



SOCIAL SECURITY

Refer to:

S9H: SSA-2019-002606

May 6, 2020

Mr. Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Dear Mr. Evers:

I am responding to your June 4, 2019 Freedom of Information Act (FOIA) request, modified on December 6, 2019, for all records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms – e.g., Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp – telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (1) any of the Social Security Administration (SSA) officials listed below and (2) Stephen Miller or any assistant acting on his behalf, such as McLaurine Klingler, including but not limited to the email addresses stephen.miller@who.eop.gov and the phone number (202) 881-8641:

- a. Acting Commissioner Nancy A. Berryhill;
- b. Chief of Staff Beatrice M. Disman;
- c. Deputy Chief of Staff Stephanie J. Hall;
- d. David Black; and/or
- e. Mike Korbey.

Lastly, you requested all responsive records from January 20, 2017 through the date the search was conducted.

Evolution of Request

SSA issued our initial fee notice in response to your request on July 3, 2019. Ms. Khahilia Shaw, Counsel for American Oversight, responded by email on July 9, 2019 asking to discuss American Oversight's options with SSA. On July 16, 2019, members of my staff and American Oversight attended a conference call wherein my staff provided American Oversight with the option to narrow the scope of their request and their right to appeal. SSA received an amended request from American Oversight via email on August 5, 2019.

Based on the amended request, SSA issued a revised fee notice on October 3, 2019. Ms. Shaw responded to the fee notice via email on October 7, 2019 with another request modification. Ms. Shaw sent an additional email on October 21, 2019 requesting that SSA keep American Oversight's FOIA request open until they make a decision on how to proceed. American Oversight provided a third modified request on November 4, 2019 with additional questions. SSA responded to Ms. Shaw's questions on December 2, 2019 and identified two additional SSA employees, David Black and Mike Korbey, to address items "d," "e," and "f" of the original request. On December 6, 2019, American Oversight agreed to the final terms of the modified request and agreed to pay the fees. We received check payment on January 2, 2020.

Response to Modified Request

SSA conducted an extensive search and was unable to locate any records responsive to your request for digital or written communications between the named individuals and the listed SSA employees. We also reviewed the call logs for the listed SSA employees and did not locate any incoming or outgoing calls with the phone number provided.

Regarding your request for text messages and messages on messaging platforms, SSA does not automatically retain text messages sent or received on agency-issued cell phones. As part of SSA's Electronic Records Management and Electronic Messaging Policy, all Federal records that document the agency's business must be transferred from active into inactive media for purposes of preservation and long-term retention. For example, it is an SSA employees' responsibility to copy any agency business conducted via text or other messaging platforms and transfer it to inactive media, such as their SSA email account. SSA searched the email accounts of the listed SSA employees and did not locate any records responsive to your request.

We will process the fee of \$1,643.00 with the check you provided. Thank you for your payment.

If you have questions, or would like further assistance with your request, you may contact our FOIA Public Liaison by email at FOIA.Public.Liaison@ssa.gov; by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration for dispute resolution services. OGIS is an entity outside of SSA that offers mediation services to resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

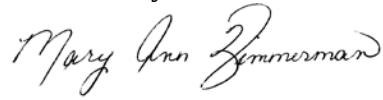
If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235. Your appeal must be postmarked or electronically transmitted to FOIA.Public.Liaison@ssa.gov within 90 days

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of the date of our response to your initial request. Please mark the envelope or subject line with “Freedom of Information Appeal.”

We hope you find this information helpful.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Zimmerman".

Mary Ann Zimmerman
Freedom of Information Officer