



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

DATE: May 19, 2022

TO: FOIA Directors

THROUGH: Brandon Gaylord, Director, FOIA/Privacy Act Division

FROM: Carol Maloney, Deputy Agency Chief FOIA Officer (DACFO)

SUBJECT: New DACFO Guidance Prohibiting HHS FOIA Offices from Mailing Unredacted Social Security Numbers Effective September 15, 2022

Background

The [Social Security Number Fraud Prevention Act of 2017](#) (Pub. L. 115-59; 42 U.S.C. § 405 note) (the Act), prohibits each federal agency listed in 31 U.S.C. § 901(b)(1) and (2) (which includes HHS) from mailing Social Security Numbers (SSNs), effective not later than September 15, 2022, unless by that date the agency has issued a regulation specifying the circumstances under which inclusion of a SSN on a document sent by mail is necessary, including instructions for the partial redaction of the SSN where feasible and a requirement that the SSN not be visible on the outside of any package sent by mail. The Department is not issuing such a regulation.

Past possible examples in which HHS Freedom of Information Act (FOIA) offices might have mailed a responsive document containing an unredacted SSN to a requester are when the SSN is the requester's SSN or is in a document the requester originally gave to HHS. In the future, no SSNs should be mailed unredacted.

Guidance

To ensure that HHS FOIA personnel do not unwittingly violate the Act, I am requiring that effective September 15, 2022, any record released to a requester in response to a Privacy Act or Freedom of Information Act (FOIA) request that contains an SSN and that will be sent by mail (meaning, through the U.S. Postal Service without delivery confirmation) must have the SSN redacted. "Mail" does not include an overnight delivery service, such as USPS Priority Mail® with Delivery Confirmation (DelCon). "Redacted" means fully redacted, because truncation would require a regulation.

Actions to Implement this Guidance

Communicate this guidance to all relevant FOIA personnel in your office, including contractor personnel, on an ongoing basis. I recommend that you keep a copy of this guidance posted on your main FOIA webpage.

Thank you.