

Exhibit 5



SOCIAL SECURITY

Refer to:
S9H: SSA-2017-001087

December 4, 2017

Mr. Christopher Keough
Robert S. Strauss Building
1333 New Hampshire Avenue, NW
Washington, DC 20036
ckeough@akingump.com

Dear Mr. Keough:

This letter is in response to your August 18, 2017 Freedom of Information Act (FOIA) appeal of our decision denying your request for a copy of the Supplemental Security Income Displays (SSID) for the 433 deceased individuals identified in your initial request (AR9240).

Upon review of your appeal and initial request, I have determined that we can release portions of the requested SSIDs under the FOIA subject to proper proof of death and receipt of payment.

I understand that several years ago the Social Security Administration (SSA) provided you redacted SSIDs concerning deceased individuals in response to your FOIA request in connection with the *Baystate* case. Furthermore, in 2015, SSA provided you redacted SSIDs for living individuals under a Federal court order (not under the FOIA).

Before we move forward with your appeal, I want to confirm the following with you:

1. You are requesting SSIDs in the same format (redactions) as you previously received from SSA; and
2. You will provide payment in advance for our processing of your request.

State Death Data

Section 205(r) of the Social Security Act (Act) prohibits disclosure of state death information, including fact of an individual's death, if SSA's only source of death is from a state. 42 U.S.C. § 405(r). When a state death report is SSA's sole source of a decedent's death, we cannot disclose information about the decedent. Thus, if the only report of death in our records is from a state, we will require proof of death before disclosing an SSID about the alleged decedent.

Fees

Section 1106(c) of the Act authorizes us to collect the full cost to provide information for a purpose not directly related to the administration of Social Security programs. 42 U.S.C. § 1306(c); 20 C.F.R. § 402.175. Accordingly, we will charge you FOIA processing fees following our regulation.

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We will provide you with a separate fee notice after we determine the number of individuals for whom we can provide redacted SSIDs (subject to the report of death).

Next Steps

If you want us to proceed, **you must let us know within ten business days from the date of this letter.** You may contact us by email to FOIA.Public.Liaison@ssa.gov or by mail to my attention at the Social Security Administration, Office of the General Counsel, Office of Privacy and Disclosure, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

Please annotate the case number above on your email correspondence or letter. If we receive notification that you wish to proceed with your request, we will then send you a second notification with the fee estimate.

Thank you for your request.

Sincerely,

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

Mary Ann Zimmerman
Acting Executive Director
Office of Privacy and Disclosure