

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

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO, 1625 L Street NW,
Washington, D.C. 20036,

ALLIANCE FOR RETIRED AMERICANS,
815 16th Street NW, Washington, D.C. 20006, and

AMERICAN FEDERATION OF TEACHERS,
555 New Jersey Avenue NW, Washington, D.C.
20001,

Plaintiffs,

vs.

SOCIAL SECURITY ADMINISTRATION,
6401 Security Blvd., Baltimore, MD 21235
(Baltimore County),

LELAND DUDEK, *in his official capacity as
purported Acting Commissioner, Social Security
Administration*, 6401 Security Blvd.,
Baltimore, MD 21235 (Baltimore County),

MIKE RUSSO, *in his official capacity as Chief
Information Officer, Social Security Administration*,
6401 Security Blvd., Baltimore, MD 21235
(Baltimore County),

ELON MUSK, *in his official capacity as Senior
Advisor to the President and de facto head of
DOGE*, 1600 Pennsylvania Ave. NW,
Washington, DC 20500,

U.S. DOGE SERVICE, 736 Jackson Pl. NW,
Washington, DC 20503,

U.S. DOGE SERVICE TEMPORARY
ORGANIZATION, 736 Jackson Pl. NW,
Washington, DC 20503, and

AMY GLEASON, *in her official capacity as
DOGE Acting Administrator*, 736 Jackson Pl. NW,
Washington, DC 20503,

Defendants.

Case No. 1:25-cv-00596
Jury Trial Requested

**PLAINTIFFS' FIRST AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Since its founding, the Social Security Administration (“SSA”)—charged with administering the nation’s retirement, disability, and survivor benefits—has committed itself to maintaining the privacy of the data it collects from Americans, including eligible noncitizens. Numerous laws and regulations require the agency to keep that data secure, with good reason. SSA maintains data including the Social Security numbers, employment and wage information, medical histories, tax return information, and personal addresses—among other things—of hundreds of millions of people. The data is, to put it mildly, highly sensitive, personal, and private.

2. But over the last six weeks, SSA has abandoned its commitment to maintaining the privacy of personal data. SSA and its acting officials have opened its data systems to unauthorized personnel from the “Department of Government Efficiency” (or “DOGE”) in violation of applicable laws and with disregard for the privacy interest of the millions of Americans that SSA serves. DOGE’s access has already harmed Plaintiffs and their members, and every day DOGE retains access, the risk of additional injury increases.

3. SSA is not the first agency that DOGE has infiltrated. Since President Trump’s inauguration, DOGE and “senior advisor” Elon Musk have unilaterally and unlawfully accessed highly sensitive information systems across multiple federal agencies.

4. DOGE has attempted to seize control of carefully protected information systems at the Treasury Department (including the Internal Revenue Service); the Consumer Financial Protection Bureau; the General Services Administration; the United States Agency for International Development (“USAID”); Office of Personnel Management (“OPM”); the Department of Housing and Urban Development; the National Oceanic and Atmospheric Administration; and the Departments of Education, Labor, and Health and Human Services. At

USAID, DOGE has obtained “God mode” access—full, unrestricted admission to the agency’s digital infrastructure.¹

5. DOGE and its government-wide commandeering of sensitive information have wreaked havoc on the American system of government and caused incredible concern for the privacy of the American public. Because DOGE has unlawfully mined data from multiple agencies, it is able to cross-reference and potentially cross-contaminate information from different, previously secure and segregated sources. That only compounds the harm (and ongoing risk of future harm) to the American people.

6. It hasn’t helped that the Executive Branch has been unable or unwilling to explain exactly what DOGE is, what its activities are, or the authority under which it is operating.

7. Courts have taken notice. Two judges, including in this Circuit, have granted emergency relief to safeguard information systems at the Department of Education² and the Department of Treasury.³ Another acknowledged that “DOGE’s unpredictable actions have resulted in considerable uncertainty and confusion,” highlighting the concerning nature of “the unchecked authority” being wielded by “an unelected individual and an entity that was not created by Congress.”⁴ And another expressed “serious concerns” about the privacy of the data of millions and rejected the government’s argument that DOGE is a “goldilocks” entity that can wield massive authority with minimal oversight.”⁵

¹ Charlie Warzel et al., *DOGE has ‘God Mode’ Access to Government Data*, The Atlantic (Feb. 19, 2025), <https://perma.cc/9QXM-NKK5>.

² See *Am. Fed’n of Teachers v. Bessent*, No. 8:25-cv-00430, 2025 WL 582063 (D. Md. Feb. 24, 2025).

³ See *New York v. Trump*, No. 25 CIV. 1144, 2025 WL 435411 (S.D.N.Y. Feb. 8, 2025), *modified on clarification*, No. 25-CV-01144 (JAV), 2025 WL 455406 (S.D.N.Y. Feb. 11, 2025).

⁴ *New Mexico v. Musk*, No. 25-cv-429, 2025 WL 520583, at *4 (D.D.C. Feb. 18, 2025).

⁵ *Am. Fed’n of Lab. & Cong. of Indus. Orgs. et al. v. Dep’t of Lab. et al.*, No. CV 25-0339, 2025 WL 542825, at *3 (D.D.C. Feb. 14, 2025).

8. Only once before has a presidential administration sought access to such sensitive, personally identifiable information. Congress met those notorious attempts by President Nixon with the Privacy Act of 1974 and the Tax Reform Act of 1976, which implemented broad and decisive protections meant to prevent presidential misuse of sensitive, personal information maintained in government systems.

9. Today, the American public again faces Executive Branch overreach threatening the privacy of hundreds of millions of people's personal data. In attempting to seize and maintain access to agency systems, including SSA's, the Trump administration is violating the many protections that Congress and the Executive Branch have erected against exactly this type of data mining and misuse.

10. Even against the backdrop of the Nixon administration, these unlawful attempts are without equal. Never before has a group of unelected, unappointed, and unvetted individuals—contradictorily described as White House employees, employees of either existing or putative agencies (multiple and many), and undefined “advisors”—sought or gained access to such sensitive information from across the federal government.

11. Never before has an industry mogul with countless conflicts of interest—not to mention an undefined role in the administration—sought and gained access to protected, private data on nearly every person in the country.

12. And never before has a White House demonstrated such a breathtaking disregard for the legal protections Congress and the Executive Branch implemented to protect data belonging or pertaining to individual Americans.

13. This lawsuit seeks to protect Plaintiffs and their members against the ongoing (and ever increasing) harm caused by DOGE and certain SSA executives' unlawful seizure of personal,

private, and sensitive data from SSA systems. The seizure and unauthorized use of that data is prohibited by the Privacy Act, the Social Security Act, the Internal Revenue Code, the Federal Information Systems Modernization Act, and the Administrative Procedure Act.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under federal law, specifically the Privacy Act, 5 U.S.C. § 552a; the Social Security Act, 42 U.S.C. § 1306; the Tax Reform Act, 26 U.S.C. §§ 6103, 7213A; the Federal Information Security Modernization Act of 2014 (“FISMA”), 44 U.S.C. §§ 3551-58, and the Administrative Procedure Act, 5 U.S.C. § 701.

15. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) because Defendant SSA is an agency of the United States headquartered in Baltimore, Maryland, where a substantial part of the events or omissions giving rise to Plaintiffs’ claims.

PARTIES

16. Plaintiff the American Federation of State, County and Municipal Employees, AFL-CIO (“AFSCME”) is a national labor organization and membership association headquartered in Washington, D.C. AFSCME is the largest trade union of public employees in the United States, with around 1.4 million members organized into approximately 3,400 local unions, 58 councils, and affiliates located throughout 46 states, the District of Columbia, and Puerto Rico. Of AFSCME’s members, approximately 200,000 are retired public service workers who continue to remain members of AFSCME, participate in its governance, and advocate for fairness, equality, and income security for retired Americans. AFSCME’s retiree membership is organized into local and state chapters that are chartered by AFSCME. They elect local and state leadership and, together, organize under a national Retiree Council. AFSCME’s Retiree Council elects

chairpersons who, by virtue of their position, are representatives to and attend meetings of AFSCME's International Executive Board. Retiree Chapters also elect delegates who participate in AFSCME's biennial constitutional convention, at which the union's policy, agenda, and goals are established by the Convention Delegates through the adoption of resolutions.

17. Plaintiff Alliance for Retired Americans ("ARA" or the "Alliance") is a grassroots advocacy organization with 4.4 million members headquartered in Washington, D.C. Founded by the AFL-CIO Executive Council in 2001, the Alliance has 40 state alliances and members in every state. The Alliance's retiree members are from all walks of life. They are former teachers, industrial workers, state and federal government workers, construction workers, and community leaders, all united in the belief that every American deserves a secure and dignified retirement after a lifetime of hard work.

18. Plaintiff American Federation of Teachers ("AFT") is a national labor organization headquartered in Washington, D.C., representing over 1.8 million members who are employed as pre-K through 12th-grade teachers, early childhood educators, paraprofessionals, and other school-related personnel; higher education faculty and professional staff; federal, state, and local government employees; and nurses and other healthcare professionals. Approximately 490,000 of AFT's members are retired, and most benefit from programs administered by SSA. AFT's purpose is to promote fairness, democracy, economic opportunity, and high-quality public education, healthcare, and public services for students, their families, and the communities AFT's members serve. AFT does so by ensuring its members receive fair pay and benefits for their critical work and by fighting for safe working conditions that also benefit students, patients, and all those who use public services. Economic and retirement security is at the core of AFT's mission.

19. Defendant Social Security Administration (“SSA”) is an independent federal agency established to administer the Old-Age, Survivors, and Disability Insurance programs and the Supplemental Security Income program.

20. Defendant Leland Dudek is the purported Acting Commissioner of SSA. He is sued in his official capacity.

21. Defendant Mike Russo is the Chief Information Officer of SSA. He is sued in his official capacity.

22. Collectively, Defendants SSA, Dudek, and Russo are referred to herein as “SSA Defendants.”

23. Defendant Elon Musk is a Senior Advisor to the President and the de facto Head of DOGE. He is sued in his official capacity.

24. Defendant U.S. DOGE Service (previously the U.S. Digital Service) was established by Executive Order 14158, which reorganized and renamed the United States Digital Service as the United States DOGE Service, established in the Executive Office of the President. Exec. Order No. 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025).

25. Defendant U.S. DOGE Service Temporary Organization is a temporary organization also created by Executive Order 14158 and headed by the U.S. DOGE Service Administrator. *Id.*

26. Defendant Amy Gleason is the Acting Administrator of the U.S. DOGE Service and the U.S. DOGE Service Temporary Organization. She is sued in her official capacity.

27. Collectively, Defendants U.S. DOGE Service, U.S. DOGE Service Temporary Organization, Musk, and Gleason are referred to herein as “DOGE Defendants.”

FACTS

I. The Social Security Administration

28. The Social Security Administration is the nation’s principal benefit-paying agency. Founded in 1935 in the depths of the Great Depression, the agency was intended to “give some measure of protection to the average citizen,” particularly those facing “poverty-ridden old age.”⁶

29. SSA issues Social Security numbers (“SSN”) to U.S. citizens, permanent residents, and other eligible noncitizens. Over 450 million SSNs have been issued thus far.

30. SSA also manages and administers some of the largest federal benefit programs, including Old-Age, Survivors, and Disability Insurance (“OASDI”) and Supplemental Security Income (“SSI”).

31. Although most Social Security beneficiaries are retired, others receive benefits because they have a qualifying disability; are the spouse (or former spouse) or child of someone who receives or is eligible for Social Security; or are the spouse (or former spouse), child, or dependent parent of a deceased worker.⁷ In fact, SSA pays more benefits to children than any other federal program.⁸

32. Collectively, SSA pays over \$1.5 trillion to seventy million people—more than one in five Americans—each year.⁹ Those benefits lift 22 million people, including over 16 million adults aged sixty-five and over, out of poverty.¹⁰ They reduce the depth of poverty for millions

⁶ Soc. Sec. Admin., *Presidential Statement on Signing the Social Security Act* (August 14, 1935), <https://perma.cc/7RDU-EDWD>.

⁷ Soc. Sec. Admin., *Understanding the Benefits* (2025) 2, <https://perma.cc/V2MH-VANX>.

⁸ *Id.*

⁹ Soc. Sec. Admin., *Fact Sheet*, <https://perma.cc/595S-B36F>.

¹⁰ Kathleen Romig, *Social Security Lifts More People Above the Poverty Line Than Any Other Program*, Ctr. on Budget & Pol’y Priorities (Jan. 21, 2025), <https://perma.cc/6U8X-7U9A>.

more.¹¹ These benefits are funded primarily through payroll taxes that employees and employers pay over the course of their working lives.¹²

33. SSA also helps administer other federal programs and laws, including Medicare, Medicaid, SNAP, eVerify, and the Help America Vote Act.

34. To facilitate its work on behalf of the American public, SSA collects and houses some of the most sensitive, personally identifiable information (including personal health information) of millions of seniors, working-age adults, and children. Form SS-5, which applicants must submit to SSA to receive a Social Security number, provides a small sample of the type of data SSA collects. It requires applicants to provide their name (including prior names or other names used), place and date of birth, citizenship, ethnicity, race, sex, phone number, and mailing address, as well as their parents' names and Social Security numbers.

35. SSA also collects driver's license and identification card information, bank and credit card information, birth and marriage certificates, pension information, home and work addresses, school records, immigration and/or naturalization records, health care providers' contact information, family court records, employment and employer records, psychological or psychiatric health records, hospitalization records, addiction treatment records, and tests for, or records about, HIV and AIDS.

36. And it collects tax information. Each year, employers send SSA a W-3 form showing the total earnings, Social Security wages, Medicare wages, and withholdings for all employees for the previous year.

¹¹ *Id.*

¹² Soc. Sec. Admin., Press Office, *How Is Social Security Financed?*, <https://perma.cc/6AKF-DC7Z>.

II. Laws and Regulations Governing Privacy and Security of SSA Data

37. Since its founding, SSA (originally called the Social Security Board) has been legally obligated to protect the sensitive data it obtains and has made public commitments to protect the data with which it is entrusted. For example, the agency's first regulation, adopted in 1937, prohibited SSA and its employees from producing or disclosing the agency's records and files.¹³

38. Because of the breadth and sensitivity of the confidential information SSA maintains, the agency's information systems are subject to even more stringent privacy protection than those of other agencies.

39. Among the panoply of laws governing SSA's information systems are the Privacy Act, Social Security Act, Tax Reform Act, Taxpayer Browsing Protection Act, and the Federal Information Systems Modernization Act. SSA's data systems and the security thereof are also governed by standards developed by the National Institute of Standards and Technology.

40. Compliance with those laws and regulations requires both stringent protection of the sensitive personal data SSA maintains and public disclosures about the agency's management of that data.

41. As but one example, the Privacy Act requires that when an agency establishes or revises a system of records, it must issue a System of Records Notice ("SORN") disclosing information about the records contained in the system, the manner(s) in which those records may be used, and related storage and access policies. 5 U.S.C. § 552a(e)(4).

42. SORNs must be made publicly available on the issuing agency's website and published as notices in the Federal Register. The agency must solicit comments from the public

¹³ Soc. Sec. Admin., *Regulation No. 1*, <https://perma.cc/JNV8-QG9G>.

and must update the Federal Register any time an agency changes its system of record policies change. No SORN, for any SSA records system, authorizes the disclosure of information to DOGE or its personnel.

43. For example, the Master Beneficiary Record contains information about every person who has applied for OASDI benefits. The Master Beneficiary Record SORN permits the disclosure of certain of that data for “routine uses,” such as disclosures made to the Department of Treasury for use when collecting Social Security taxes, 71 Fed. Reg. 1826 (Jan. 11, 2006), or disclosures to federal, state, and local agencies after a data breach, 72 Fed. Reg. 69723 (Dec. 10, 2007).

44. It permits disclosure to the Office of the President in only one circumstance: “for the purpose of responding” to an inquiry made by “an individual or from a third party on [the individual’s] behalf.” 71 Fed. Reg. at 1827. The same is true of the SORN for the Supplemental Security Income database, 71 Fed. Reg. at 1831, which contains sensitive personal information about SSI eligibility, citizenship, residency, Medicaid eligibility, addiction history, income, SSN, and date of birth, among other things.

45. SSA regulations regarding data maintenance and disclosure also require that the agency weigh, among other things, whether disclosure would “result in a clearly unwarranted invasion of personal privacy,” the “sensitivity of the information (e.g., whether individuals would suffer harm or embarrassment as a result of the disclosure),” “[t]he rights and expectations of individuals to have their personal information kept confidential,” and “[t]he public’s interest in maintaining general standards of confidentiality of personal information.” 20 C.F.R. § 401.140. This regulation reflects the sensitivity of this information and the inherent risks of it being made public, as recognized by other laws such as the Freedom of Information Act. *See id.* (“When no

law specifically requiring or prohibiting disclosure applies to a question of whether to disclose information, we follow FOIA principles.”); *see also* 5 U.S.C. § 552(b)(6) (exempting from disclosure “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”).

46. This web of privacy protections reflects the sensitivity of the personal data SSA maintains and, among other things, is responsive to the widespread attempts to scam everyday Americans into disclosing their Social Security information to unauthorized sources.¹⁴ Those risks are particularly acute for senior citizens, who are among the most vulnerable targets of fraud, particularly fraud aimed at seeking access to Social Security and financial information.¹⁵

III. Creation of the Department of Government Efficiency

47. On November 12, 2024, President-Elect Trump announced his intent to create a “Department of Government Efficiency” to “provide advice and guidance from outside of Government” to “the White House and Office of Management & Budget” and to help “pave the way” for the Trump-Vance Administration to “dismantle,” “slash,” and “restructure” federal programs and services.¹⁶

48. Upon taking the oath of office, he did just that via Executive Order 14158, titled “Establishing and Implementing the President's ‘Department of Government Efficiency’” (the

¹⁴ Soc. Sec. Admin., *Social Security and Scam Awareness* (Nov. 16, 2023), <https://perma.cc/EFL8-V2TL>.

¹⁵ *See* Dep’t of Just., Elder Just. Initiative Home, *Senior Scam Alert*, <https://perma.cc/TH4Q-8CAR>.

¹⁶ *See* Donald J. Trump (@realDonaldTrump), Truth Social (Nov. 12, 2024, 7:46 PM ET), <https://perma.cc/K75N-RTC7>.

“E.O.”). The E.O. reorganized and renamed the United States Digital Service as the United States DOGE Service and established the department in the Executive Office of the President.¹⁷

49. The E.O. created a new role, U.S. DOGE Service Administrator, housed within the Executive Office of the President and reporting to the White House Chief of Staff.¹⁸

50. The E.O. further established within U.S. DOGE Service a temporary organization known as “the U.S. DOGE Service Temporary Organization,” headed by the U.S. DOGE Service Administrator and tasked with advancing “the President’s 18-month DOGE agenda.”¹⁹

51. The E.O. required each agency head to establish a “DOGE Team” to “coordinate their work with [U.S. DOGE Service]” and advise each team’s head-of-agency on “implementing the President’s DOGE Agenda.”²⁰

52. The E.O. also directed agency heads across the government to take “all necessary steps” to “ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems.”²¹ It did so without any reference to applicable legal restraints on such activity, directing only that DOGE adhere to undefined “rigorous data protection standards.”²²

53. DOGE officials have made clear their view that DOGE is “subject to [the] Presidential Records [Act].”²³ That Act applies, in relevant part, to EOP individuals and units

whose function is to advise or assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President.

¹⁷ Exec. Order No. 14158, 90 Fed. Reg. 8441 (Jan. 29, 2025).

¹⁸ *Id.* § 3(b).

¹⁹ *Id.*

²⁰ *Id.* § 3(c).

²¹ *Id.* § 4(b).

²² *Id.*

²³ Minho Kim, *Trump’s Declaration Allows Musk’s Efficiency Team to Skirt Open Records Laws*, N.Y. Times (Feb. 10, 2025), <https://perma.cc/3KCP-GFVV>; *see also* Katie Miller (@katierosemiller), X (Feb. 5, 2025, 8:26 PM), <https://perma.cc/VQB6-447P> (contending that the E.O. made DOGE “subject to Presidential Records [Act]”).

44 U.S.C. § 2201.

54. DOGE is being “headed by Elon Musk.”²⁴

55. DOGE reportedly has more than fifty employees.²⁵

56. DOGE has been executing a cross-agency infiltration campaign: personnel swoop in to agencies, demand access to sensitive data systems, and take adverse employment action against employees who resist. The ultimate goal is to re-work entire agencies to DOGE’s will.

57. Since Inauguration Day, DOGE personnel have sought and in most instances obtained unprecedented access to information systems across numerous federal agencies, including the Department of Treasury²⁶ (including the Internal Revenue Service²⁷), the Consumer

²⁴ *Full Transcript of President Trump’s Speech to Congress*, N.Y. Times (March 4, 2025), <https://perma.cc/AT4N-WRDY> (“I have created the brand new Department of Government Efficiency. DOGE . . . [w]hich is headed by Elon Musk.”); Joe Hernandez, *Trump hired Musk as a ‘special government employee.’ Here’s what that means*, NPR (Feb. 13, 2025), <https://perma.cc/6XTG-UHEC>. Josh Marshall (@joshtpm.bsky.social), X (Mar. 6, 2025, 1:01 AM), <https://perma.cc/7Y5N-95BE>.

²⁵ See Avi Asher-Shapiro et al., *Elon Musk’s Demolition Crew*, ProPublica (updated Feb. 20, 2025), <https://perma.cc/5Z9Z-F2EP>. *The People Carrying Out Musk’s Plans at DOGE*, N.Y. Times (updated March 4, 2025), <https://perma.cc/DD2M-C8FR>.

²⁶ Katelyn Polantz et al., *How an arcane Treasury Department office became ground zero in the war over federal spending*, CNN (Feb. 1, 2025), <https://perma.cc/U5VF-RWE7>; Andrew Duehren et al., *Elon Musk’s Team Now Has Access to Treasury’s Payment System*, N.Y. Times (Feb. 1, 2025), <https://perma.cc/YGR9-2J65>; Vittoria Elliott et al., *A 25-Year-Old With Elon Musk Ties Has Direct Access to the Federal Payment System*, Wired (Feb. 4, 2025), <https://perma.cc/6U6Z-3CK4>.

²⁷ Jeff Stein et al., *Musk’s DOGE seeks access to personal taxpayer data, raising alarm at IRS*, Wash. Post (Feb. 9, 2025), <https://perma.cc/GJ38-S2M2>.

Financial Protection Bureau,²⁸ the General Services Administration,²⁹ USAID,³⁰ OPM,³¹ the Department of Housing and Urban Development,³² the National Oceanic and Atmospheric Administration,³³ and the Departments of Education,³⁴ Labor,³⁵ and Health and Human Services.³⁶

58. Some DOGE staffers are mining data from and working within multiple agencies at the same time.³⁷ That unauthorized cross-agency access allows DOGE to collect sensitive

²⁸ Makena Kelly, *DOGE Is Now Inside the Consumer Financial Protection Bureau*, Wired (Feb. 7, 2025), <https://perma.cc/9YP7-EA57>; Jason Leopold, *DOGE-Backed Halt at CFPB Comes Amid Musk's Plans for 'X' Digital Wallet*, Bloomberg Law (Feb. 10, 2025), <https://perma.cc/9356-2UFN>.

²⁹ Emily Davies & Faiz Siddiqui, *GSA engineering lead resigns over DOGE ally's request for access*, Wash. Post (Feb. 18, 2025), <https://perma.cc/E2X9-3VST>.

³⁰ Charlie Warzel et al., *DOGE has 'God Mode' Access to Government Data, supra* (“DOGE has acquired God-mode access across the entire digital system [at USAID].”).

³¹ Davies, *supra* note 29.

³² Jesse Coburn, *DOGE Gains Access to Confidential Records on Housing Discrimination, Medical Details — Even Domestic Violence*, ProPublica (Feb 26, 2025), <https://perma.cc/E33L-2ACL>.

³³ Michael Sainato, *Doge staffers enter NOAA headquarters and incite reports of cuts and threats*, The Guardian (Feb. 4, 2025), <https://perma.cc/W4WP-MHRV>; Eric Katz, *DOGE enters NOAA, accesses IT systems and removes the top HR official*, Gov't Exec. (Feb. 5, 2025), <https://perma.cc/5DFK-NUTU>.

³⁴ See Laura Meckler et al., *Trump Preps Order to Dismantle Education Dept. as DOGE Probes Data*, Wash. Post (Feb. 3, 2025), <https://perma.cc/PP8N-NCD7> (“At least some DOGE staffers have gained access to multiple sensitive internal systems, the people said, including a financial aid dataset that contains the personal information for millions of students enrolled in the federal student aid program.”).

³⁵ Ex. F, Decl. of Rushab Sanghvi ¶ 9, *Am. Fed'n of Lab. & Cong. of Indus. Orgs. et al. v. Dep't of Lab. et al.*, No. CV 25-0339 (JDB) (D.D.C. Feb. 12, 2025), ECF No. 29-8.

³⁶ Chelsea Cirruzzo and Kelly Hooper, *How HHS gets DOGE'd*, Politico (Feb. 10, 2025), <https://perma.cc/N772-EKFF>; Dan Diamond et al., *DOGE broadens sweep of federal agencies, gains access to health payment systems*, Wash. Post (Feb. 5, 2025), <https://perma.cc/398V-QY7Y>.

³⁷ See, e.g., Tim Marchman & Matt Giles, *This DOGE Engineer Has Access to the National Oceanic and Atmospheric Administration*, Wired (Feb. 5, 2025), <https://perma.cc/4PNG-XF55>; Vittoria Elliott et al., *The US Treasury Claimed DOGE Technologist Didn't Have 'Write Access' When He Actually Did*, Wired (Feb. 6, 2025), <https://perma.cc/U9V8-GBB8>; Asher-Schapiro, *supra* note 25; Ella Nilsen & Sean Lyngaas, *Trump Energy Secretary Allowed 23-Year-Old Doge Rep To Access It Systems Over Objections From General Counsel*, CNN (Feb. 7, 2025),

information from multiple agency systems. DOGE personnel are then able to combine and cross-reference data in ways never contemplated by each agency's security policies and/or safeguards.

59. DOGE has not merely accessed sensitive and protected information. On the contrary: it is publicly disclosing it. For example, DOGE has posted classified information, including classified personnel information, from the National Reconnaissance Office on its website,³⁸ and has posted sensitive SSA system code GitHub, an open platform that allows developers to create, store, manage and share code through which sensitive information about the structure of government information systems could be revealed. At some agencies, DOGE staffers have even been *accidentally* granted edit access to sensitive data systems.³⁹

IV. President Trump, Elon Musk, and DOGE Take Aim at Social Security and Medicare

60. President Trump, Elon Musk, and other administration officials have had their sights set on Social Security for the past year, even as President Trump has claimed that “Social Security will not be touched.”⁴⁰

61. On March 11, 2024, then-candidate Trump implied that he would be amenable to cutting Social Security and Medicare if he won the presidency, stating during an interview on

<https://perma.cc/Y7XW-HL6M> (DOGE staffer Luke Farritor working at HHS and Department of Energy); Evan Weinberger, *Musk's DOGE Descends on CFPB With Eyes on Shutting It Down*, Bloomberg Law (Feb. 7, 2025), <https://perma.cc/GKQ4-NAZB>; Makena Kelly & Zoe Schiffer, *Elon Musk's Friends Have Infiltrated Another Government Agency*, Wired (Jan. 31, 2025), <https://perma.cc/RZG8-XDP2>; Laura Barrón-López (@lbarronlopez), X (Feb. 3, 2025, 2:05 PM), <https://perma.cc/GNM2-DXM2>.

³⁸ Jennifer Bendery, *Elon Musk's DOGE Posts Classified Data On Its New Website*, HuffPost (Feb 14, 2025), <https://perma.cc/9KSL-KLUT>; Will Steakin et al., *DOGE Data Release Criticized By Intel Community; Trump Admin Says It's Public Data*, ABC News (Feb. 16, 2025), <https://perma.cc/HZ72-W9M8>.

³⁹ Beatrice Nolan, *A 25-year-old staffer with Elon Musk's DOGE was accidentally given permission to edit a sensitive Treasury payments system*, Fortune (Feb. 13, 2025), <https://perma.cc/P928-YZY2>.

⁴⁰ Eli Hager, *Anxiety Mounts Among Social Security Recipients as DOGE Troops Settle In*, ProPublica (Feb. 22, 2025), <https://perma.cc/K8X2-3KZW>.

CNBC: “There is a lot you can do in terms of entitlements, in terms of cutting and in terms of also the theft and the bad management of entitlements.”⁴¹

62. Elon Musk stated during the presidential campaign that if Trump were re-elected, his administration would likely cause “temporary hardship” for American citizens because of the ensuing budget cuts.⁴²

63. Elon Musk also expressed a desire to slash the federal budget by at least \$2 trillion, a figure that amounts to more than what the federal government spent in the last fiscal year on “defense, education, veterans’ health and other discretionary items” combined.⁴³

64. On December 2, 2024, Musk implied that he was amenable to overhauling Social Security, quote tweeting an “X” thread by Senator Mike Lee that called Social Security an “outdated, mismanaged system.”⁴⁴

65. Since Donald Trump has taken office, both he and Elon Musk have repeatedly suggested that there is widespread fraud within Social Security, as well as other entitlements.

66. On February 11, 2025, Musk wrote on “X”: “At this point, I am 100% certain that the magnitude of the fraud in federal entitlements (Social Security, Medicare, Medicaid, Welfare, Disability, etc.) exceeds the combined sum of every private scam you’ve ever heard by FAR. It’s not even close.”⁴⁵

⁴¹ Kate Sullivan & Tami Luhby, *Trump suggests he’s open to cuts to Medicare and Social Security after attacking primary rivals over the issue*, CNN (Mar. 11, 2024), <https://perma.cc/83AG-2QZ3>.

⁴² Rob Wile & Lora Kolodny, *Elon Musk asks voters to brace for economic 'hardship,' deep spending cuts in potential Trump Cabinet role*, CNN (Nov. 1, 2024), <https://perma.cc/3F5T-LQHG>.

⁴³ Tami Luhby et al., *Trump wants Elon Musk to overhaul the government. Here’s what could be on the chopping block*, CNN (Nov. 14, 2024), <https://perma.cc/5ULP-QL7H>.

⁴⁴ Elon Musk (@elonmusk), X (Dec. 2, 2024, 9:47 PM ET), <https://perma.cc/MX85-XK7K>.

⁴⁵ Elon Musk (@elonmusk), X (Feb. 11, 2025, 1:23 AM ET), <https://perma.cc/R6YD-5KY9>.

67. On February 17, 2025, Musk falsely claimed on “X”: “Yes, there are FAR more ‘eligible’ Social Security numbers than there are citizens in the USA. This might be the biggest fraud in history.”⁴⁶

68. On February 17, 2025, White House Press Secretary Karoline Leavitt stated on Fox News that President Trump “has directed Elon Musk and the DOGE team to identify fraud at the Social Security Administration.”⁴⁷ Leavitt also stated on Fox News: “They haven’t dug into the books yet, but they suspect that there are tens of millions of deceased people who are receiving fraudulent Social Security payments.”⁴⁸

69. On February 19, 2025, Commerce Secretary Howard Lutnick stated on Fox News:

Back in October ... I flew down to Texas, got Elon Musk to [set up DOGE], and here was our agreement: that Elon was gonna cut a trillion dollars of waste fraud and abuse.... We have almost \$4 trillion of entitlements, and no one’s ever looked at it before. You know Social Security is wrong, you know Medicaid and Medicare are wrong....⁴⁹

70. On February 19, 2025, purported Acting SSA Commissioner Leland Dudek issued a press release endorsing DOGE and stating that DOGE “is a critical part of President Trump’s commitment to identifying fraud, waste, and abuse.”⁵⁰

⁴⁶ Elon Musk (@elonmusk), X (Feb. 17, 2025, 12:17 AM ET), <https://perma.cc/UU68-7ZHY>.

⁴⁷ Yamiche Alcindor & Raquel Coronell, *Top Social Security official steps down after disagreement with DOGE over sensitive data*, CNN (Feb. 17, 2025), <https://perma.cc/9ZLL-VLFH>.

⁴⁸ Zachary B. Wolf, *Trump and Musk set their sights on Social Security by spreading rumors*, CNN (Feb. 19, 2025), <https://perma.cc/YY7H-8XPA>.

⁴⁹ Acyn (@Acyn), X (Feb. 19, 2025, 8:16 PM ET), <https://perma.cc/T4RA-6BXL>.

⁵⁰ Soc. Sec. Admin., Press Release, *Statement from Lee Dudek, Acting Commissioner, about Commitment to Agency Transparency and Protecting Benefits and Information* (Feb. 19, 2025), <https://perma.cc/W33R-QKEZ>.

71. On February 22, 2025, President Trump reiterated his administration’s claims that tens of millions of Americans are improperly receiving Social Security benefits,⁵¹ calling Social Security “the biggest Ponzi scheme of all time ... It’s all a scam, the whole thing is a scam.”⁵²

72. On February 28, 2025, Elon Musk went on “The Joe Rogan Experience”—a widely listened to podcast—and proclaimed that “a basic search of the Social Security database” indicated “20 million dead people [were] marked as alive” and that “Social Security is the biggest Ponzi scheme of all time.”⁵³ That claim is false.⁵⁴

73. On March 4, 2025, in his first speech before a joint session of Congress, President Trump claimed there to be “shocking levels of incompetence and probable fraud in the Social Security Program.”⁵⁵

74. At the same time, SSA leadership has sought to wholly rework the agency.

75. On February 21, 2025, SSA announced an “organizational realignment” of its Office of Analytics, Review, and Oversight, which was responsible for addressing recommendations from external monitoring authorities and overseeing fraud detection.⁵⁶

⁵¹ The Express Tribune, *Trump Reveals Shocking Social Security Records & Payments*, YouTube (Feb. 20, 2025), <https://perma.cc/4ZC6-EL8M>; Justin Glawe, *Lies, Cuts, Closures: Trump and Musk Ravage Social Security Administration*, Rolling Stone (Feb. 28, 2025), <https://perma.cc/Y76Q-AJAZ>.

⁵² Mandy Taheri, *Donald Trump Riffs on Social Security—'It's All a Scam,'* Newsweek (Feb. 23, 2025), <https://perma.cc/THX8-3ZS4>.

⁵³ HappyScribe, #2281 – *Elon Musk, The Joe Rogan Experience* (Feb. 28, 2025), <https://perma.cc/RJ9A-7K6Q>.

⁵⁴ Soc. Sec. Admin., Off. of Inspector Gen., *IG Reports: Nearly \$72 Billion Improperly Paid; Recommended Improvements Go Unimplemented* (Aug. 19, 2024), <https://perma.cc/WR7T-3KZA>.

⁵⁵ *Full Transcript of President Trump’s Speech to Congress*, *supra* note 24.

⁵⁶ Soc. Sec. Admin., Press Release, *Social Security Announces Change to Improve Agency Operations and Strengthen Protections* (Feb. 21, 2025), <https://perma.cc/3EC7-KARR>.

76. On February 24, 2025, SSA announced it was closing the agency's Office of Transformation,⁵⁷ which was dedicated to the digital modernization of SSA programs and services, including improving the agency's website. A day later, SSA shuttered its Office of Civil Rights and Equal Opportunity,⁵⁸ which had been tasked with overseeing the agency's civil rights, equal employment, harassment prevention, accommodations, and disability services.

77. On February 27, 2025, SSA announced that it was implementing an "agency-wide organizational restructuring that will include significant workforce reductions"⁵⁹ and began offering buyouts to agency employees.⁶⁰

78. On February 28, 2025, SSA announced it was reducing the agency's workforce by 7,000 and reducing the number of regional SSA offices from ten to four.⁶¹ The agency had already been at a fifty-year staffing low.⁶²

79. That same day, over twenty senior SSA leaders announced their resignations.⁶³

80. During this time, DOGE has also been examining SSA's contracting and other systems, posting various cuts to agency contracts on its "wall of receipts."⁶⁴

⁵⁷ Soc. Sec. Admin., Press Release, *Social Security Eliminates Wasteful Department* (Feb. 24, 2025), <https://perma.cc/WMY9-T2WN>.

⁵⁸ Soc. Sec. Admin., Press Release, *Social Security Dissolves Duplicative Office* (Feb. 25, 2025), <https://perma.cc/CMG2-JBCJ>.

⁵⁹ Soc. Sec. Admin., Press Release, *Social Security Announces Options to its Workforce* (Feb. 27, 2025), <https://perma.cc/J64C-SX3T>.

⁶⁰ Aaron Navarro, *Social Security Administration offering voluntary buyouts ahead of "significant workforce reductions,"* CBS News (Feb. 27, 2025), <https://perma.cc/3XYQ-HHQJ>.

⁶¹ Soc. Sec. Admin., Press Release, *Social Security Announces Options to its Workforce* (Feb. 27, 2025), <https://perma.cc/J64C-SX3T>.

⁶² Natalie Alms, *Social Security shuts its civil rights and transformation offices,* Gov't Exec. (Feb. 26, 2025), <https://perma.cc/VY6T-K9FZ>.

⁶³ Gregory Korte and Emily Birnbaum, *Social Security Revamp Sees at Least Two Dozen Leaders Exit,* Bloomberg Law (Feb. 28, 2025), <https://perma.cc/K7HL-S43F>.

⁶⁴ *The people voted for major reform,* Dep't of Gov't Efficiency, <https://perma.cc/G6VS-NR2J> (Last visited Mar. 6, 2025); Aliss Higham, *DOGE Reveals Social Security Administration Cuts,* Newsweek (Feb. 20, 2025), <https://perma.cc/3R6K-BZEC>.

81. The purported Acting Commissioner has confirmed: DOGE personnel—or, as he called them, “outsiders who are unfamiliar with nuances of SSA programs”—are calling the shots.⁶⁵

V. DOGE Seeks Access to Protected Information at SSA

82. DOGE has also sought access to SSA data systems containing highly sensitive information.

83. On the morning of January 30, 2025, Tiffany Flick—then-Acting Chief of Staff to the Acting SSA Commissioner—received a phone call from Leland Dudek—who was at the time serving as a mid-level manager in the Office of Program Integrity, where he worked on anti-fraud measures.⁶⁶ Mr. Dudek told Ms. Flick that some members of DOGE requested to be on-site immediately and wanted to come to SSA headquarters that day. Over the following two weeks, DOGE, working with Mr. Dudek, ransacked the agency, installing DOGE associates without proper vetting or training, threatening career employees, and demanding access to some of the agency’s most sensitive data systems.

84. Then-Acting Commissioner Michelle King and other career employees did their best to hold DOGE at bay, understanding the harm that would ensue should DOGE gain unfettered access to SSA’s data systems.

85. In the end, DOGE won. The President installed Mr. Dudek as the purported Acting Commissioner, and Commissioner King and Ms. Flick retired from government service.

86. Commissioner Dudek then gave DOGE access to numerous data systems, including at least the following:

⁶⁵ Lisa Rein et al., *DOGE is driving Social Security cuts and will make mistakes, acting head says privately*, Wash. Post (Mar. 6, 2025), <https://perma.cc/FYY3-QGRR>.

⁶⁶ Marisa Kabas, *The Curious Case of Leland Dudek*, The Handbasket (Feb. 20, 2025), <https://perma.cc/HND5-AHVQ>.

a. The Enterprise Data Warehouse, which houses SSA’s master files and includes extensive information about anyone with a Social Security number, including names, names of spouses and dependents, work history, financial and banking information, immigration or citizenship status, and marital status;

b. The NUMIDENT file, which contains information about the assigning of Social Security numbers;

c. The Master Beneficiary Record and Supplemental Security Record files, which contain detailed information, including medical information, about anyone who applies for or receives Social Security or Supplemental Security benefits.

87. Now, reporting suggests that SSA is now pushing to get DOGE access to additional data systems, including the Federal Parent Locator Service and the National Directory of New Hires database—both of which contain additional sensitive information about working Americans, including quarterly wage data from state workforce agencies, unemployment insurance claims, employer history and information, information about child support cases and child support orders.⁶⁷

HARMS TO PLAINTIFFS

88. Plaintiffs have been engaged in, advocating for, and ensuring the availability of Social Security benefits for decades, as a central piece of their missions. Plaintiffs ASCME and AFT have active members in the workforce who participate in and contribute to the Old Age, Survivors, and Disability Insurance (“OASDI”) program managed by SSA. AFSCME, AFT, and ARA also have retired members—most of whom receive OASDI payments or are otherwise

⁶⁷ Jeff Stein and Dan Diamond, *DOGE targets child support database full of income data*, Wash. Post (Mar. 6, 2025), <https://perma.cc/D9DX-WVGU>.

eligible for OASDI. Many AFSCME members also have children who receive disability benefits administered by SSA of whom receive survivor benefits.

89. SSA has collected and stored extensive personal and financial information about Plaintiffs' members, including their Social Security numbers, names and addresses, taxable income, and contributions to Social Security.

90. Many of Plaintiffs' members also have highly sensitive medical information on file with SSA, including members whose medical records may contain information that carries stigma.

91. Plaintiffs' members have understood the information they submit to SSA to be private barring a few specific exceptions. Their trust in SSA is engendered by their understanding of the privacy laws the agency is subject to and the agency's own public commitments to data privacy, both in its official communications (for example, on its website) and in the statements made by agency employees during the course of conducting SSA business.

92. SSA Defendants are required by law to protect the sensitive personal and financial information that they collect and maintain about individuals from unnecessary and unlawful disclosure.

93. Plaintiffs' members have not—and do not—consent to the release of their sensitive information to DOGE personnel.

94. The decision to grant DOGE personnel access to the extensive records that SSA maintains—and any future decisions to do so—without obtaining or even requesting the consent of affected individuals like Plaintiffs' members, violates those requirements and upends the reliance these members had on their data being secure.

95. Plaintiffs' members—senior citizens—are also among the most targeted for and vulnerable to scams seeking or using their sensitive financial and medical information.

96. Plaintiffs' members rely on the programs that President Trump, Elon Musk, the White House, and DOGE are targeting to live.

97. Defendants' actions have thus harmed Plaintiffs' members by depriving them of privacy protections guaranteed by federal law and by making their information available for, and subject to, investigation by DOGE and scammers. This harm is exacerbated by the attendant risk that this information, still being improperly disclosed, is more easily accessed and abused by malicious actors.

CLAIMS FOR RELIEF

Count I

Violation of the APA: Unlawful, Arbitrary and Capricious Agency Action, 5 U.S.C. § 706 (Privacy Act, 5 U.S.C. § 552a)

98. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

99. The Privacy Act prohibits agencies from "disclos[ing] any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains." 5 U.S.C. § 552a(b).

100. The Privacy Act authorizes agencies to enter into agreements to share data, including via computer matching agreements, only if they adhere to strict processes. 5 U.S.C. § 552a(o).

101. SSA Defendants have disclosed and continue to disclose personal records contained in systems of records under their control. Those disclosures are neither pursuant to a written request from Plaintiffs' members nor made with their prior written consent. 5 U.S.C. § 552a(b).

102. SSA Defendants have also entered inter-agency data sharing agreements without abiding the process prescribed by law, 5 U.S.C. § 552a(o).

103. SSA Defendants' conduct constitutes final agency action under 5 U.S.C. § 704.

104. SSA Defendants have thereby engaged in conduct that is contrary to law, in excess of statutory authority, and arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. *See* 5 U.S.C. § 706(2).

Count II
Violation of the Privacy Act, 5 U.S.C. § 552a

105. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

106. The Privacy Act prohibits agencies from “disclos[ing] any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.” 5 U.S.C. § 552a(b).

107. The Privacy Act authorizes agencies to enter into agreements to share data, including via computer matching agreements, only if they adhere to strict processes. 5 U.S.C. § 552a(o).

108. SSA Defendants have disclosed and continue to disclose personal records contained in systems of records under their control. Those disclosures are neither pursuant to a written request from Plaintiffs' members nor made with their prior written consent. 5 U.S.C. § 552a(b).

109. SSA Defendants have also entered inter-agency data sharing agreements without abiding the process prescribed by law, 5 U.S.C. § 552a(o).

110. Accordingly, and alternatively to Count I, Plaintiffs are entitled to civil remedies under 5 U.S.C. § 552a(g).

Count III

Violation of the APA: Unlawful, Arbitrary and Capricious Agency Action, 5 U.S.C. § 706 (Internal Revenue Code, 26 U.S.C. §§ 6103, 7213A; Social Security Act, 42 U.S.C. § 1306)

111. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

112. The Internal Revenue Code makes clear that “[r]eturns and return information shall be confidential” and prohibits, and the Social Security Act prohibits “disclosure of any return or portion of return.” 26 U.S.C. § 6103; 42 U.S.C. § 1306.

113. “Return information” includes “the nature, source, or amount” of a taxpayer’s income and any other data gathered or collected by the Secretary of the Treasury.

114. SSA Defendants unlawfully permitted DOGE Defendants to access and inspect tax return information protected by the Internal Revenue Code, 26 U.S.C. §§ 6103, 7213A, and the Social Security Act, 42 U.S.C. § 1306.

115. Defendants’ conduct constitutes final agency action under 5 U.S.C. § 704.

116. Defendants have thereby engaged in conduct that is contrary to law, in excess of statutory authority, and arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under 5 U.S.C. § 706(2).

Count IV

Violation of the APA: Unlawful, Arbitrary and Capricious Agency Action, 5 U.S.C. § 706 (FISMA, 44 U.S.C. §§ 3554)

117. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

118. SSA Defendants have administered systems containing vast quantities of sensitive personal information without complying with statutorily required security protections under FISMA. 44 U.S.C. §§ 3554(a)(1)–(2).

119. Defendants’ conduct constitutes final agency action under 5 U.S.C. § 704.

120. Defendants have thereby engaged in conduct that is contrary to law, in excess of statutory authority, and arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under 5 U.S.C. § 706(2).

Count V

Violation of the APA: Unlawful, Arbitrary and Capricious Agency Action, 5 U.S.C. § 706

121. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

122. SSA Defendants have disclosed an unfathomable amount of sensitive, personally identifying information about the American public without acknowledging that SSA was changing its policies, identifying the source of its authority to do so, or providing any analysis whatsoever of why its decision is not arbitrary and capricious, and without considering the consequences, including to the reliance interests of Plaintiffs and their members.

123. Defendants’ conduct constitutes final agency action under 5 U.S.C. § 704.

124. Defendants have thereby engaged in conduct that is contrary to law, in excess of statutory authority, and arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under 5 U.S.C. § 706(2).

Count VI
Actions Ultra Vires

125. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

126. In directing and controlling the use and administration of Defendant SSA's systems, DOGE Defendants have breached secure government systems and caused the unlawful disclosure of the personal data of hundreds of millions of people.

127. DOGE Defendants may not take actions which are not authorized by law.

128. No law or other authority authorizes or permits DOGE Defendants to access or administer these systems.

129. Through such conduct, DOGE Defendants have engaged (and continue to engage) in *ultra vires* actions that injure Plaintiffs' members by exposing their sensitive, private, and personally identifiable information and increasing the risk of further disclosure and misuse thereof.

Count VII
Violation of the Appointments Clause, U.S. Const. Art. II, § 2, cl.2, 42 U.S.C. § 902

130. Plaintiffs assert and incorporate by reference the foregoing paragraphs.

131. The Appointments Clause of the U.S. Constitution provides that officers of the United States may be appointed by the President "by and with the advice of the Senate" unless Congress has "by Law" authorized the appointment of an inferior officer by the President, the courts, or a department head. U.S. Const. Art. II, § 2, cl.2.

132. As purported Acting Commissioner, Defendant Dudek is exercising significant authority and discretion. He therefore was purporting to act as an officer for purposes of the Appointments Clause when he unlawfully gave DOGE access to systems. The same is true today.

133. Despite serving in a presidentially appointed and Senate-confirmed position, Defendant Dudek was neither nominated by the President nor confirmed by the Senate. Nor has Congress enacted any law authorizing him to perform the functions and duties of the Commissioner without Senate confirmation.

134. Mr. Dudek is therefore acting in violation of 42 USC § 902.

135. Plaintiffs filed suit to challenge the access granted to SSA systems within a reasonable amount of time after it occurred, and Defendants had reasonable notice of the defect in Mr. Dudek's appointment. The grant of initial and continued access to SSA systems is thus unlawful and must be invalidated.

REQUESTED RELIEF

Plaintiffs therefore request that this Court:

1. Declare unlawful and fully enjoin DOGE Defendants' access, inspection, disclosure, or use of any information, including but not limited to return information, personally identifiable information, or non-anonymized information, that is contained in or obtained, derived, copied, or exported from SSA information systems or systems of record;

2. Declare unlawful and fully enjoin all Defendants' access, inspection, disclosure, or use of any SSA information system or system of record, or data contained in or obtained, derived, copied, or exported therefrom, for any purpose other than those permitted by the Privacy Act, a published System of Records Notice, the Internal Revenue Code, and the Federal Information Security Modernization Act.

3. Declare unlawful and fully enjoin DOGE Defendants' or purported Acting Commissioner Dudek's direction or control of access, inspection, disclosure, or use of any SSA

information system or system of record, or data contained in or obtained, derived, copied, or exported therefrom, including but not limited to return information, personally identifiable information, and non-anonymized information;

4. Direct all Defendants to file, within 24 hours of issuance of any grant of injunctive relief, a notice confirming that DOGE Defendants no longer have access to SSA information systems or systems of record or any data contained in or obtained, derived, copied, or exported therefrom;

5. Order DOGE Defendants to disgorge or delete all unlawfully obtained, disclosed, or accessed data, including but not limited to return information, personally identifiable information, or non-anonymized data, from any SSA information system or system of record they could not lawfully access prior to January 20, 2025;

6. Prohibit DOGE Defendants from installing any software on SSA devices, information systems, or systems of record and order that any software previously installed be removed;

7. Prohibit DOGE Defendants from accessing, altering, or disclosing any SSA computer or software code;

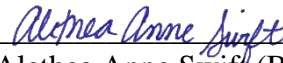
8. Award costs and reasonable attorneys' fees incurred in this action; and

9. Grant such other relief as the Court may deem just and proper.

Plaintiffs request a trial by jury on all issues so triable.

Dated: March 7, 2025

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I filed this document through the CM-ECF system and sent it via email to counsel for Defendants in the Federal Programs Branch at the Department of Justice, Civil Division. I additionally certify that summons were submitted for Defendants Russo, Musk, and Gleason.

Dated: March 7, 2025

/s/ Alethea Anne Swift
Counsel for Plaintiffs