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**The Social Security Administration (SSA) is making a bureaucratic mountain out of what is, at worst, an administrative molehill.**

The agency's primary problem, if there is one, is not with the proposed legislation but with a Justice Department directive that agencies treat Privacy Act requests as FOIA requests in their reporting. It could be easily resolved by Justice rewriting its directive to take into account the peculiar nature of the SSA requests.

SSA notes in its memorandum that only 40,000 of the current 18.6 million requests are assigned a control number. That's because the requests are so routine that they are processed immediately in the field offices. Here's what SSA says in its 2006 report on its FOIA performance: "The workload report consists primarily of these PA access requests. Nearly all of these requests are processed on the same day."

In other words, they are not requests that are covered by the OPEN Government Act; moreover they are not processed by FOIA personnel, and, even if they were, the requests are in and out the same day and would not require a tracking number.

That same 2006 performance report indicates that, in fact, the agency handled only 3,179 requests that would fall within what are normally considered FOIA requests.

SSA complains in its criticism of the OPEN Government Act that it would cause a loss of fee revenue when the agency failed to meet the 20 day response deadline, but it provides no data on how much that might be? Perhaps it says not because the amount is insignificant.

The agency's 2006 performance report says that 18,656,701 requests are handled in the field office and processed "nearly all are processed in the first day." No loss of revenue there.

It also says it also handles 31,423 simple requests for Social Security numbers with a median processing time for was two days. No revenue loss there, either.

That leaves a mere 3,179 other requests. But, wait, 1,764 of those were simple/fast tracked and requesters got an answer in well under 20 days. So the requests where there is a potential fee revenue loss due to the bill's penalty provision would be the remaining 1,415 complex requests. SSA didn't meet the deadline on some, perhaps most.

The SSA complaint provides no loss estimate, so we calculated the percentage of those 1,415 potential late requests to the total and then multiplied that by the total fee revenues collected in 2006 -- \$7.9 million. That comes to \$598.39. But wait, these are complex requests, so the fees charged will be more. Say 10 times.

So the revenue loss, if SSA fails to meet the deadline on every complex request, is just under \$6,000.

We could go through the same exercise on the agency's concern about loss of income because of the media waiver provision. But keep in mind that media requests account for a very small percentage of the total -- about 6 percent. The fee loss to SSA, if any, would be less than fractional.