

Docutech, LLC

Comments on Agency Information  
Collection Activities – Comment Request

Social Security Administration  
Docket No. SSA-2020-0011  
85 FR 13967 (2020)

## Introduction

These comments are submitted by Docutech, LLC to the Social Security Administration (“SSA”), in response to their request for comments as published in the *Federal Register* at 85 FR 13967 (2020). These comments are in regards to the new ECBs system being established by the SSA later this year (see <https://www.ssa.gov/dataexchange/eCBSV/index.html>).

These comments are specifically directed towards the new consent requirements, which are outlined in Section IV of the “REVISED DRAFT – eCBSV User Agreement” (hereafter referred to as “Agreement”) published on the aforementioned website, and consist of clarifying questions, which we hope the SSA will consider as they finalize said Agreement and consent requirements.

## Use of a “PDF Fillable” Version of Form SSA-89

### Copy of Form SSA-89 Generated by Document Vendor Service Provider

According to Subsection IV.A.1.b of the Agreement, an **“SSA-89, in a ‘pdf fillable’ form**, signed electronically by the SSN holder, with an Electronic Signature that meets the requirements set forth in section IV.E” is considered a “valid Written Consent”.

For the purposes of Subsection IV.A.1.b of the Agreement, can a document vendor create an electronic copy of Form SSA-89, pre-populate the fillable parts of the form using data imported from a mortgage lender’s loan origination system, and have the SSN holder electronically sign such copy (which can be saved into PDF format)? Or must Form SSA-89 always be provided to an SSN holder in ‘pdf fillable’ form to be filled out manually by the SSN holder?

### Format of Electronically Signed Form SSA-89

Can Form SSA-89 be marked in ways traditionally applied to electronically generated mortgage loan documents or must it be maintained in its exact original form?

For example, for tracking purposes, most copies of forms generated electronically contain barcodes, so that mortgage companies can easily identify which loan file the form belongs in. Other markings include an identification box surrounding an electronic signature, which certifies the SSN holder’s signature and when it was electronically signed. If these (and other necessary) markings appeared on a copy of Form SSA-89, would it still be considered a form of “valid Written Consent”?

## Ink Sign Copy of Written Consent Form

Subsection IV.A.1.c of the Agreement holds that the following is considered a valid form of consent:

“An electronic form of consent, which can be incorporated into the Permitted Entity’s or Financial Institution’s electronic workflow or business process, and which includes SSA’s requirements for a valid Written Consent, signed electronically by the SSN holder with an Electronic Signature as part of an electronic signing process that meets all requirements set forth in section IV.E. See SSA’s Written Consent Template, attached and incorporated into this user agreement as Exhibit C.”

Subsection IV.A.2 outlines how to complete this form electronically. Subsection IV.B, however, goes into details about how to retain a copy of the form physically:

“If the Permitted Entity or Financial Institution obtaining the Written Consent in paper format and chooses to retain the Written Consent in paper format, that entity must store the Written Consent in a locked, fireproof and waterproof storage receptacle.

If the Permitted Entity or Financial Institution obtains Written Consents electronically, or chooses to convert original paper copies of Written Consents to electronic versions, the

Permitted Entity and any Financial Institution it services, if any, must retain the Written Consents in a way that accounts for integrity of the Written Consents . . .

When storing a Written Consent electronically, the Permitted Entity must destroy any original Written Consent in paper form.”

These provisions make references to “original” paper copies of the Written Consent. However, the criteria for a valid form of consent only permits the Written Consent to be executed electronically. Can a Written Consent be executed with ink on paper, as well as electronically, and still be considered a valid form of consent?