

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

ORLY TAITZ,)	
)	
Plaintiff,)	
)	Civil No. ELH 13-cv-01878
v.)	
)	
CAROLYN COLVIN, COMMISSIONER OF)	
THE SOCIAL SECURITY ADMINISTRATION)	
)	
Defendant.)	

SECOND SUPPLEMENTAL DECLARATION OF DAWN S. WIGGINS

I, Dawn S. Wiggins, Deputy Executive Director of the Office of Privacy and Disclosure in the Office of General Counsel at the Social Security Administration (SSA), do hereby declare as follows:

1. I am employed at SSA in Baltimore, Maryland. I have been Deputy Executive Director for the Office of Privacy and Disclosure (OPD), the SSA office responsible for responding to Freedom of Information Act (FOIA), 5 U.S.C. § 552, requests, since October 2008.
2. As part of my duties and responsibilities, I act as SSA’s Freedom of Information Officer and Privacy Officer. As such, I am delegated the responsibility for reviewing all initial FOIA requests and determining whether information should be released to the public. *See* 20 C.F.R. § 402.125. I have personal knowledge of the procedures that SSA employs in handling FOIA requests for records and in handling requests for the disclosure of information pursuant to the Privacy Act, 5 U.S.C. § 552a. In addition, I have personal knowledge of SSA’s records and systems that contain records.
3. In response to Plaintiff’s April 26, 2013 FOIA request for the Form SS-5¹ for Harrison (Harry) J. Bounel, SSA searched its Privacy Act system of records entitled the Master File for Social Security Number Holders and SSN Applications (also known as the “Numident”), System of Records Notice No. 60-0058 (published at 75 F.R. 82121 (Dec. 29, 2010)), which includes electronic records of each person who applied for a Social Security number (SSN). There are no other locations or records that the agency determined would have a reasonable likelihood of containing a Form SS-5 for Mr. Bounel.

¹ The Form SS-5 is the form through which an individual applies for an original or replacement social security card. *See, e.g.*, <http://www.socialsecurity.gov/online/ss-5.html>. The Form SS-5 includes the individual’s full name, Social Security number (SSN), place of birth, date of birth, citizenship, parents’ names, parents’ SSNs (in certain versions of the Form SS-5), and other identifying information.

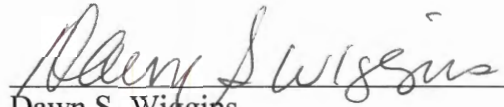
4. The Numident is a numerically ordered electronic database containing records of each person who has applied for an SSN. The Numident became fully electronic in the 1980s (i.e., it includes older records that were submitted in hardcopy). There is one Numident record for each SSN ever issued. The Numident record houses the identifying information given by the applicant for an SSN and Form SS-5s.
5. In order to locate an individual's Form SS-5 using the Numident database, SSA must have information such as SSN, name, date of birth, or other identifying information about the number holder that it can use to search the Numident database. Because there is only one Numident record for each SSN issued by SSA, an SSN search is the primary and most accurate means of locating individuals' records in the Numident.
6. In response to Plaintiff's April 26, 2013 FOIA request, SSA searched the Numident for the SSN provided by Plaintiff, which she asserts belongs to Mr. Bounel. SSA also conducted alternate searches of the Numident using Mr. Bounel's name (the following variations were searched: Harrison Bounel, Harrison J. Bounel, Harry Bounel, and Harry J. Bounel) and year of birth (i.e., 1890). Because Plaintiff did not provide a full date of birth, SSA performed a date range search for any Numident records with dates of birth between January 1, 1890 and January 1, 1894. SSA reviewed any results of the searches against the identifying information provided by Plaintiff for Mr. Bounel. However, SSA was unable to locate a Form SS-5 or Numident record for Mr. Bounel based on the information provided by Plaintiff in her FOIA request.
7. SSA cannot conduct a search of the Numident by place of emigration, year of immigration, or the date the person received or applied for an SSN.
8. Plaintiff's FOIA request also requested "any and all documentation on any Social Security benefits received by Mr. Bounel for himself and any and all known dependents." Because SSA was unable to locate a record for Mr. Bounel in the Numident, SSA could not locate benefit records for Mr. Bounel and his dependents, if any. SSA's beneficiary systems of records, the Master Beneficiary Record ("MBR"), System of Record Notice No. 60-0090 (published at 71 F.R. 1826 (Jan. 11, 2006)),² and Supplemental Security Income Record and Special Veterans Benefits ("SSR"), System of Record Notice No. 60-0103 (published at 71 F.R. 1830 (Jan. 11, 2006)),³ require a valid SSN to complete a search. There are no other locations or records that

² The MBR contains the data needed to generate Social Security benefit payments under the Old-Age, Survivors, and Disability Insurance (OASDI) program. The MBR is indexed by SSN, and SSN is the primary identifier for each record or account.

³ The SSR contains information on all persons who have ever applied for Title XVI Supplemental Security Income (SSI) and persons who, prior to the implementation of the federal SSI program in 1974, received state benefits and were converted to the SSI program. The SSR is indexed by SSN of the first eligible person on the record or account, which is the primary identifier for each record or account. SSNs of secondary beneficiaries on the record or account serve as a secondary index.

the agency determined would have a reasonable likelihood of containing the requested benefit records of Mr. Bounel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on January 29, 2014 in Baltimore, Maryland.



Dawn S. Wiggins
Deputy Executive Director for the
Office of Privacy and Disclosure
Social Security Administration