

Federal Agency Requirements for Handwritten Signatures (SSA-89)

Background

Effective October 1, 2013, the Social Security Administration (SSA) added specific language to the user agreement for its Consent Based Social Security Number Verification Service (CBSV) to no longer allow electronic/digital signatures as a means of consent on its Form SSA-89, Authorization for SSA to Release SSN Verification.

ESRA seeks a reversal on the SSA's prohibition of electronic signatures on form SSA-89, for the following reasons:

- Technology neutrality: ESRA encourages law and policy makers to acknowledge the applicability of ESIGN and UETA to the subject matter of any law or policy, and to avoid adopting provisions that may conflict with or weaken the impact of these statutes.
- Removal of barriers: ESRA opposes decisions by government agencies that erect unnecessary barriers to electronic transactions between citizens and their government.
- Non-discrimination: Electronic transactions are in many cases more reliable, secure and enforceable than the paper-based transactions they replace, and should not be held to a higher standard at the expense of cost and user experience. ESRA opposes any rules or laws that prohibit or otherwise exclude an electronic alternative to a paper-based process.
- Federal law permits and encourages public and private entities, including federal agencies, to use electronic and digital signatures.
 - Congress has repeatedly recognized the value of electronic signatures in facilitating commerce: first with the Government Paperwork Elimination Act (GPEA) in 1998, followed by the Electronic Signatures in Global and National Commerce Act (ESIGN) in 2000.
 - Electronic signatures are significantly less burdensome for consumers than a process or form that requires a "wet" signature.
 - In its guidance on the implementation of GPEA, the federal Office of Management and Budget also recognized the significant efficiencies resulting from electronic signatures.
 - On July 27, 2016, the OMB issued Circular No. 130-A *Managing Information as a Strategic Resource* which states that agencies shall "[a]llow individuals or entities that deal with the agencies the option to submit information or transact with the agency electronically, when practicable...." (OMB Circular A-130 Section 5(f)(1))

ESRA encourages the SSA to reconsider its position based on the above principles, and to reverse its policy against electronic signatures on Form SSA-89.

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