



## SOCIAL SECURITY

Refer to:

S9H: SSA-2019-000831

(cross reference SSA-2019-000571)

March 1, 2019

Sai

MuckRock News DEPT MR 63294

411A Highland Avenue

Somerville, MA 02144

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Dear Sai:

This letter is in response to your December 18, 2018 appeal of Ms. Monica Chyn's decision to categorize you as a "commercial requester" as concerns your Freedom of Information Act (FOIA) request, SSA-2019-000571. You contest the assignment of "commercial" fee category and request your classification be changed to the "other" fee category. Additionally, you requested a justification for our fee estimate of 247 hours.

Upon review of your appeal, I determined that your request is for non-program related purposes. Section 1106 of the Social Security Act (Act) authorizes us to collect the full costs to provide information for a purpose not directly related to the administration of Social Security programs. 42 U.S.C. § 1306(c); 20 C.F.R. § 402.175. As the purpose of your request for publically available death information is not related to the administration of Social Security programs, we have authority under section 1106 of the Act to collect the full costs to provide you the requested information regardless of your status as a FOIA requester. *Id.*

Our previous response, which you have now appealed, stated we would treat you as a commercial requester and charge you fees for search, duplication, and review. Since the agency is invoking its authority under Section 1106 of the Act, there is no reason to revisit this determination. Under section 1106 of the Act, the agency will still charge you for search, duplication, and review regardless of your status as a FOIA requester.

After further review of our fee estimate, the component responsible for the information determined it will take less time to process your request. The new estimate for the cost of this information is \$5,148.00, which includes 150 hours of search time at \$33.00 an hour and 8 hours of review time at \$33.00 an hour. The estimated work effort includes the organization of the publically available death information, development of 508 compliant record layout, and the development of the transmission method and format of the information due to the extreme size of the data file. Please note that we will review any information we locate for release under the FOIA.

If you would like to continue with your FOIA request SSA-2019-000571, **you must let us know within ten business days from the date of this letter. If we do not receive payment in**

**connection with SSA-2019-000831 within ten business days from the date of this letter, we will administratively close that request.** You will not receive separate notification that we closed your request.

This is the agency's final decision in this matter. You may contact our FOIA Public Liaison if you have questions regarding the final decision. Our FOIA Public Liaison is available by email at [FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov); by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869.

If you still believe the decision is incorrect, you may seek review in a United States district court. You may also contact the Office of Government Information Services (OGIS) for mediation and dispute resolution services. OGIS is an entity outside of the Social Security Administration. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-Free: 1-877-684-6448

Sincerely,



Mary Ann Zimmerman  
Acting Executive Director  
Office of Privacy and Disclosure