610

June 24, 2009

Mr. Carl Malamud  
President and CEO  
Public Resource.Org  
1005 Gravenstein Highway North  
Sebastopol, CA 95472

Dear Mr. Malamud:

I am responding to your May 20, 2009, Freedom of Information Act (FOIA) request for information on the Social Security Administration's spending on access to Federal court documents and other primary legal materials. In addition, you requested a fee waiver indicating that you qualify as a representative of the news media.

I have reviewed your request for a fee waiver, and I have decided that the fee should not be waived.

The Freedom of Information Act (5 U.S.C. § 552(a)(4)(A)(iii)) provides that agencies will furnish documents at no charge or at a reduced charge if disclosure of the information is in the public interest because:

- disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and
- it is not primarily in the requester's commercial interest.

While the documents you have requested may reveal meaningful information about the operations and activities of the Social Security Administration, you have not indicated how you will use it to significantly advance the understanding of the general public. I also have determined that providing you these documents is primarily in your commercial interest. Therefore, we cannot waive the fee.

Before we proceed with your request, I want to let you know about our fees for processing FOIA requests. The Social Security Administration Availability of Information and Records to the Public Regulation (20 CFR Part 402) sets out fees to cover the cost of search, review, and reproduction of documents. This regulation outlines the fees to be charged based upon three categories of requester (a) commercial use; (b) educational and scientific institutions and news media; and (c) other requester (20 CFR §

402.155). We have determined that your request falls under the category of "other requester." Therefore, to process your request we will charge for the search and duplication of records. However, we will not charge you for the first two hours of search time or the copying of the first 100 pages of duplication. In accordance with SSA regulations (20 C.F.R. § 402.160(a)), we may charge search fees whether or not the records we find must be disclosed, or even if we do not find any records at all that are responsive to your request. Please note that any information we locate will have to be reviewed for release under the FOIA. For your convenience, I am enclosing a copy of our FOIA fee schedule.

We estimate that 4 hours (after deducting 2 hours) at the \$33.00 rate (\$132.00) would be required to search and review the records you are requesting. Therefore, the total fee for search and review for your request is \$132.00. We are unable to estimate the charge for copying until we locate the records. We will bill you later for any photocopying charges.

If you want us to proceed with your request, please let us know. You may want to narrow the scope of your request and or set a limit on the amount you are willing to spend. You may pay by check or money order made payable to the Social Security Administration or by credit card (MasterCard, Visa, Discover, American Express or Diner's Club). To pay by credit card, complete and sign the enclosed form. Be sure to include your credit card number and expiration date. Please send your request and payment to my attention at 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

If you disagree with this decision, you may request a review. Mail your appeal within 30 days after you receive this letter to the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. Mark the envelope "Freedom of Information Appeal."

Sincerely,



Dawn S. Wiggins  
Freedom of Information Officer

Enclosure



## SOCIAL SECURITY

### FOIA FEE SCHEDULE EFFECTIVE JULY 1, 2001

#### **CATEGORIES OF REQUESTERS-CHARGEABLE FEE ITEMS**

##### Commercial Requesters

- search
- review
- duplication

##### Educational & Scientific Institutions & News Media Requesters

- duplication

##### Other Requesters

- search
- duplication

#### **FEE AMOUNTS**

##### Search & Review

- GS-01 TO GS-08 \$16 PER HOUR
- GS-09 TO GS-14 \$33 PER HOUR
- GS-15 AND ABOVE \$59 PER HOUR

##### Computer Search & Printing

- actual computer operating costs
- time spent by operator at the above rates

##### Duplication

- first 100 pages free
- 10 cents per page for standard size pages
- actual cost for odd size pages

Certifications - \$10 per document

Special Mail Methods - actual cost

Special Services - actual cost

SOCIAL SECURITY ADMINISTRATION

**YOU CAN MAKE YOUR PAYMENT BY CREDIT CARD**

As a convenience, we offer you the option to make your payment by credit card. However, regular credit card rules will apply. You may also pay by check or money order.

**We Honor Most Major Credit Cards**

Please fill in all the information below and return it with your request.

**Note: Please read Privacy Act Notice**

CHECK ONE-----> MasterCard \_\_\_\_\_ Visa \_\_\_\_\_ Discover \_\_\_\_\_  
American Express \_\_\_\_\_ Diners Card \_\_\_\_\_

Credit Card Holder's Name----->

Print First, Middle Initial, Last Name

Credit Card Holder's Address----->

Number & Street

City, State, Zip Code

Daytime Telephone Number----->

Area Code Telephone Number

Amount Charged \$ \_\_\_\_\_

Credit Card Number

Credit Card Expiration Date

Month

Year

Credit Card Holder's Signature----->

Authorization

**DO NOT WRITE IN THIS SPACE**

OFFICE USE ONLY----->

Name

Date

**PRIVACY ACT STATEMENT**

The Social Security Administration (SSA) has authority to collect the information requested on this form under § 205 of the Social Security Act. Giving us this information is voluntary. You do not have to do it. We will need this information only if you choose to make payment by credit card. You do not need to fill out this form if you choose another means of payment (for example, by check or money order).

If you choose the credit card payment option, we will provide the information you give us to the banks handling your credit card account and SSA's account. We may also provide this information to another person or government agency to comply with federal laws requiring the release of information from our records. You can find these and other routine uses of information provided to SSA listed in the Federal Register. If you want more information about this, you may call or write any Social Security Office.