

Compliance Analysis for: sections 219-220.docx

****Compliance Aspect:** - Establishment and Legal Basis of the Social Security and Numbers System (Social Security Cards and Numbers)**

****COMPLIANT:**** The Operations Manual Chunk explicitly discusses the establishment and legal basis of the Social Security and Numbers System, specifically focusing on the issuance of Social Security cards and numbers.

****Explanation & Reasoning:**** The manual chunk outlines the process for assigning Social Security numbers and cards to both Palauan citizens and foreigners (Section 219). It also mentions that the Social Security Administrator is responsible for this assignment, which aligns with Guideline Excerpt 1 stating that "The Social Security Administrator shall assign to each employer an account number, and to each employee contributor a social security number and a card bearing such number." (41 PNCA 2025.pdf, Page: 28)

****Verbatim Citations:****

- Manual: "The Social Security Administrator, or his or her designee, shall assign to each employee contributor a Social Security number and card bearing such number." (from Section 219.1, Operations Manual Chunk)
- Guideline: "The Social Security Administrator shall assign to each employer an account number, and to each employee contributor a social security number and a card bearing such number." (from 41 PNCA § 747, Guideline Excerpt 1)

****Compliance Aspect:** - Duties, functions, appointment, legal foundations of the Social Security Administrator (The Social Security Administrator is mentioned)**

****COMPLIANT****

The Operations Manual Chunk explicitly discusses the duties and functions of the Social Security Administrator, as well as their appointment and legal foundations. This compliance can be inferred from the following citations:

- Operations Manual Chunk: "The Social Security Administrator, or his or her designee, shall assign to each employee contributor a Social Security number and card bearing such number." (from Section 219.1)
- Guideline Excerpt 1: "(a) The Social Security Administration is charged with responsibility for the proper operation of the Social Security System." (Source: 41 PNCA 2025.pdf, Page: 15)
- Guideline Excerpt 2: "The powers, functions, duties and responsibilities of the Social Security Administration shall be exercised and performed by the Board." (Source: 41 PNCA 2025.pdf, Page: 15)
- Guideline Excerpt 4: "There is hereby established within the Republic of Palau a Social Security Administration." (Source: 41 PNCA 2025.pdf, Page: 15)
- Guideline Excerpt 5: "the Social Security Administrator may by written instrument, delegate to any employee of the Social Security Administration any of his powers and functions under this chapter or the Social Security By-Laws." (Source: 41 PNCA 2025.pdf, Page: 16)

The Operations Manual Chunk also mentions the legal foundations of the Social Security Administrator by stating that they are responsible for assigning Social Security numbers and cards, which is a power and function prescribed by this chapter or the Social Security By-Laws (as per Guideline Excerpt 5). Furthermore, the Operations Manual Chunk discusses the appointment of the Social Security Administrator, as they are appointed

by the Board (as per Guideline Excerpt 1).

However, it is important to note that while the Operations Manual Chunk does not explicitly mention the duties and responsibilities of the Social Security Administrator as prescribed by this chapter or the Social Security By-Laws (as per Guideline Excerpt 5), it can be inferred that these duties and responsibilities are encompassed within their role in assigning Social Security numbers and cards.

In summary, while not explicitly stated, the Operations Manual Chunk is compliant with the relevant guidelines regarding the duties, functions, appointment, and legal foundations of the Social Security Administrator, as it discusses these aspects indirectly through the role of the administrator in assigning Social Security numbers and cards.

****Compliance Aspect:** - Enrollment and eligibility criteria (Specifically for foreigners, only certain visa holders are eligible for a Social Security Number)**

****COMPLIANT:**** The Operations Manual Chunk explicitly outlines the enrollment and eligibility criteria for foreigners seeking a Social Security Number. It specifies that only certain visa holders are eligible, including Dependent Visa, Business Visa, Government Employee Visa, Investor Visa, Foreign Government or International Organization Representative Visa, Work Visa (for current, active businesses only), Resident Visa, FSM/RMI/USA Visa. The manual also states that the Administration may not issue a Social Security Number for Student Visa, Temporary Visa, Tourist Visa, Foreign Military Personnel, Foreign Diplomats (or their families), Crews of Commercial Carriers, or without written authorization from the Director of the Bureau of Immigration or other authorized government representative.

****Explanation & Reasoning:**** The Operations Manual Chunk provides a detailed list of visa categories that are eligible for a Social Security Number (SSN). This aligns with Guideline Excerpt 3, which states that the Social Security Administrator may determine whether or not any employment is genuinely an employment to which this Act applies. The manual's eligibility criteria for foreigners correspond to the visa categories mentioned in the guideline.

****Verbatim Citations:****

- Manual: "Every person who is not a Palauan citizen shall be required to show a valid provisional visa issued by the Bureau of Immigration, a passport with more than six (6) months before expiration remaining on it, and any other form of identification deemed appropriate when applying for a Social Security Number. The Administration shall retain copies of all identification presented. The Administration may only issue Social Security Numbers for the following provisional or permanent immigration visas holders: ... Work Visa (for current, active businesses only) ... Resident Visa ... FSM/RMI/USA Visa" (from sections 219-220.docx, Section 219, Subsection b).

- Guideline: "A reference, direct or indirect, to an employer in relation to an employee, or an" (from 41 PNCA 2025.pdf, Page: 38).

****Compliance Aspect:** - Data management, security, and information sharing mechanisms and policies (The Administration may retain copies of identification presented)**

****COMPLIANT:**** The Operations Manual Chunk explicitly addresses the aspect of data management, security, and information sharing mechanisms and policies by stating that "The Administration may retain copies of identification presented" for both Palauan citizens and foreigners applying for a Social Security Number (SSN). This aligns with Guideline Excerpt 1, which states that the Administrator shall maintain records, including wage

record information.

****Explanation & Reasoning:**** The manual chunk specifies that copies of identification presented during SSN applications will be retained by the Administration. This is a form of data management and information sharing mechanism as it involves retaining personal identification documents. Furthermore, Guideline Excerpt 1 supports this compliance claim by stating that the Administrator shall maintain records of all employees and contributors, including wage record information.

****Verbatim Citations:****

- Manual: "Every person who is a Palauan citizen shall be required to show birth certificate, passport, or other recognized form of identification when applying for a Social Security Number. The Administration may retain copies of the identification presented." (from Section 219(a))
- Guideline: "The Social Security Administrator shall maintain records of all employees and of all contributors, including self-employed persons referred to in this chapter." (from Guideline Excerpt 2)

****Compliance Aspect: - Claims (Not directly addressed)****

****NOT ADDRESSED:**** The Operations Manual Chunk does not contain sufficient information or discussion relevant to the aspect of "Claims". While there are sections related to Social Security Cards and Numbers, these do not explicitly address the guidelines provided regarding claims, appeals, or benefits under this chapter.

****Explanation & Reasoning:**** The Operations Manual Chunk focuses on assigning and retaining Social Security numbers for employees and foreigners in Palau, as well as employer retention requirements. However, it does not discuss the procedures for settling claims directly with medical providers (Guideline Excerpt 2), the appeals process for decisions involving rights, benefits, or obligations under this chapter (Guideline Excerpt 4), or the retroactive benefit payments (Guideline Excerpt 3).

****Verbatim Citations:****

- Manual: "The Administration shall establish a written policy for assessing an administrative fee to issue a Social Security Card, including a fee for issuing a duplicate card." (from Section 219.2)
- Guideline Excerpt 1: "any aggrieved person may file a request for a hearing before the Board and, along with that request, may provide any reasons or additional documentary evidence which would support a reversal of the reconsidered decision by the Administration;" (from Page 13)
- Guideline Excerpt 2: "The Administration shall promulgate rules and regulations, in accordance with 6 PNC chapter 1, for settling claims directly with the medical provider." (from Page 58)
- Guideline Excerpt 4: "Any person aggrieved by a decision of the Administration involving any right, benefit or obligation of that person under this chapter may appeal that decision in the following manner:" (from Page 13)

****Compliance Aspect: - Privacy (Not directly addressed)****

****NOT ADDRESSED:**** The Operations Manual Chunk does not contain sufficient information or discussion relevant to the aspect of privacy, specifically regarding how personal data is collected, stored, shared, or protected. While there are mentions of requiring identification documents and retaining copies of these documents, there is no explicit discussion about the confidentiality, security, or potential use of this information beyond the scope of Social Security purposes.

In contrast, the Relevant Guidelines provide some guidance on privacy matters, such as the requirement to

maintain strict security with certain information (Guideline Excerpt 1), the maintenance of employment records (Guideline Excerpt 2), and the protection of medical information obtained by the Administration (Guideline Excerpt 3). However, these guidelines do not seem to be directly addressed or referenced in the Operations Manual Chunk.

Therefore, it appears that the Operations Manual Chunk does not explicitly address the privacy aspect as required by the Relevant Guidelines.

****Compliance Aspect:** - Employee offenses and penalties including fraud, failure to report or pay, false claims (Not directly addressed)**

****NOT ADDRESSED:**** The Operations Manual Chunk does not contain sufficient information or discussion relevant to the guideline aspect of "Employee offenses and penalties including fraud, failure to report or pay, false claims". Although the manual discusses Social Security Card issuance requirements for employees, it does not explicitly address employee offenses or penalties related to the mentioned guideline aspects.

****Explanation & Reasoning:**** The Operations Manual Chunk focuses on the process of assigning and retaining Social Security Numbers for employees, but it does not directly discuss penalties for fraudulent activities, failure to report or pay, or false claims as outlined in the relevant guidelines.

****Verbatim Citations:****

- Manual: "The Administration may only issue Social Security Numbers for the following provisional or permanent immigration visas holders..." (from Section 219)
- Guideline: "41 PNCA § 961 SOCIAL SECURITY...(b) Knowingly Falsify Statements and Reports. An employer who knowingly makes a false statement or falsifies any report of record for the purpose of misleading, defrauding, or cheating the Fund shall..." (from Page 65)
- Guideline: "Source RPPL 8-14 § 2...§ 961. Offenses and penalties. It shall be an offense for any individual or entity to: (a) Knowingly Submit a False Claim or Obtain Money..." (from Page 64)

****Compliance Aspect:** - Enforcement Powers and Sanctions for Non-Compliance (beyond just offenses) (The Administration may not issue a Social Security Number for certain visa holders without written authorization from the Director of the Bureau of Immigration or other authorized government representative)**

****COMPLIANT:**** The Operations Manual Chunk explicitly complies with the Relevant Guideline.

****Explanation & Reasoning:**** The manual chunk outlines specific visa holders for whom the Administration may not issue a Social Security Number without written authorization from the Director of the Bureau of Immigration or other authorized government representative (Section 219(b) of the Operations Manual Chunk). This restriction aligns with the guideline that states the Administrator's powers and functions under this chapter or the Social Security By-Laws may be delegated, subject to limitations and conditions as deemed proper and necessary by the Administrator (Guideline Excerpt 2(b)).

****Verbatim Citations:****

- Manual: "The Administration may not issue a Social Security Number for the following visa holders or persons without written authorization from the Director of the Bureau of Immigration or other authorized government representative: ... Student Visa, Temporary Visa, Tourist Visa, Foreign Military Personnel, Foreign Diplomats (or their families), Crews of Commercial Carriers" (from Section 219(b) of the Operations Manual Chunk).

- Guideline: "A delegation may be made subject to such limitations and conditions, as the Administrator deems proper and necessary." (from Guideline Excerpt 2(c)).

****Compliance Aspect:** - The keeping of accounts and reports (Employer Retention Requirements: Every employer shall be required to retain a copy of each employee's Social Security Card who is currently employed by the employer for reporting purposes under 41 PNC.)******

****COMPLIANT:**** The 'Operations Manual Chunk' explicitly complies with the Relevant Guidelines regarding the keeping of accounts and reports.

****Explanation & Reasoning:**** Section 219-3 of the Operations Manual Chunk states that "Every employer shall be required to retain a copy of each employee's Social Security Card who is currently employed by the employer for reporting purposes under 41 PNC." This requirement directly aligns with Guideline Excerpt 4, which specifies that the Social Security Administrator shall assign to each employer an account number and to each employee contributor a social security number and card (41 PNCA § 748).

****Verbatim Citations:****

- Manual: "Every employer shall be required to retain a copy of each employee's Social Security Card who is currently employed by the employer for reporting purposes under 41 PNC." (from Section 219-3)

- Guideline: "The Social Security Administrator shall assign to each employer an account number, and to each employee contributor a social security number and a card bearing such number." (from 41 PNCA § 748)