

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

AMERICAN FEDERATION OF STATE,  
COUNTY, AND MUNICIPAL  
EMPLOYEES, AFL-CIO, *et al.*,

*Plaintiffs,*

v.

SOCIAL SECURITY  
ADMINISTRATION, *et al.*,

*Defendants.*

Case No. 1:25-cv-00596-ELH

**NOTICE OF COMPLIANCE WITH PARAGRAPHS 2-3**

The Social Security Administration files this Notice to inform the Court that four employees of the agency who are members of the agency's DOGE Team now satisfy the criteria for data access established in paragraphs 2 and 3 of the Court's Temporary Restraining Order, ECF No. 48.

Specifically, as described in the accompanying declaration of Deputy Commissioner of Human Resources Florence Felix-Lawson, those four employees have fully signed and completed agreements onboarding them as agency employees. Declaration of Florence Felix-Lawson ¶ 4, appended. All four employees have also completed all training typically required of individuals granted access to SSA systems, including privacy training, ethics training, and completion of signed acknowledgments regarding SSA information security and privacy awareness. *Id.* ¶ 5. Although the full background investigation for the four employees is not complete, those

employees have completed all steps in the background investigation process that SSA would ordinarily require before granting access to personally identifiable information. *Id.* ¶¶ 6–12.

Further, SSA has obtained from each of those four DOGE Team members, in writing, and subject to possible review by this Court, a detailed explanation as to the need for access to specific data in the Enterprise Data Warehouse necessary to perform their job duties. Those explanations are summarized in the accompanying declaration of Acting Commissioner of the Social Security Administration Leland Dudek. *See* Declaration of Leland Dudek, appended.

In particular, Employees 1 and 9 are working on a project to ensure SSA records accurately reflect whether an individual is alive or deceased. *Id.* ¶ 9. That project is aimed at preventing improper payments and fraud, waste, and abuse, and, to perform work on the project, Employees 1 and 9 need access to individuals' Social Security numbers (SSNs), demographics, benefits status, and contact information, among other fields. *Id.* ¶ 9. Access is necessary to examine whether the agency has assigned SSNs to all individual records and to research and conduct outreach (as needed) to confirm a person's status as living or deceased. *Id.* Because Employee 1 and Employee 9 are working on individual cases and may be reaching out to individuals in connection with those cases, data anonymization would make it impractical for those employees to conduct their work. The data schemas to which Employee 1 and Employee 9 seek access is the lowest level of access available that would still allow them to perform their work on behalf of the agency. *Id.*

Employee 5 is working on a separate project, focusing on ensuring that death records can be updated based on information currently available in agency records where SSA has sufficient confidence that would allow it to conclude a person is deceased. *Id.* ¶ 10. To work on that project, Employee 5 needs access to data such as SSNs, names, dates of birth, dates of death, and benefits information indicating signs of life. *Id.* Because the project involves updates to individual-level

records, anonymization is not feasible. *Id.* The data access sought by Employee 5 is the lowest level access available containing the information needed for the work to be performed. *Id.* ¶ 10.

Finally, Employee 8 is working on a project aimed at finding new ways to identify fraud with respect to direct deposits, new claims, and wage reporting. *Id.* ¶ 11. The project involves looking for patterns of fraud in these filings on an individual case level, and anonymization is not feasible because it could obscure information useful for identifying fraud. *Id.* The data access to which Employee 8 needs access to obtain information necessary for the project are the most restrictive possible to perform the work. *Id.*

SSA has fully complied with paragraphs 2 and 3 of the Court's Order as to these employees with respect to the specific projects described above and in Acting Commissioner Dudek's declaration. Accordingly, SSA believes it is appropriate and consistent with the Court's Order to provide the access described above to the four DOGE Team members. Out of an abundance of caution, however, SSA will not provide access until 1:00 p.m. on March 27, 2025. Counsel for the government is available to answer any questions regarding such access and compliance with the Court's order if the Court finds it appropriate to arrange a telephonic conference.

Dated: March 27, 2025

Respectfully submitted,

YAAKOV M. ROTH  
Acting Assistant Attorney General  
Civil Division, Federal Programs Branch

/s/ Elizabeth J. Shapiro  
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**CERTIFICATE OF SERVICE**

I certify that on March 27, 2025, I electronically filed the foregoing and thereby caused a copy to be served on counsel of record.

/s/ Elizabeth J. Shapiro  
ELIZABETH J. SHAPIRO

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*Defendants.*

Civil Action No. 1:25-cv-00596

**DECLARATION OF LELAND DUDEK**

I, Leland Dudek, hereby declare upon penalty of perjury:

1. I am the Acting Commissioner at the Social Security Administration (SSA), in Woodlawn, Maryland, and I have served in this role since February 16, 2025.
2. In my role as Acting Commissioner, I am responsible for the exercise of all powers and the discharge of all duties of the agency and have authority and control over all personnel and activities thereof. This includes assigning duties and authority to act to officers and employees of the agency, including information and systems access by SSA's DOGE Team.
3. I provide this declaration to explain the access required by Employee 1, Employee 5, Employee 8, and Employee 9 on the SSA DOGE Team to personally identifiable information (PII) in SSA records. These statements are made with my personal knowledge, discussion with SSA staff, and review of documents and information furnished to me in the course of my official duties.

4. Employee 1, Employee 5, Employee 8, and Employee 9 all require access to PII through schema in SSA's Enterprise Data Warehouse (EDW).
5. The vast majority of SSA employees routinely access agency PII from SSA's program records (such as claims or enumeration records) in performing "front line" duties—i.e., individuals working directly with the public or otherwise working internally to process claims and enumeration related matter., including claims representatives and hearings office employees. This front-line employee PII access generally occurs by electronically querying (searching based on an identifier, such as Social Security number) through "dashboards" (i.e., screens created to present information in an manner helpful to the employees based on the work they are performing) which retrieve claims or enumeration file information directly from production systems (i.e., the systems holding the custodial, controlling records, such as our Master Beneficiary Record or MBR) .. By contrast, non-front line employees use the EDW to obtain access to the same agency records, but in a non-production data environment. This is the case where, for example, non-front line employees are conducting fraud or similar analysis. Members of the SSA DOGE Team are non-front line employees because they are not working directly with the public or working on processing individual requests for claims or enumeration records.
6. Data access through EDW is granted through "schema" levels. SSA's EDW contains hundreds of schema levels, each of which contains different data types. When access is granted to a particular schema, the employee has *permission* to access the data in the schema, but the employee does not automatically *see* all those records. Similar to front-line employees who need to query SSA systems to retrieve needed records, non-front line

employees granted access to EDW schemas must specifically search for relevant records in a schema for the records to be viewable.

7. As I discuss in greater detail below (paragraph 9), SSA seeks to grant the four DOGE Team employees (Employees 1, 5, 8, 9) access only to the seven EDW schemas containing the information needed to perform their job duties; these are the lowest level schemas for these data groupings that SSA's systems can grant access to—i.e., there is no more restrictive schema that would provide access to the data. SSA is unable to grant an employee access only to certain data fields within a given schema, making it impossible to minimize access further using current agency systems.
8. As stated above, an SSA employee viewing an EDW schema will not have the ability to view data under the schema absent a search for that specific information. As with all SSA employees, Employee 1, Employee 5, Employee 8, and Employee 9 on the SSA DOGE Team have been directed to search and retrieve only data within the schema levels that they will be granted that is necessary for the performance of their tasked work for SSA. This work and the corresponding need for specific schema access is defined further below for each employee.
9. Employees 1, and 9 are working on a project relating to ensuring SSA records accurately reflect whether an individual is alive or deceased (hereafter, "Are You Alive"). This Are You Alive Project is aimed at preventing improper payments and fraud, waste, and abuse related to decedent identities. To perform the Are You Alive Project, Employees 1, and 9 need access to individual Social Security numbers (SSNs), demographics, benefits status, and contact information, among other fields. . The access is necessary to examine whether the agency has assigned SSNs to all individual records, and to research and conduct



outreach (as needed) to confirm a person's status as living or deceased. Because Employees 1, and 9 are working on individual cases and may be reaching out to individuals in connection with those cases, data anonymization would make it impracticable for these employees to conduct the Are You Alive Project. The data schemas to which these employees need access for this Project are the Numident, MBR, SSR, PROME, PCHIP, PVIP, and PVIPR schemas. These schema names (with acroynms) are the full schema names. These schemas are the lowest schemas available containing the information needed for this effort—i.e., there is no more restrictive schema that would provide access to the data. For instance, the Numident has SSNs; the MBR and SSR have benefits information; PROME contains login data to mySSA.gov; PCHIP has 1-800 number caller data; PVIP contains field office call data; and PVIPR contains field office appointments. These are examples of data relevant to this analysis, which would help demonstrate whether a person is alive or deceased.

10. Employee 5 is working on a project focusing on ensuring death records that can be updated based on information currently available in agency records, for which we have sufficient confidence that would allow us to conclude a person is deceased (hereafter, "Death Data Clean Up Project"). Employee 5 is using records such as SSNs, names, dates of birth, dates of death, and benefits information indicating signs of life. Because the Death Data Clean Up Project involves updates to individual-level records, anonymization is not feasible. The data schemas to which Employee 5 needs access to obtain information necessary for this Project are the Numident, MBR, and SSR schemas. These schemas are the lowest schemas available containing the information needed for this effort—i.e., there is no more restrictive schema that would provide access to the data.

11. Employee 8 is working on direct-deposit change, new claim, and wage-reporting fraud detection (hereafter, “Fraud Detection”). The Fraud Detection Project is aimed at finding new ways to identify fraud in the foregoing areas. The Project involves looking for patterns of fraud in these filings on an individual case level. Anonymization is not feasible because it could obscure information useful for identifying fraud: for instance, name matching would not be possible. The data schemas to which Employee 8 needs access to obtain information necessary for this Project are the Numident, MBR, SSR, PROME, PCHIP, PVIP, and PVIPR schemas. These schemas are the lowest schemas available containing the information needed for this effort—i.e., there is no more restrictive schema that would provide access to the data.

I declare the foregoing to be true and correct, upon penalty of perjury.

Date: 3/26/2025

Signed: /s/ Leland Dudek

Leland Dudek  
Acting Commissioner  
Social Security Administration

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*et al.*,

*Defendants.*

Civil Action No. 1:25-cv-00596

**DECLARATION OF FLORENCE FELIX-LAWSON**

I, Florence Felix-Lawson, hereby declare upon penalty of perjury:

1. I am the Deputy Commissioner of Human Resources at the Social Security Administration (SSA), in Woodlawn, Maryland, and I have served in this role since November 17, 2024. I am a Career Senior Executive reporting directly to SSA's Acting Commissioner, Leland Dudek.
2. In my role as Deputy Commissioner of Human Resources, I am responsible for leading and overseeing human resource services to the agency, including but not limited to appointing and onboarding new personnel, including regular and special government employees and detailees.
3. I provide this declaration to explain the manner in which employees on the SSA DOGE teams' background investigations and clearances were determined or given reciprocal agreement from and between the Executive Office of the President (EOP) and SSA, and otherwise address the onboarding of these employees. This declaration is given specifically in explanation related to security clearances and onboarding for Employee 1, Employee 5,

Employee 8, and Employee 9. These statements are made with my personal knowledge, discussion with SSA staff, and review of documents and information furnished to me in the course of my official duties.

4. Employee 1, Employee 5, Employee 8, and Employee 9 have fully signed and completed agreements onboarding them as agency employees. This includes Special Government Employee (SGE) hire paperwork for Employees 1 and 9, and detailee agreements that are fully signed by both SSA and the detailing agency for Employees 5 (detailed from U.S. DOGE Service) and 8 (detailed from the Office of Personnel Management).
5. Employee 1, Employee 5, Employee 8, and Employee 9 have completed all training typically required of individuals granted access to SSA data systems. The training includes:
  - a. Privacy Training covering privacy laws applicable to agency data and penalties for improper use;
  - b. Ethics Training covering ethics laws applicable to agency employees; and
  - c. Signed Acknowledgements of SSA Information Security and Privacy Awareness Training, covering requirements for compliance with information security and privacy policies of SSA.
6. SSA Human Resources worked closely with EOP when onboarding Employees 1, 5, 8, and 9, as most of the investigations are initiated through the Federal Bureau of Investigation (EOP's Investigative Service Provider (ISP)). SSA's process is to conduct a prescreen check based on the SF Questionnaire (SF-85) review, Declaration of Federal Employment (OF-306), resume review and education check, and NUMIDENT check

before releasing it to our ISP (Defense Counterintelligence and Security Agency (DCSA)) for a full investigation.

7. DCSA conducts a full investigation, and SSA reviews it and adjudicates it once it closes. EOP conducts a similar pre-appointment approval process; however, EOP provides an adjudication date at the time EOP approves an onboarding employee's "pre-appointment" (or, prescreen). When EOP releases the investigation to the FBI (as EOP's ISP), they are making a pre-appointment verification and approve the individuals to work for the employing agency. When the FBI investigation closes, SSA adjudicates the results from DCSA and makes SSA's final adjudication. We do not have access to the FBI's database, so we frequently must contact them to by email or phone to obtain any investigation updates.
8. In this instance, SSA conducted the pre-screening for Employee 9, which he passed. EOP conducted the pre-screening for Employees 1, 5 and 8 and informed us by telephone that Employees 1, 5 and 8 had passed. SSA does this similar pre-appointment screening when we on-board employees at SSA. All four individuals have background investigations pending—i.e., with DCSA—which have not been finally adjudicated by SSA. Once these four SSA DOGE Team employees are adjudicated by SSA, they will be eligible to receive clearances.
9. When SSA on-boards new employees, generally the new employees do not have a fully adjudicated investigation until DCSA (for SSA) or FBI (for EOP) completes a full investigation, which normally takes months or up to a year depending upon the employee. During this time, the new employee is working and may have access to SSA's systems, including personally identifiable information.

10. Granting of reciprocity for security clearances that are of the equivalent to what SSA would require is a long-standing federal practice and supported by Federal guidance such as Executive Order 12968, Access to Classified Information (August 2, 1995); Executive Order 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information (June 30, 2008); and Executive Order 13488, Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust (January 16, 2009).
11. Because EOP confirmed Employees 1, 5 and 8 had passed their pre-appointment clearance, which was equivalent to the pre-appointment clearance SSA would conduct, they were permitted to access SSA records and systems necessary to perform their job duties.
12. At this time, Employee 1, Employee 5, Employee 8, and Employee 9 have completed the steps in the background investigation process that SSA would require prior to granting access to personally identifiable information.

I declare the foregoing to be true and correct, upon penalty of perjury.

Date: March 26, 2025

Signed: Florence Felix-Lawson

Florence Felix-Lawson  
Deputy Commissioner  
Human Resources  
Social Security Administration