

Disclosure By Consent (SSA-3288)

There are two important timeframe references that provide guidance to SSA:

GN 03305.001B.2

<https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0203305001#b2>

State a time during which the record may be disclosed. **If no time frame is given, assume the consent is for a one-time-only disclosure.** See [GN 03305.001B.6](#) for instructions concerning consents authorizing disclosure on an ongoing basis.

GN 03305.001B.8

<https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0203305001#b8>

The SSA-3288 Consent for release form should have **a specific statement above your client's signature that states a time during which the record may be disclosed.** If no time frame is given, SSA is directed by our procedures to assume the consent is for a one-time-only disclosure.

Consent Authorizing Disclosure on an Ongoing Basis

A consent request **may authorize SSA to disclose specific information on an ongoing basis for a definite or indefinite time period.** Such a consent is acceptable if it otherwise meets all of SSA's criteria for a valid consent (see [GN 03305.001B](#) for consent criteria).

IMPORTANT: When handling consent request authorizing disclosure on an ongoing basis, DO NOT code or annotate an individual's record to indicate that he/she has given consent to disclose information on an ongoing basis. The SSA component processing the request either has to make formal arrangements with the requester to retain consent statements when making subsequent requests (e.g., see [GN 03305.010A.3](#)), or require the requester to provide a copy of the consent statement with each subsequent request for information. If a subsequent request is received in SSA and there is not a formal arrangement for the requester to retain the consent statement, or the requester does not submit a copy of the consent with a subsequent request, handle the request as a FOIA request (see [GN 03350.005B.3](#) for routing instructions).

EXAMPLE: A consent request is submitted to SSA authorizing the disclosure of the individual's COLA notice for the current year through the next five years. The consent is acceptable as long as it otherwise meets all of SSA's criteria for a valid consent as discussed in [GN 03305.001B.2](#).

Obtaining, Reviewing, and Retaining Consent Statements: POMS [GN 03305.010](#)

Retention of Consent Statements by SSA

Under the Privacy Act, an individual has two years from the date a cause of action arises (e.g., allegation of an unauthorized disclosure) to file suit against SSA. For this reason, keep consent statements for a minimum of two years after a disclosure has been made. If there is a physical claims folder, the consent may be filed in the folder. Otherwise, it should be retained by the office handling the request.

NOTE: Components that have scanning or other capability to produce electronic copies of consents may maintain scanned or other electronic images of consent statements. The SSA-3288 consent statements may also be stored in NDRed. See [GN 00301.322](#) more information.