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November 9, 2023

Re: NARA-23-0011-0007
Social Security Administration SS-5 Applications for Account Number

The Association of Professional Genealogists (APG) is a not-for-profit 501(c)(6) professional organization dedicated to the growth and enhancement of the genealogical profession. Founded in 1979, APG is the world's largest association for professional genealogists, representing more than 2,000 members in forty countries around the world, all of whom are committed to the preservation and dissemination of historical records. Genealogists rely on public records to trace family histories and understand the social, economic, and political contexts in which our research subjects lived.

APG is writing to express our strong opposition to this proposal to reschedule applications for Social Security Cards, otherwise known as Forms SS-5, under Schedule DAA-0047-2021-0001. Under the current proposal, none of these records will transfer until 2092, a year by which nearly everyone reading this will likely be deceased. While numerous logistical hurdles exist to make sooner transfers more complicated, if the National Archives and Records Administration (NARA) and the Social Security Administration (SSA) were to work together, there are many ways in which many of the records could be transferred decades sooner.

Background

The Application for a Social Security Card was a document generally filled out by all individuals who held a Social Security number from the beginning of the program in 1936 until the process transitioned to a mostly digital format in the 1980s. These records are invaluable to researchers because they represent one of the few documents in which the person supplied their own parents' full names and specific birth information. Nearly all Americans who lived in the mid-to-late 20th century had Social Security numbers, meaning that more than 400 million potential research subjects have SS-5s. The Social Security Administration currently has exclusive control over SS-5s. Individuals must submit a Freedom of Information Act (FOIA) Request to obtain a copy of one. This process is cumbersome because the SSA often redacts information for individuals born fewer than 120 years ago, citing privacy concerns.

The SS-5s are categorized into three series. The first, and most genealogically significant, contains people who applied for a Social Security number between 1936 and 1972, during which numbers were assigned by Regional Field Offices. The subsequent series, ranging from 1973-1982, assigned numbers via SSA's Central Office. The final series, spanning 1983-2009, possesses fewer SS-5s, as most numbers were assigned electronically by then. NARA is proposing to accession each series when the entirety of each is 120 years old. Thus, Series I would transfer in 2092, Series II in 2102, and Series III in 2129.

This is a terrible proposal for researchers

People whose records could be made available *today*, even under the SSA's stringent 120-year rule, are not slated to transfer for decades. Hundreds of millions of records will linger with the SSA far longer than there appears to be a reasonable need for them to do so. No living researcher interested in SS-5s will have the opportunity to explore them en masse.

Records for individuals who requested Social Security numbers at the program's inception in 1936, who were typically born between the 1870s and 1910s, would not transfer to NARA for another 69 years. If someone born in that era did not acquire a Social Security number until 1983, the record would not be moved to NARA until 2129, more than 200 years after their birth!

The proposal claims that the 120 year rule is in part because SSA has a business need to use the records during claimants lifetimes, but because these records are digital, this should not matter. Both agencies could maintain copies of the digital records, plus if NARA were to simply publish the images, then SSA would be able to access them through NARA's portal, the same way that the public could.

SSA and NARA already have a similar arrangement, as periodically, SSA transfers an expansive export of its Numerical Identification System (NUMIDENT) database, which NARA subsequently makes available to the public through its website. Both SS-5s and the NUMIDENT are currently controlled by the same schedule, but that schedule permits *any* deceased person's NUMIDENT record to transfer to NARA, regardless of their birthdate or when they applied for a Social Security number.

Additionally, this delayed transfer places the burden on SSA to properly store these records for more than 100 years. The public will have to trust that they continue to maintain proper backups and data migrations. Even their original scanning program failed to meet NARA's quality standards, and just recently, SSA was reprimanded by NARA for improperly storing records, as many microfilms of number-holders' Earnings Records suffered from vinegar syndrome, rendering the films largely unreadable. Only NARA is up to the task of ensuring their preservation.

Suggestions for a revised schedule

There are many ways that these records could be made more readily accessible to the public. Because these are born-digital records, they can be manipulated in ways that paper records cannot, meaning that such labor would not be unreasonably intensive. The suggestions below all seem like plausible alternatives and would greatly improve and expedite access. NARA and SSA could pick and choose various elements from these suggestions or implement them as-is:

1. NARA and/or SSA could leverage artificial intelligence to automate the indexing of Social Security numbers (and potentially other fields) listed on SS-5s. If each SS-5 image were thus tagged with its corresponding Social Security number, the images could

be paired with SSA's NUMIDENT database to automatically segregate any image that pertains to an individual who is more than x years old or otherwise known to be deceased. Every year, a new batch of SS-5s could be made available to the public based on the year of birth of the number holder. NARA could accession the entire collection of SS-5s now and implement the restriction themselves, or this could be done by SSA, with annual transfers occurring moving forward.

2. NARA could accession the SS-5s (or a subset of them) and provide access to specific images via reference requests until such time that all the records are able to be indexed, and/or living individuals are able to be filtered out. NARA is attempting to do something similar with U.S. Citizenship and Immigration Services' (USCIS) MiDAS database, which similarly has records created up to 1975. NARA could charge a nominal fee to process requests for these records.
3. NARA could accession all of the SS-5 records today and use less-advanced software to simply redact the Social Security numbers, as the numbers follow a similar format and appear in the same place on each record. The other information contained on an SS-5 is generally available on other kinds of public records, such as marriage records, census records, or voter records. NARA releases the census after 72 years, at which point basic biographical information about nearly every adult becomes public. Additionally, NARA has Selective Service Registration Cards for any registrant (which generally corresponds to any male) born before 1957. These cards contain their date and place of birth and often a parent's name. These records have been entirely public for many years, regardless of a registrant's age or if he is living. If the Social Security numbers on the SS-5s are masked, they could all be made public, with only similar information about living individuals being released. That said, it may be more palatable for there to be a 50-year privacy cutoff from the date of number issuance, which would even more-closely parallel the level of access for census or Selective Service records. NARA could also unmask Social Security numbers at a future date as the records continue to age.

If SSA finds these ideas unworkable, there are other possibilities as well:

4. SSA could make a one-time transfer to NARA of the very oldest SS-5s, perhaps only the images from films containing numbers issued in the late 1930s. The images could be made public in their entirety. These microfilms contain some minors' applications, but they are the distinct minority. Less than 0.5% of applicants were under the age of 15 in this era. Very few people, relatively, from this series would still be alive. There is plenty of precedent to create similar transfer schedules where records of the extremely aged become public. USCIS transfers A-Files to NARA after the immigrant is 100 years old, irrespective of whether the immigrant is still alive. These files have far more personally identifiable information (PII) than a half-page SS-5 and nearly always include a Social Security number. NARA and USCIS nonetheless decided that the historical value of these records overruled the privacy interest. Similarly, NARA and the Department of Defense (DOD) agreed to render Official Military Personnel Files (OMPFs) public as of 62 years from the veteran's date of separation. If an 18-year-old recruit served for two

years, that means that his file would become public when he is 82 years old. Like an A-File, OMPFs can be hundreds of pages long and reveal much more information about a person than their SS-5. If SSA transferred all microfilms containing exclusively numbers issued before 1940, then everyone on the films would necessarily be younger than some people whose OMPFs are already public. Nearly 50 million Social Security numbers were issued in the first three years of the program, so even this small range of years would be a boon for researchers.

5. SSA could treat each microfilm (or block of microfilms) separately so that when the film itself turns 100 years old, it could be transferred to NARA. This would mean that films only containing numbers issued in 1936 could transfer in 2036. Considering the much less stringent policy regarding the NUMIDENT Database, NARA should exert more pressure on SSA to accept a 100 year rule. Yet even if SSA were to still insist on 120 years, some records would transfer in 2056, which is still decades earlier than the current proposal allows.

If none of these options are possible, we hope that NARA can put additional pressure on SSA to abide by just a 100-year rule instead, considering that SSA must continue to pay to store over 200,000 microfilms until a new schedule is signed. At an absolute minimum, SSA and NARA should come to some agreement that permits NARA to store copies of the images, even if they are inaccessible to the public, so that at least the public can be assured that a proper Archive is accountable for the records' long-term storage. This system would be analogous to the lifecycle of paper records, as millions of retired paper records are stored in NARA-controlled Federal Records Centers, even though the agencies still retain ownership of the records.

Concluding Thoughts

This proposal is detrimental to researchers. If the new schedule is approved, it would be worse than if they left the SS-5's status as it is. Were the records to remain temporary, it would be more likely that NARA be able to reschedule them as permanent in 5 or 10 years when even better technologies exist to aid in the segregation of older people's SS-5s. A revised proposal should be promulgated, which examines the nuances of these records, and it must implement more frequent record transfers, ensuring that many of these documents move within our lifetimes.

Sincerely,



Annette Burke Lyttle, President
Association of Professional Genealogists