

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on November 1, 2021 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

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DEPARTMENT OF VETERANS AFFAIRS**Privacy Act of 1974; System of Records**

AGENCY: Department of Veterans Affairs (VA), Veterans Benefits Administration.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974, notice is hereby given that the Department of Veterans Affairs (VA) proposes to modify an existing system of records, “Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA” (58VA21/22/28).

DATES: Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments may be submitted through www.Regulations.gov or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to “Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA” (58VA21/22/28). Comments received will be available at regulations.gov for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT:

Michael F. Palmer, *Michael.Palmer5@va.gov*, Senior Program Analyst, Chief

Production Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 (336) 251-0392.

SUPPLEMENTARY INFORMATION: This system of records contains information regarding applicants for and beneficiaries of benefits chiefly administered by the Veterans Benefits Administration (VBA). This system is a core system for VBA programs. This system of records does not directly address health or memorial benefits administered respectively by the Veterans Health Administration or the National Cemetery Administration, the other two of the three Administrations within VA. This system was first published on March 3, 1976, and last amended on February 14, 2019, to reaffirm the establishment of the Veterans Benefits Management System (VBMS) eFolder as the *official record* for Veterans claims processing, management, adjudication, and appeals, propose the plan to properly dispose of paper duplicate copies and other physical media after imaging and upload into the eFolder, and to begin using the eFolder as an integrated benefits repository for records related to VA Insurance and Loan Guarantee benefits.

VA is proposing to update this SORN to include the addition of two new applications that will be used by Vocational Rehabilitation and Employment (VR&E) counselors and/or Veteran participants: The Electronic Virtual Assistant (e-VA) and the Case Management Solution (CMS). e-VA is an active, artificial intelligence-enabled application that alleviates the burden of compliance, data entry, communications, documentation, and repetitive tasks in order to empower VR&E resources to focus their time on Veteran participants’ needs, fulfilling the organization’s mission of guiding clients to successful outcomes. e-VA’s web-based capabilities allow for bi-directional automated and on-demand text and email communication between VA’s VR&E counselors and Veterans who are seeking to use or are actively enrolled in VR&E programs. It provides program participants with the ability to submit documentation such as training certificates, training receipts, or employment verification documents using their mobile devices. It will also enable system-generated, interactive appointment scheduling, rescheduling and cancellation, plus keep Veterans updated by providing announcements and broadcast messages.

CMS is a Software as a Service application that will be used to

automate the application process for VR&E, assign and transfer claimant files between VR&E counselors and stations, communicate with claimants, manage and record awards and payments to claimants, provide metrics on VR&E services, and ensure appropriate access controls are enabled for the system. CMS’s web-based capabilities allow for bi-directional, automated, and on-demand integration between CMS and numerous VA systems, improving the automation, consistency and efficiency of VR&E counselors’ work with claimants. It will also enable interaction with the e-VA system to ensure the value of both technologies is available to the VR&E counselors.

VA is also adding fiduciary records to this system as part of the retirement of legacy Beneficiary Fiduciary Field System (BFFS) that was covered under “Supervised Fiduciary/Beneficiary and General Investigative Records—VA” (37VA27). With the sunset of the BFFS system, Fiduciary records will be managed and stored in VBMS, which will serve as the primary application for the delivery of Fiduciary benefits to VA beneficiaries. In addition to the name, mailing address, Social Security number, medical record information, and financial information specific to VA Beneficiaries, VBMS will also store information on individuals/organizations serving as fiduciaries. This will include the name, mailing address, Social Security or tax identification number, and credit and criminal histories of individuals/organizations who are currently VA-appointed fiduciaries, who previously served as VA-appointed fiduciaries, or who were considered for service as VA-appointed fiduciaries. The purpose of maintaining these records is to qualify the individual/organization for service as a fiduciary and provide oversight of fiduciary activities. As such, additional Categories of Individuals, Categories of Records, Routine Uses, and other information specific to the VA Fiduciary program are being added to this system.

VA is also proposing to add the Filipino Loyalty File as a type of record stored in this system. The Filipino Loyalty File is a group of records relating generally to the loyalty of Filipino nationals during the Japanese occupation of the Philippine Islands during World War II (WWII). Most of the records were created or collected by Army investigative or intelligence units after the War and are used to help determine eligibility for VA benefits for Filipino nationals who served on behalf of the American cause during the War.

Additionally, VA is updating the name of the Virtual VA system to

Legacy Content Manager (LCM) due to its change in roles as a primary system used to process claims to a legacy system that is used to store documentation.

Finally, VA is adding new Routine Uses 84 to authorize VA to disclose information from this system of records to telephone company operators acting in a capacity to facilitate phone calls to or for hearing-impaired Veterans and their agents, and Routine Uses 85 to 93 to ensure better management and oversight of VA's Fiduciary program.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Neil C. Evans, M.D., Chief Officer, Connected Care, Performing the Delegable Duties of the Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on September 26, 2021 for publication.

Dated: November 3, 2021.

Amy L. Rose,

Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME AND NUMBER:

Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58VA21/22/28).

SECURITY CLASSIFICATION:

This is an unclassified system.

SYSTEM LOCATION:

Records are maintained at VA regional offices, VA centers, the VA Records Management Center (RMC), St. Louis, Missouri, the Data Processing Center at Hines, Illinois, the Corporate Franchise Data Center in Austin, Texas, the VA Insurance Center and the Information Technology Center at Philadelphia, Pennsylvania, and Terremark Worldwide, Inc., Federal Hosting Facilities in Culpepper, Virginia, Miami, Florida, and in the VA Enterprise Cloud (VAEC) AWS GovCloud regions in Oregon and Ohio. Active educational assistance records are generally maintained at the regional processing office having jurisdiction over the educational institution, training establishment, or other entity where the claimant pursues or intends to pursue training.

The automated individual employee productivity records are temporarily

maintained at the VA data processing facility serving the office in which the employee is located. Records provided to the Department of Housing and Urban Development (HUD) for inclusion on its Credit Alert Interactive Voice Response System (CAIVRS) are located at a data processing center under contract to HUD at Lanham, Maryland. Address locations of VA facilities are listed at: VA Locations Link.

SYSTEM MANAGER(S):

Executive Director, Compensation Service (21C), 810 Vermont Avenue NW, VA Central Office, Washington, DC 20420.

Executive Director, Pension and Fiduciary Service (21PF), 810 Vermont Avenue NW, VA Central Office, Washington, DC 20420.

Executive Director, Education Service (22), 810 Vermont Avenue NW, VA Central Office, Washington, DC 20420.

Executive Director, Veteran Readiness and Employment Service (28), 810 Vermont Avenue NW, VA Central Office, Washington, DC 20420.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. chapters 106a, 510, 1606 and 1607 and title 38, U.S.C. § 501(a) and Chapters 3, 11, 13, 15, 18, 19, 21, 23, 30, 31, 32, 33, 34, 35, 36, 37, 39, 51, 53, 55 and 77. Title 5 U.S.C. 5514.

PURPOSE(S) OF THE SYSTEM:

VA gathers or creates these records in order to enable it to administer statutory benefits programs to Veterans, Service Members, Reservists, and their spouses, surviving spouses, and dependents, who file claims for a wide variety of Federal Veteran's benefits administered by VA. See the statutory provisions cited in "Authority for maintenance of the system."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system.

1. Veterans who have applied for compensation for service-connected disability under title 38 U.S.C. chapter 11.
2. Veterans who have applied for nonservice-connected disability under title 38 U.S.C. chapter 15.
3. Veterans entitled to burial benefits under title 38 U.S.C. chapter 23.
4. Surviving spouses and children who have claimed pension based on nonservice-connected death of a Veteran under title 38 U.S.C. chapter 15.
5. Surviving spouses and children who have claimed death compensation based on service-connected death of a Veteran under title 38 U.S.C. chapter 11.

6. Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a Veteran under title 38 U.S.C. chapter 13.

7. Parents who have applied for death compensation based on service-connected death of a Veteran under title 38 U.S.C. chapter 11.

8. Parents who have applied for dependency and indemnity compensation for service-connected death of a Veteran under title 38 U.S.C. chapter 13.

9. Individuals who applied for educational assistance benefits administered by VA under title 38 U.S.C.

10. Individuals who applied for educational assistance benefits maintained by the Department of Defense (DoD) under title 10 U.S.C. that are administered by VA.

11. Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Emergency Veterans' Job Training Act of 1983, Public Law 98-77.

12. Any VA employee who generates or finalizes adjudicative actions using the Benefits Delivery Network (BDN), the Veterans Service Network (VETSNET), CMS, or Veterans Benefits Management System (VBMS) computer processing systems.

13. Veterans who apply for training and employers who apply for approval of their programs under the provisions of the Service Members Occupational Conversion and Training Act of 1992, Public Law 102-484.

14. Representatives of individuals covered by the system.

15. Fee personnel who may be paid by the VA or by someone other than the VA (e.g., appraisers, compliance inspectors, management brokers, loan closing and fee attorneys who are not VA employees but are paid for actual case work performed).

16. Program participants (e.g., property management brokers and agents, real estate sales brokers and agents, participating lenders and their employees, title companies whose fees are paid by someone other than the VA, and manufactured home dealers, manufacturers, and manufactured home park or subdivision owners).

17. Disabled veterans who have applied for and received specially adapted housing assistance under title 38, U.S.C. chapter 21.

18. Veterans, their spouses or unmarried surviving spouses who have applied for and received VA housing credit assistance under title 38, U.S.C., chapter 37.

19. Person(s) applying to purchase VA owned properties (vendee loans).

20. Transferee owners of properties encumbered by a VA-guaranteed, insured, direct or vendee loan (*e.g.*, individuals who have assumed a VA-guaranteed loan and those who have purchased property directly from the VA).

21. Individuals other than those previously identified who may have applied for loan guarantee benefits.

22. Veterans (not including dependents) and members of the uniformed services (including dependents) who have applied for and/or have been issued government life insurance.

23. Beneficiaries of government life insurance entitled to or in receipt of insurance proceeds.

24. Attorneys drawing fees for aiding in settlement of VA insurance claims. The individuals noted above are covered by this system based on applications, claims, and notices of eligibility for the following government life insurance programs provided in title 38 U.S.C. chapters 19 and 21:

(1) U.S. Government Life Insurance (USGLI) under Section 1942.

(2) National Service Life Insurance (NSLI) under Section 1904.

(3) Veterans' Special Life Insurance (VSLI) under Section 1923.

(4) Veterans' Reopened Insurance (VRI) under Section 1925.

(5) Service-Disabled Veterans Insurance (S-DVI) under Section 1922 and 1922A.

(6) Veterans' Mortgage Life Insurance (VMLI) under Section 2106.

(7) Servicemembers' Group Life Insurance (SGLI), including Family Servicemembers' Group Life Insurance (FSGLI), Veterans' Group Life Insurance (VGLI), and Servicemembers' Group Life Insurance Traumatic Injury Protection.

(8) (TSGLI) under Sections 1967 through 1980A.

25. VA Fiduciary beneficiaries (*i.e.*, a veteran or a non-veteran adult who receives VA monetary benefits, lacks the mental capacity to manage his or her own financial affairs regarding disbursement of funds without limitation, and is either rated incapable of managing his or her financial affairs or adjudged to be under legal disability by a court of competent jurisdiction; or a child who has not reached majority under State law and receives VA monetary benefits).

26. Current, former, and prospective VA-appointed fiduciaries (*i.e.*, a VA Federal fiduciary appointed by VA to serve as fiduciary of VA monetary benefits for a VA beneficiary determined unable to manage his or her financial

affairs; or a person or legal entity appointed by a State or foreign court to supervise the person and/or payee of a VA beneficiary adjudged to be under a legal disability). The statutory title of a court-appointed fiduciary may vary from State to State.

27. A chief officer of a hospital, domiciliary, institutional or nursing home care facility where a beneficiary, who VA has determined is unable to manage his or her financial affairs, is receiving care and who has contracted to use the veteran's VA funds in a specific manner.

28. Supervised Direct Payment (SDP) (*i.e.*, an adult beneficiary in the fiduciary program who manages his or her VA benefits with limited and temporary supervision based upon a field examination and subsequent to determination by the hub manager pertaining to benefits eligibility and other issues; or, to develop evidence for further investigations of potential criminal issues).

29. Physicians named in treatment records and financial managers or attorneys who help disperse funds for VA beneficiaries deemed unable to manage those funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record, may include identifying information (*e.g.*, name, address, social security number); military service and active duty separation information (*e.g.*, name, service number, date of birth, rank, sex, total amount of active service, branch of service, character of service, pay grade, assigned separation reason, service period, whether Veteran was discharged with a disability, reenlisted, received a Purple Heart or other military decoration); payment information (*e.g.*, Veteran payee name, address, dollar amount of readjustment service pay, amount of disability or pension payments, number of nonpay days, any amount of indebtedness (accounts receivable) arising from title 38 U.S.C. benefits and which are owed to the VA); medical information (*e.g.*, medical and dental treatment in the Armed Forces including type of service-connected disability, medical facilities, or medical or dental treatment by VA health care personnel or received from private hospitals and health care personnel relating to a claim for VA disability benefits or medical or dental treatment); personal information (*e.g.*, marital status, name and address of dependents, internet protocol addresses, occupation, amount of education of a Veteran or a dependent, dependent's relationship to Veteran); education benefit information (*e.g.*, information arising from

utilization of training benefits such as a Veteran trainee's induction, reenrance or dismissal from a program or progress and attendance in an education or training program); applications for compensation, pension, education and vocational rehabilitation benefits and training which may contain identifying information, military service and active duty separation information, payment information, medical and dental information, personal and education benefit information relating to a Veteran or beneficiary's incarceration in a penal institution (*e.g.*, name of incarcerated Veteran or beneficiary, claims file number, name and address of penal institution, date of commitment, type of offense, scheduled release date, Veteran's date of birth, beneficiary relationship to Veteran and whether Veteran or beneficiary is in a work release or half-way house program, on parole or has been released from incarceration); case notes from the e-VA application created from email and text message correspondence through the application; degree audits and copies of grades for Veterans and dependents enrolled in school; training records for Veterans and dependents participating in training programs. The Filipino Loyalty file (the File) consists of correspondence, memoranda, reports, affidavits, depositions, press clippings, rosters, photographs, and other papers accumulated by post-WWII U.S. Army investigative and intelligence units. The File relates to anti-Japanese resistance activities in the Philippines, Filipino collaboration with the Japanese, wartime guerrilla activities, and instances of real or suspected Communist activities.

The VA employee's BDN, VETSNET or VBMS identification numbers, the number and kind of actions generated and/or finalized by each such employee, the compilation of cases returned for each employee.

Records (or information contained in records) may also include: Applications for certificates of eligibility (these applications generally contain information from a veteran's military service records except for character of discharge); applications for Federal Housing Administration (FHA) Veterans' low-down payment loans (these applications generally contain information from a Veteran's military service records including whether or not a veteran is in the service); applications for a guaranteed or direct loan, applications for release of liability, applications for substitutions of VA entitlement and applications for specially adapted housing (these applications generally contain

information relating to employment, income, credit, personal data; *e.g.*, social security number, marital status, number and identity of dependents; assets and liabilities at financial institutions, profitability data concerning business of self-employed individuals, information relating to an individual Veteran's loan account and payment history on a VA-guaranteed, direct, or vendee loan on an acquired property, medical information when specially adapted housing is sought, and information regarding whether a Veteran owes a debt to the United States) and may be accompanied by other supporting documents which contain the above information; applications for the purchase of a VA acquired property (*e.g.*, vendee loans—these applications generally contain personal and business information on a prospective purchaser such as social security number, credit, income, employment history, payment history, business references, personal information and other financial obligations and may be accompanied by other supporting documents which contain the above information); loan instruments including deeds, notes, installment sales contracts, and mortgages; property management information; *e.g.*, condition and value of property, inspection reports, certificates of reasonable value, correspondence and other information regarding the condition of the property (occupied, vandalized), and a legal description of the property; information regarding VA loan servicing activities regarding default, repossession and foreclosure procedures, assumability of loans, payment of taxes and insurance, filing of judgments (liens) with State or local authorities and other related matters in connection with active and/or foreclosed loans; information regarding the status of a loan (*e.g.*, approved, pending or rejected by the VA); Applications by individuals to become VA-approved fee basis appraisers, compliance inspector, fee attorneys, or management brokers. These applications include information concerning applicant's name, address, business phone numbers, social security numbers or taxpayer identification number, and professional qualifications; applications by non-supervised lenders for approval to close guaranteed loans without the prior approval of VA (automatically); applications by lenders supervised by Federal or State agencies for designation as supervised automatic lenders in order that they may close loans without the prior approval (automatically) of the VA; applications for automatic approval or designation

contain information concerning the corporate structure of the lender, professional qualifications of the lender's officers or employees, financial data such as profit and loss statements and balance sheets to insure the firm's financial integrity; identifying information such as names, business names (if applicable), addresses, phone numbers and professional resumes of corporate officials or employees; corporate structure information on prior approval lenders, participating real estate sales brokers or agents, developers, builders, investors, closing attorneys or other program participants as necessary to carry out the functions of the Loan Guaranty Program; records of performance concerning appraisers, compliance inspectors, management brokers, or fee attorneys on both firms and individual employees; records of performance including disciplinary proceedings, concerning program participants; *e.g.*, lenders, investors, real estate brokers, builders, fee appraisers, compliance inspectors and developers both as to the firm and to individual employees maintained on an as-needed basis to carry out the functions of the Loan Guaranty program; National Control Lists which identify suspended real estate brokers and agents, lenders and their employees, investors, manufactured home dealers and manufacturers, and builders or developers; and a master record of the National Control List (*e.g.*, Master Control List) which includes information regarding parties previously suspended but currently reinstated to participation in the Loan Guaranty program in addition to all parties currently suspended.

Life insurance records (or information contained in records) may consist of:

1. Applications for insurance, including the name and address of the Veteran or member of the uniformed services, email address, phone number, correspondence to and from the veteran or member of the uniformed services or their legal representatives, date of birth, social security number, military service number, dates of service, military ranking, character of discharge, VA file number, plan or type of insurance, disability rating, medical information regarding disability and health history, method of payment, amount of insurance coverage requested, and bank routing and account numbers. Applications for Veterans' Mortgage Life Insurance (VMLI), including supporting mortgage documents, contain the address of the mortgaged property, name and address of the mortgagor, the mortgage account number, the rate of interest, the original amount of the

mortgage, and the current amount of the mortgage, the monthly payment amount, the mortgage payment period, and VA Specially Adapted Grant Cards (which contain the Veteran's or uniformed services member's name, address, dates of military service, branch of service, method of separation, whether the Veteran or member of the uniformed services has VMLI, the name and address of the lender, the legal description and property address, improvements to such property, date applied for disability compensation, date of initial application submission, grant information, amount of the grant approved or whether the grant was denied or canceled).

2. Beneficiary and option designation information, including the names and addresses of principal and contingent beneficiaries, beneficiary social security number, share amount to each beneficiary, the method of payment, and the designated estate(s) and trust(s).

3. Insurance contract information, including: (a) Authorization of allotment payment; (b) authorization for deduction from VA benefit payments; (c) authorization for deduction from military retired pay; (d) authorization for deduction from employee payroll; (e) paid dividend information; (f) claims for disability or death payments; (g) cash value, policy loan, and lien information; (h) a listing of lapsed actions and unpaid insurance proceeds; (i) payment vouchers; (j) reinstatement information; (k) premium records status, and retired status of the policy; (l) court-martial orders; (m) copies of personal papers of the insured, including birth certificate, marriage license, divorce decree, citizen or naturalization papers, death certificate, adoption decree, and family support documents; (n) correspondence to and from the Veteran, member of the uniformed services, legal representative and payee; (o) employment information; (p) returned check and check tracer information; (q) court documents; and (r) insurance death claims settlement information, including indebtedness, interest, and other credits.

4. Records of checks withheld from delivery to certain foreign countries.

5. Index of payees, including CO index cards and premium record cards.

6. Disability Outreach Tracking System (DOTS) records stored in the Veterans Insurance Claims Tracking and Response System (VICTARS) including the Veteran's or uniformed services member's name, address, phone number, and disability status.

7. Policy information and access history from the VA Insurance website self-service-portal stored in VICTARS, which includes the name of the insured,

file number, policy number, address, phone number, email address, loan status, including loan amount requested, denied, or pending, the date of request for information, loan history, policy changes, dividend option changes, and VA Insurance website pages accessed.

8. Information from the VA Insurance website, which provides access to Veterans for completion of an application for Service-Disabled Veterans Insurance (S-DVI), which includes the Veteran's name, address, social security number, date of birth, phone number, medical history, email address, and beneficiary information, such as the beneficiary's name, address, and social security number.

Fiduciary Records (or information contained in records) may consist of:

1. Field examination reports (*i.e.*, VA Form 27-4716a or 27-3190, Field Examination Request and Report, which contains a VA beneficiary's name, address, Social Security number, VA file number, an assessment of the beneficiary's ability to handle VA and non-VA funds, description of family relationships, economic and social adjustment information, information on the beneficiary's activities, and the name, address, and assessment of the performance of a VA-appointed fiduciary).

2. Correspondence from and to a VA beneficiary, a VA-appointed fiduciary, and other interested third parties.

3. Medical records (*i.e.*, medical and social work reports generated in VA, State, local, or private medical treatment facilities or private physicians' offices indicating the medical history of a VA beneficiary, including diagnosis, treatment and nature of any physical or mental disability).

4. Financial records (*e.g.*, accountings regarding a fiduciary's management of a beneficiary's income, investments, and accumulated funds, amount of monthly benefits received, amounts charged for fees by the fiduciary, certificates of balance on accounts from financial institutions, and withdrawal agreements between VA, financial institutions, and the fiduciary).

5. Court documents (*e.g.*, petitions, court orders).

6. Agreements to serve as a VA Federal fiduciary.

7. Information pertaining to individuals, including companies and other entities, who previously served as a VA-appointed fiduciary.

8. Information related to the qualification and appointment of individuals, including companies and other entities, considered by VA for appointment as a fiduciary.

9. Photographs of people (beneficiaries who VA has determined are unable to manage their financial affairs, fiduciaries, and other persons who are the subject of a VA investigation), places, and things.

10. Fingerprint records.

11. SSA records containing information about the type and amount of SSA benefits paid to beneficiaries who are eligible to receive benefits under both VA and SSA eligibility criteria, records containing information developed by SSA about SSA beneficiaries who are in need of representative payees, accountings provided to SSA, and records containing information about SSA representative payees. Also contained in this system are copies of non-fiduciary program investigation records. These records are reports of field examinations or investigations performed at the request of any organizational element of VA about any subject under the jurisdiction of VA other than a fiduciary issue. In addition to copies of the reports, records may include copies of exhibits or attachments such as photographs of people, places, and things; sworn statements; legal documents involving loan guaranty transactions, bankruptcy, and debts owed to VA; accident reports; birth, death, and divorce records; certification of search for vital statistics documents; beneficiary's financial statements and tax records; immigration information; and newspaper clippings.

RECORD SOURCE CATEGORIES:

Veterans, Servicemembers, Reservists, spouses, surviving spouses, dependents and other beneficiaries of the Veteran, accredited service organizations and other VA-approved representatives of the Veteran, VA-supervised fiduciaries (*e.g.*, VA Federal fiduciaries, court-appointed fiduciaries), military service departments, VA medical facilities and physicians, private medical facilities and physicians, education and rehabilitation training establishments, State and local agencies, other Federal agencies including the Department of Defense (DoD), Social Security Administration (SSA); U.S. Treasury Department, State, local, and county courts and clerks, Federal, State, and local penal institutions and correctional facilities, other third parties and other VA records, Office of Servicemembers' Group Life Insurance (OSGLI); commercial insurance companies; undertakers; lending institutions holding a veteran's or uniformed services member's mortgage; VA Loan Guaranty records; contractors remodeling or enlarging or adding

construction to existing homes; relatives and other interested persons; Westlaw and InfoUSA; Inquiry Routing & Information System (IRIS) (maintained under System of Records "151VA005OP6" by the Office of Information & Technology), brokers and builder/sellers, credit and financial reporting agencies, an applicant's credit sources, depository institutions and employers, independent auditors and accountants, hazard insurance companies, taxing authorities, title companies, fee personnel, business and professional organizations, the general public, and other parties of interest involving VA-guaranteed, insured, vendee or direct loans or specially adapted housing; VA Fiduciary beneficiaries, VA beneficiaries' dependents, VA-appointed fiduciaries, individuals who were previously VA-appointed fiduciaries, individuals who VA considered for service as a VA-appointed fiduciary but did not select, field examiners, legal instrument examiners, fiduciary program personnel, third parties, other Federal, State, and local agencies, and VA records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Note: To the extent that records contained in this system include individually-identifiable patient information protected by 38 U.S.C. 7332, that information cannot be disclosed under a routine use unless there is also specific disclosure authority in 38 U.S.C. 7332.

1. *Congress:* VA may disclose information to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

2. *Data breach response and remediation, for VA:* VA may disclose information to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records; (2) VA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

3. *Data breach response and remediation, for another Federal*

agency: VA may disclose information to another Federal agency or Federal entity, when VA determines that the information is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

4. *Law Enforcement*: VA may disclose information that, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

5. *DOJ for Litigation or Administrative Proceeding*: VA may disclose information to the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

- (a) VA or any component thereof;
- (b) Any VA employee in his or her official capacity;
- (c) Any VA employee in his or her official capacity where DoJ has agreed to represent the employee; or
- (d) The United States, where VA determines that litigation is likely to affect the agency or any of its components, is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

6. *Contractors*: VA may disclose information to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to accomplish an agency function related to the records.

7. *Office of Personnel Management (OPM)*: VA may disclose information to the Office of Personnel Management (OPM) in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

8. *Equal Employment Opportunity Commission (EEOC)*: VA may disclose information to the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

9. *Federal Labor Relations Authority (FLRA)*: VA may disclose information to the Federal Labor Relations Authority (FLRA) in connection with: The investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised; matters before the Federal Service Impasses Panel; and the investigation of representation petitions and the conduct or supervision of representation elections.

10. *Merit Systems Protection Board (MSPB)*: VA may disclose information to the Merit Systems Protection Board (MSPB) and the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

11. *National Archives and Records Administration (NARA)*: VA may disclose information to NARA in records management inspections conducted under 44 U.S.C. 2904 and 2906, or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

12. *Governmental Agencies, for VA Hiring, Security Clearance, Contract, License, Grant*: VA may disclose information to a Federal, state, local, or other governmental agency maintaining civil or criminal violation records, or other pertinent information, such as employment history, background investigations, or personal or educational background, to obtain information relevant to VA's hiring, transfer, or retention of an employee, issuance of a security clearance, letting of a contract, or issuance of a license, grant, or other benefit. The disclosure of the names and addresses of veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

13. *State or Local Agencies, for Employment*: VA may disclose information to a state, local, or other governmental agency, upon its official request, as relevant and necessary to that agency's decision on the hiring,

transfer, or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by that agency. The disclosure of the names and addresses of veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

14. VA may disclose on its own initiative any information in this system, except the names and home addresses of individuals, that are relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order.

15. VA may disclose on its own initiative the names and addresses of individuals, that are relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order.

16. The name and address of an individual, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

17. The name, address, entitlement code (e.g., compensation or pension), period(s) of service, sex, and date(s) of discharge may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 U.S.C. Disclosures may be in the form of a computerized list.

18. Any information in this system, except for the name and address of an individual, may be disclosed to a

Federal agency in order for VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. The name and address of an individual may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.)

19. Any information in this system may be disclosed in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by VA when in the judgment of the Secretary, or official generally delegated such authority under standard agency delegation of authority rules (38 CFR 2.6), such disclosure is deemed necessary and proper, in accordance with title 38 U.S.C. 5701(b)(6).

20. *Consumer Reporting Agencies:* VA may disclose information as is reasonably necessary to identify such individual or concerning that individual's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the Department, to a consumer reporting agency for the purpose of locating the individual, obtaining a consumer report to determine the ability of the individual to repay an indebtedness to the United States, or assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 57019(g)(2) and (4) have been met.

21. The name and address of an individual, and other information as is reasonably necessary to identify such individual, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning the individual's indebtedness to the United States by virtue of the person's participation in a benefits program administered by VA, may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of title 31 U.S.C. 3701-3702 and 3711-3718; and 38 U.S.C. 5701(g)(4) have been met.

22. Any information in this system, including available identifying information regarding the debtor, such as name of debtor, last known address of debtor, VA insurance number, VA loan number, VA claim number, place of birth, date of birth of debtor, name and address of debtor's employer or firm and dates of employment may be disclosed, under this routine use, except to consumer reporting agencies, to a third party in order to obtain current name, address, locator, and credit report

in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any VA benefit program when in the judgment of the Secretary such disclosure is deemed necessary and proper. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89-508, title 31 U.S.C. 951-953 and 4 CFR parts 101-105 and title 38 U.S.C. 5701(b)(6)).

23. Any information in this system, including the nature and amount of a financial obligation, may be disclosed to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer and to assist in the collection of unpaid financial obligations owed VA.

24. Payment information may be disclosed to the Department of the Treasury, in accordance with its official request, to permit delivery of benefit payments to Veterans or other beneficiaries.

25. Medical information may be disclosed in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or a head of a State, county or city health department or any fee basis physician or sharing institution in direct connection with authorized treatment for a Veteran, provided the name of the individual to whom the record pertains is given and the information will be treated as confidential, as is customary in civilian professional medical practice.

26. The name, address, VA file number, effective date of compensation or pension, current and historical benefit pay amounts for compensation or pension, service information, date of birth, competency payment status, incarceration status, and social security number of Veterans and their surviving spouses may be disclosed to the following agencies upon their official request: Department of Defense (DoD); Defense Manpower Data Center; Marine Corps; Department of Homeland Security; Coast Guard; Public Health Service; National Oceanic and Atmospheric Administration and Commissioned Officer Corps in order for these departments and agencies and VA to reconcile the amount and/or waiver of service, department and retired pay. These records may also be disclosed as a part of an ongoing computer-matching program to accomplish these purposes. This purpose is consistent with title 10 U.S.C. 12316, title 38 U.S.C. 5304 and title 38 U.S.C. 5701.

27. The amount of pension, compensation, dependency and indemnity compensation, educational assistance allowance, retirement pay and subsistence allowance of any individual identified to VA may be disclosed to any person who applies for such information as authorized by 38 U.S.C. 5701(c)(1).

28. Identifying, personal, payment and medical information may be disclosed to a Federal, State, or local government agency at the request of a Veteran in order to assist the Veteran and ensure that all of the title 38 U.S.C. or other benefits to which the Veteran is entitled are received. This information may also be disclosed upon the request from a Federal agency, or to a State or local agency, provided the name and address of the Veteran is given beforehand by the requesting agency, in order to assist the Veteran in obtaining a non-title 38 U.S.C. benefit to which the Veteran is entitled. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

29. Any information in this system, which directly affects payment or potential payment of benefits to contesting claimants, including parties claiming an apportioned share of benefits, may be coequally disclosed to each affected claimant upon request from that claimant in conjunction with the claim for benefits sought or received.

30. Any information in this system, such as identifying information, nature of a claim, amount of benefit payments, percentage of disability, income and medical expense information maintained by VA which is used to determine the amount payable to recipients of VA income-dependent benefits and personal information, may be disclosed to the Social Security Administration (SSA), upon its official request, in order for that agency to determine eligibility regarding amounts of social security benefits, or to verify other information with respect thereto. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

31. VA may disclose an individual's identifying information to an educational institution, training establishment, or other entity which administers programs approved for VA educational assistance in order to assist the individual in completing claims forms, to obtain information necessary to adjudicate the individual's claim, or to monitor the progress of the individual who is pursuing or intends to pursue training at the request of the appropriate institution, training establishment, or

other entity administering approved VA educational programs or at the request of the Veteran.

32. *Researchers, for Research:* VA may disclose information from this system to epidemiological and other research facilities approved by the Under Secretary for Health for research purposes determined to be necessary and proper, provided that the names and addresses of veterans and their dependents will not be disclosed unless those names and addresses are first provided to VA by the facilities making the request.

33. VA may disclose information to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency.

34. *Claims Representatives:* VA may disclose information from this system of records relevant to a claim of a veteran or beneficiary, such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information, and military service and active duty separation information, at the request of the claimant to accredited service organizations, VA-approved claim agents, and attorneys acting under a declaration of representation, so that these individuals can aid claimants in the preparation, presentation, and prosecution of claims under the laws administered by VA.

35. Identifying and payment information may be disclosed, upon the request of a Federal agency, to a State or local government agency, to determine a beneficiary's eligibility under programs provided for under Federal legislation and for which the requesting Federal agency has responsibility. These records may also be disclosed as a part of an ongoing computer-matching program to accomplish these purposes. This purpose is consistent with title 38 U.S.C. 5701.

36. *Guardians, for Incompetent Veterans:* VA may disclose relevant information from this system of records in the course of presenting evidence to a court, magistrate, or administrative tribunal; in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with court-required duties.

37. *Guardians Ad Litem, for Representation:* VA may disclose information to a fiduciary or guardian ad litem in relation to his or her

representation of a claimant in any legal proceeding as relevant and necessary to fulfill the duties of the fiduciary or guardian ad litem.

38. VA may disclose information to another federal agency, court, or party in litigation before a court or in an administrative proceeding conducted by a Federal agency, when the government is a party to the judicial or administrative proceeding.

39. Any information in this system including the name, social security number, date of birth, delimiting date and remaining entitlement of VA educational benefits, may be disclosed to the Department of Education (ED) upon its official request, or contractor thereof, for specific use by the ED to validate information regarding entitlement to VA benefits which is submitted by applicants who request educational assistance grants from the ED. The ED or contractor thereof will not use such information for any other purpose. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

40. VA may, at the request of the individual, disclose identifying information of an individual who is pursuing or intends to pursue training at an educational institution, training establishment, or other entity which administers programs approved for VA educational assistance in order for the VA to obtain sufficient information necessary to pay that individual or the educational or training establishment the correct monetary amounts in an expeditious manner. However, information will not be provided under this routine use to an educational institution, training establishment, or other entity when the request is clearly an attempt by that establishment to seek assistance in collection attempts against the individual.

41. Identifying information and information regarding the induction, reentrance and dismissal of a disabled Veteran from a vocational rehabilitation program may be disclosed at the request of the Veteran to a VA-approved vocational rehabilitation training establishment to ensure that the trainee receives the maximum benefit from training.

42. Identifying information and information regarding the extent and nature of a Veteran's disabilities with respect to any limitations to be imposed on the Veteran's vocational programs may be disclosed at the request of the Veteran to a VA-approved vocational rehabilitation training establishment to ensure that the trainee receives the maximum benefit from training.

43. Information regarding the type and amount of training/education received, and the name and address of a Veteran, may be disclosed at the request of a Veteran to local and State agencies and to prospective employers in order to assist the Veteran in obtaining employment or further training.

44. The name, claims file number and any other information relating to a Veteran's or beneficiary's incarceration in a penal institution and information regarding a dependent's right to a special apportionment of the incarcerated individual's VA benefit payment may be disclosed to those dependents who may be eligible for entitlement to such apportionment in accordance with title 38 U.S.C. 5313 and § 5307.

45. The name, claims file number and any other information relating to an individual who may be incarcerated in a penal institution may, pursuant to an arrangement, be disclosed to penal institutions or to correctional authorities in order to verify information concerning the individual's incarceration status. The disclosure of this information is necessary to determine that individual's continuing eligibility as authorized under title 38 U.S.C. 5313, § 5307. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

46. VA may disclose information from this system to other federal agencies for the purpose of conducting computer matches to obtain information to determine or verify eligibility of veterans receiving VA benefits or medical care under Title 38, U.S.C.

47. Identifying, disability, and award (type, amount and reasons for award) information may be released to the Department of Labor (DOL) in order for the DOL to conduct a computer matching program against the Office of Workers' Compensation Programs Federal Employees Compensation File, DOL/ESA-13, published in 46 FR 12357 on February 13, 1981. This match will permit the DOL to verify a person's eligibility for DOL payments as well as to detect situations where recipients may be erroneously receiving concurrent multiple payments from the DOL and VA, to identify areas where legislative and regulatory amendments directed toward preventing overpayments are needed, and to collect debts owed to the United States Government. This matching program is performed pursuant to the DOL Inspector General's authority under Public Law 95-452, section 4(a) to detect and prevent fraud and abuse.

This disclosure is consistent with title 38 U.S.C. 5701(b)(3).

48. Treasury, to Report Waived Debt as Income: VA may disclose information concerning an individual's indebtedness that is waived under 38 U.S.C. 3102, compromised under 4 CFR part 103, otherwise forgiven, or for which the applicable statute of limitations for enforcing collection has expired, to the Department of the Treasury as a report of income under 26 U.S.C. 61(a)(12).

49. Identifying information, including social security number, except for the name and address, may be disclosed to a Federal, State, County or Municipal agency for the purpose of conducting computer matches to obtain information to validate the entitlement of an individual, who is receiving or has received Veterans' benefits under title 10 or title 38 U.S.C. The name and address of individuals may also be disclosed to a Federal agency under this routine use if required by the Federal agency in order to provide information.

50. Identifying information, including the initials and abbreviated surname, the social security number, the date of birth and coding indicating the category of the individual's records, the degree of disability, the benefit program under which benefits are being paid and the computed amount of VA benefits for a calendar year may be released to the Department of the Treasury, and IRS, in order for IRS to conduct a computer matching program against IRS Forms 1040, Schedule R, Credit for the Elderly and the Permanently and Totally Disabled. This match will permit IRS to determine the eligibility for and the proper amount of Elderly and Disabled Credits claimed on IRS Form 1040, Schedule R. This matching program is performed pursuant to the provisions of Internal Revenue Code Section 7602. This disclosure is consistent with title 38 U.S.C. 5701(b)(3).

51. Identifying information, such as name, social security number, VA claim number, date and place of birth, etc., in this system may be disclosed to an employer or school having information relevant to a claim in order to obtain information from the employer or school to the extent necessary to determine that eligibility for VA compensation or pension benefits continues to exist or to verify that there has been an overpayment of VA compensation or pension benefits. Any information in this system also may be disclosed to any of the above-entitled individuals or entities as part of ongoing computer matching programs to accomplish these purposes.

52. *Treasury, for Withholding:* VA may disclose information concerning an

individual's indebtedness by virtue of a person's participation in a benefits program administered by VA, to the Department of the Treasury for the collection of Title 38 benefit overpayments, overdue indebtedness, or costs of services provided to an individual not entitled to such services, by the withholding of all or a portion of the person's Federal income tax refund.

53. Veterans' addresses which are contained in this system of records may be disclosed to the Defense Manpower Data Center, upon its official request, for military recruiting command needs, DoD civilian personnel offices' mobilization studies and mobilization information, debt collection, and Individual Ready Reserve Units' locator services.

54. The name, address, VA file number, date of birth, date of death, social security number, and service information may be disclosed to the Defense Manpower Data Center. DoD will use this information to identify retired Veterans and dependent members of their families who have entitlement to DoD benefits but who are not identified in the Defense Enrollment Eligibility Reporting System program and to assist in determining eligibility for Civilian Health and Medical Program of the Uniformed Services benefits. This purpose is consistent with title 38 U.S.C. 5701. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

55. The name, address, VA file number, social security number, sex of Veteran, date(s) of birth of the Veteran and dependents, current benefit pay amounts for compensation or pension, pay status, check amount, aid and attendance status, Veteran and spouse annual income amounts and type and combined degree of disability will be disclosed to the Department of Health and Human Services. The SSA will use the data in the administration of the Supplemental Security Income payment system as prescribed by Public Law 92-603. These records may also be disclosed as part of an ongoing computer-matching program to accomplish these purposes. This purpose is consistent with title 38 U.S.C. 5701.

56. The names and current addresses of VA beneficiaries who are identified by finance centers of individual uniformed services of DoD and the Department of Homeland Security (Coast Guard) as responsible for the payment of Survivor Benefit Plan (SBP) premium payments to be released from this system of records to them upon their official written request for such

information for their use in attempting to recover amounts owed for SBP premium payments.

57. This routine use authorizes VA to compile lists of the social security numbers and loan account numbers of all persons with VA-guaranteed and portfolio loans in default, or VA loans on which there has been a foreclosure and the Department paid a claim and provide these records to HUD for inclusion in its CAIVRS. Information included in this system may be disclosed to all participating agencies and lenders who participate in the agencies' programs to enable them to verify information provided by new loan applicants and evaluate the creditworthiness of applicants. These records may also be disclosed as part of an ongoing computer-matching program to accomplish these purposes.

58. SSA, HHS, for SSN Validation: VA may disclose information to the Social Security Administration and the Department of Health and Human Services for the purpose of conducting computer matches to obtain information to validate the social security numbers maintained in VA records.

This information may also be disclosed as part of a computer matching agreement to accomplish this purpose.

59. Any information contained in the files of Veterans whose claims were referred to VA Central Office for an advisory opinion concerning their claims that their disabilities were incurred secondary to occupational radiation exposure may be disclosed to the Department of the Navy. The information to be furnished to the Navy would include the medical opinions, dose estimates, advisory opinions, and rating decisions including Veterans' names, addresses, VA claim numbers, social security numbers and medical information. The requested information may be disclosed to the Department of the Navy upon receipt of its official written request for such information for its use in the review and assessment of its occupational radiation exposure controls and training.

60. A Veteran's claims file number and folder location may be disclosed to a court of proper jurisdiction that has issued a garnishment order for that Veteran under title 42 U.S.C. 659 through § 660. An individual's identifying and payment information may be disclosed to the educational institution, training establishment, or other entity the individual attends (or attended) if that individual received educational assistance from VA based on training at that educational institution, training establishment, or

entity. VA will disclose this information to assist the educational institution, training establishment, or other entity in verifying the individual's receipt of VA educational assistance and to assist the individual in applying for additional financial aid (e.g., student loans).

61. The name and address of a prospective, present, or former accredited representative, claims agent or attorney and any information concerning such individual which is relevant to a refusal to grant access privileges to automated Veterans' claims records, or a potential or past suspension or termination of such access privileges may be disclosed to the entity employing the individual to represent Veterans on claims for Veterans benefits.

62. The name and address of a former accredited representative, claim agent or attorney, and any information concerning such individual, except a Veteran's name and home address, which is relevant to a revocation of such access privileges may be disclosed to an appropriate governmental licensing organization where VA determines that the individual's conduct that resulted in revocation merits reporting.

63. A record from this system (other than the address of the beneficiary) may be disclosed to a former representative of a beneficiary to the extent necessary to develop and adjudicate a claim for payment of attorney fees to such representative from past-due benefits under title 38 U.S.C. 5904(d) and Public Law 109-461 or to review a fee agreement between such representative and the beneficiary for reasonableness under title 38 U.S.C. 5904(c)(2) and Public Law 109-461.

64. Disclosure of tax returns and return information received from the IRS may be made only as provided by title 26 U.S.C. 6103 (an IRS confidentiality statute) also covering any IRS tax return information provided as part of an ongoing computer matching program.

65. Where VA determines that there is good cause to question the legality or ethical propriety of the conduct of a person or organization representing a person in a matter before VA, a record from this system may be disclosed, on VA's initiative, to any or all of the following: (1) Applicable civil or criminal law enforcement authorities and (2) a person or entity responsible for the licensing, supervision, or professional discipline of the person or organization acting as a representative. Name and home addresses of Veterans and their dependents will be released on VA's initiative under this routine use only to Federal entities.

66. The name and address of a beneficiary, and other information as is reasonably necessary to identify such a beneficiary, who has been adjudicated as incompetent under 38 CFR 3.353, may be provided to the Attorney General of the United States or his/her designee, for use by the DOJ in the National Instant Criminal Background Check System mandated by the Brady Handgun Violence Prevention Act, Public Law 103-159.

67. Disclosure may be made to the National Archives and Records Administration (NARA) and General Services Administration in record management inspections and such other activities conducted under Authority of title 44 U.S.C.

68. VA may disclose information from this system of records to the DOJ, either on VA's initiative or in response to DOJ's request for the information, after either VA or DOJ determines that such information is relevant to DOJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

69. Disclosure of relevant information may be made to individuals, organizations, public or private agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

70. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud, waste, overpayment, or abuse by individuals in their operations and programs as well as identifying areas where legislative and regulatory amendments directed toward preventing overpayments. These records may also be disclosed as part of an ongoing computer-matching program to accomplish this purpose.

71. VA may on its own initiative, disclose any information or records to

appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) VA has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to the economic or property interests, identity theft or fraud, or harm to the programs (whether maintained by VA or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by VA to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in title 38 U.S.C. 5724, as the terms are defined in title 38 U.S.C. 5727.

72. VA may disclose information to other Federal Agencies including, but not limited to, identifying information, payment information, and vocational objectives about a Veteran or Servicemember who is receiving or has received benefits under the Vocational Rehabilitation program to be used in data analysis and development of performance measures.

73. Any information contained in this system may be disclosed by VA, as deemed necessary, to DoD for use for determinations required by DoD. VA will routinely use the information to conduct medical evaluations needed to produce VA disability ratings and to promulgate subsequent claims for benefits under title 38 U.S.C.

74. Information in this system (excluding date of birth, social security number, and address) relating to the use of transferred educational assistance benefits may be coequally disclosed to the transferor, e.g., the individual from whom eligibility was derived, and to each transferee, e.g., the individual receiving the transferred benefit. The information disclosed is limited to the two parties in each transferor-transferee relationship, as the transferor may have multiple transferred relationships.

75. The name, address, insurance account information of an insured Veteran or member of the uniformed services, their beneficiary(ies), legal representatives, or designated payee(s), and the amount of payment may be disclosed to the Treasury Department, upon its official request, in order for the

Treasury Department to make payment of dividends, policy loans, cash surrenders, maturing endowments, insurance refunds, issue checks and perform check tracer activities for the veteran or member of the uniformed services, beneficiary(ies), legal representative or designated payee(s).

76. The name and address of an insured Veteran or member of the uniformed services, date and amount of payments made to VA, including specific status of each policy (e.g., premiums paid in, dividends paid out, cash and loan values) may be disclosed to the Internal Revenue Service (IRS), upon its official request, in order for the IRS to collect tax liens by withholding insurance payments to satisfy unpaid taxes. This purpose is consistent with title 26 of the United States Code, § 7602.

77. The name, address, social security number, date of discharge from the military, medical information concerning the grounds for total disability or the nature of an injury or illness, and dependency or beneficiary related information of a member of the uniformed services or Veteran may be disclosed to the Office of Servicemembers' Group Life Insurance (OSGLI) at the request of a member of the uniformed services or Veteran in order to aid OSGLI in the verification of such information for the purpose of issuance and maintenance of insurance policies provided to members of the uniformed services or Veterans participating in the Servicemembers' Group Life Insurance (SGLI) program and/or Veterans' Group Life Insurance (VGLI) program and to pay insurance benefits under these programs.

78. The name, address, and other identifying information such as a social security number or a military service number may be disclosed to the Department of Defense (Army, Air Force, Navy, Marine Corps); the Coast Guard of the Department of Homeland Security; the Commissioned Officers Corps of the U.S. Public Health Service; and the Commissioned Officers Corps of the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce; this disclosure may be made upon their official request, for use in order for these departments to establish and maintain allotments from active and retired service pay for VA insurance premiums and loan repayments.

79. The face amount and cash and/or loan value of an insurance policy, verification of an existing insurance policy, and the name and address of an insured Veteran or member of the uniformed services may be disclosed at

the request of the veteran or member of the uniformed services to a Federal, State, or local agency, in order for these agencies to assist a veteran or member of the uniformed services applying for Medicaid, Medicare, nursing home admittance, welfare benefits, or other benefits provided by the requesting agency to the extent that the information is relevant and necessary to the agency's decision regarding benefits.

80. The name and address of a Veteran or member of the uniformed services and military service information (e.g., dates of service, branch of service) may be disclosed to the Armed Forces Institute of Pathology (AFIP), upon its official request, in order for the AFIP to conduct research for specified official purposes.

81. Any information in this system such as notice of renewal, reinstatement, premium due, lapse actions, miscellaneous insurance instructions, disposition of dividends, policy loans, and transfer of records may be disclosed to VA fiduciaries, court-appointed guardians/conservators, powers of attorney, or military trustees of incompetent Veterans or members of the uniformed services in order to advise VA fiduciaries, court-appointed guardians/conservators, powers of attorney, or military trustees of current actions to be taken in connection with ownership of U.S. government life insurance policies and to enable them to properly perform their duties as fiduciaries or guardians, powers of attorney, or military trustees.

82. Any information in this system of records may be disclosed, in the course of presenting evidence in or to a court, magistrate, administrative tribunal, or grand jury, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

83. Identifying information, except for the name and address of a Veteran or member of the uniformed services, may be disclosed to a Federal, State, County or Municipal agency for the purpose of conducting computer matches to obtain information to validate the entitlement of a Veteran or member of the uniformed services who is receiving or has received government insurance benefits under title 38 U.S.C. The name and address of a Veteran or member of the uniformed services may also be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

84. *Phone Operators, for the Hearing-Impaired*: VA may disclose information from this system of records to telephone company operators acting in a capacity

to facilitate phone calls to or for hearing-impaired individuals, such as veterans or authorized agents, using telephone devices for the hearing-impaired, including Telecommunications Devices for the Deaf (TDD) or Text Telephones (TTY).

85. Any information in this system, including name, address, Social Security number, VA file number, medical records, financial records, and field examination reports of a VA beneficiary, and the name, address, and information regarding the activities of a VA-appointed fiduciary or beneficiary may be disclosed at the request of a VA beneficiary or fiduciary to a Federal, State, or local agency in order for VA to obtain information relevant to a VA decision concerning the payment and usage of funds payable by VA on behalf of a beneficiary, or to enable VA to assist a beneficiary or VA-appointed fiduciary in obtaining the maximum amount of benefits for a VA beneficiary from a Federal, State, or local agency.

86. Any information in this system, including name, address, Social Security number, VA file number, medical records, financial records, and field examination reports of a VA beneficiary who is in receipt of VA and SSA benefits concurrently, and the name, address, and information regarding the activities of a VA-supervised fiduciary may be disclosed to a representative of the SSA to the extent necessary for the operation of a VA program, or to the extent needed as indicated by such representative.

87. Any information in this system, including medical records, financial records, field examination reports, correspondence and court documents may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal in matters of guardianship, inquests and commitments, and to probation and parole officers in connection with court required duties.

88. Any information in this system may be disclosed to a VA-appointed fiduciary in order for that fiduciary to perform his or her duties, provided this information will only be released when the disclosure is for the benefit of the beneficiary. Any information in this system may also be disclosed to a proposed fiduciary in order for the fiduciary to make an informed decision with regard to accepting fiduciary responsibility for a VA beneficiary.

89. Any information in this system, including medical records, correspondence records, financial records, field examination reports, and court documents may be disclosed to an attorney employed by the beneficiary, or

to a spouse, relative, next friend, or to a guardian ad litem representing the interests of the beneficiary, provided the name and address of the beneficiary is given beforehand and the disclosure is for the benefit of the beneficiary, and the release is authorized by 38 U.S.C. 7332, if applicable.

90. Any information in this system relating to the adjudication of a VA beneficiary's ability to manage his or her VA benefits, either by a court of competent jurisdiction or by VA, may be disclosed to a lender or prospective lender participating in the VA Loan Guaranty Program who is extending credit or proposing to extend credit on behalf of a veteran for VA to protect veterans in this category from entering into unsound financial transactions which might deplete the resources of the veteran and to protect the interest of the Government giving credit assistance to a Veteran.

91. The name and mailing address of a VA beneficiary, and other information as is reasonably necessary to identify such a beneficiary, who has been adjudicated as incapable of managing his or her financial affairs under 38 CFR 3.353, may be provided to the Attorney General of the United States or his/her designee, for use by DoJ in the National Instant Criminal Background Check System mandated by the Brady Handgun Violence Prevention Act, Public Law 103-59.

92. The name, mailing address, and any other information obtained by VA pertaining to the qualification of an individual seeking appointment as a VA fiduciary may be released to the beneficiary or his or her accredited representative or court-appointed guardian for the purpose of notifying the beneficiary of the reasons for selection or non-selection of the individual.

93. The name, mailing address, and any other information obtained by VA pertaining to the allegation, investigation, determination of misuse by a fiduciary, or determination of negligence on the part of VA may be released to the beneficiary or his or her accredited representative or court-appointed guardian for the purpose of notifying the beneficiary of the reasons for VA's decision regarding misuse.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The BDN, Legacy Content Manager (LCM), Corporate WINRS, VETSNET, The Image Management System (TIMS), Long Term Solution (LTS), CMS and the VBMS are data telecommunication terminal systems. For Compensation and Pension-related claims, records (or information contained in records) are no

longer maintained on paper documents in claims folders (C-folders), but are now 100% digitized and stored in the VBMS electronic folder (VBMS eFolder). In 2012, VA declared the VBMS eFolder to be the *official record* for all documentation submitted to VA pursuant to claims for Compensation and Pension benefits. All paper documents VA receives pursuant to a Compensation or Pension claim are converted to a digital image via VA's electronic imaging process and uploaded into the VBMS eFolder. An electronically-imaged document in the VBMS eFolder is the *official copy of record* for adjudicating claims for VA Compensation or Pension benefits. When VA decision makers adjudicate claims for Compensation or Pension benefits, they rely solely on the electronic image contained in the VBMS eFolder, irrespective of whether a document is initially submitted to VA in electronic or paper format. VA decision makers do not have access to the original paper source documents during the claims adjudication process. Once a paper source document is electronically imaged and uploaded into the eFolder, VA considers the electronic image to be the *official copy of record*, while the physical paper document is reclassified as a *duplicate copy*. All *duplicate copies* of the official record are subject to destruction in accordance with applicable procedures and laws (please see the Retention and Disposal section for further details.)

VR&E and Education claims are maintained on paper, electronic folders, and on automated storage media (e.g., microfilm, microfiche, magnetic tape and disks). Texts and emails from the Veterans pursuant to a VR&E claim are stored in the Corporate Database as a Corporate WINRS Case Note, which becomes the official record. Any texts and emails stored in the cloud/contractor server are considered duplicate copies. Such information may be accessed through BDN, VBMS, CMS, TIMS, LTS, and VETSNET terminals. BDN, LCM, Corporate WINRS, VETSNET, and VBMS terminal locations include VA Central Office, regional offices, VA health care facilities, Veterans Integrated Service Network offices, DoD Finance and Accounting Service Centers and the U.S. Coast Guard Pay and Personnel Center. Remote on-line access is also made available to authorized remote sites, representatives of claimants and to attorneys of record for claimants. A VA claimant must execute a prior written consent or a power of attorney authorizing access to his or her claims

records before VA will allow the representative or attorney to have access to the claimant's automated claims records. Access by representatives and attorneys of record is to be used solely for the purpose of assisting an individual claimant whose records are accessed in a claim for benefits administered by VA. Information relating to receivable accounts owed to VA, designated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape, microfiche and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

File folders, whether paper or electronic, are indexed by name of the individual and VA file number. Automated records are indexed by name, VA file number, payee name and type of benefit. Employee productivity is measured using automated systems. At the conclusion of a monthly reporting period, the generated listing is indexed by employee BDN identification number. Records in CAIVRS may only be retrieved by social security number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All claims files folders for Compensation and Pension claims are electronically imaged and uploaded into the VBMS eFolder. Once a file is electronically imaged and established by VA as the official record, its paper contents (with the exception of documents that are on hold due to pending litigation, and service treatment records and other documents that are the property of DoD), are reclassified as *duplicate—non record keeping—copies* of the official record, and will be destroyed in accordance with Records Control Schedule VB-1, Part 1 Section XIII, Item 13-052.100 as authorized by NARA. All paper documentation that is not the property of VA (e.g., DoD-owned documentation) is currently stored by VA after scanning, pending a policy determination as to its final disposition. All documentation being held pursuant to active litigation is held in its native format during the pendency of the litigation. All VBMS eFolders are stored on a secure VA server, pending permanent transfer to NARA where they will be maintained as historical records. Once an electronic record has been transferred into NARA custody, the record will be fully purged and deleted from the VA system in accordance with governing records control schedules

using commercial off the shelf (COTS) software designed for the purpose. Once purged, the record will be unavailable on the VA system, and will only be accessible through NARA.

Prior to destruction of any paper source documentation reclassified as *duplicate copies*, VA engages in a comprehensive and multi-layered quality control and validation program to ensure material that has been electronically imaged is completely and accurately uploaded into the VBMS eFolder. To guarantee the integrity and completeness of the record, VA engages in industry-best practices, using state-of-the-art equipment, random sampling, independent audit, and 100% VA review throughout the claims adjudication process. Historically, VA's success rate in ensuring the accuracy and completeness of the electronic record routinely and consistently exceeds 99%. Furthermore, no paper document is ever destroyed while any related claim or appeal for VA benefits is still pending. VA waits 3 years after the final adjudication of any claim or appeal before destroying the paper duplicate copies that have been scanned into the VBMS eFolder. As noted, the electronic image of the paper document is retained indefinitely as a permanent record either by VA or NARA.

Decisions to destroy VR&E paper counseling records are to be made in accordance with Records Control Schedule (RCS), RCS VB-1, Part I, Field in Section VII, dated January 31, 2014. Automated storage media containing temporary working information are retained until a claim is decided, and then destroyed. All other automated storage media are retained and disposed of in accordance with disposition authorization approved by NARA. Education file folders in paper are retained at the servicing Regional Processing Office. Education paper folders may be destroyed in accordance with the times set forth in the VBA Records Management, Records Control Schedule VB-1, Part 1, Section VII, as authorized by NARA.

Employee productivity records are maintained for two years after which they are destroyed by shredding or burning. File information for CAIVRS is provided to HUD by VA on magnetic tape. After information from the tapes has been read into the computer the tapes are returned to VA for updating. HUD does not keep separate copies of the tapes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

1. Physical Security:

(a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel. Employee claims file records and claims file records of public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis. Duplicate paper copies after imaging are stored in NARA-compliant facilities, pending destruction.

(b) Access to BDN, LCM, Corporate WINRS, VETSNET, CMS, and VBMS data telecommunication networks are by authorization controlled by the site security officer who is responsible for authorizing access to the BDN, LCM, VBMS and VETSNET by a claimant's representative or attorney approved for access in accordance with VA regulations. The site security officer is responsible for ensuring that the hardware, software and security practices of a representative or attorney satisfy VA security requirements before granting access. The security requirements applicable to the access of automated claims files by VA employees also apply to the access of automated claims files by claimants' representatives or attorneys. The security officer is assigned responsibility for privacy-security measures, especially for review of violation logs, information logs and control of password distribution, including password distribution for claimants' representatives.

(c) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons provided access to computer rooms are escorted.

(d) Employee production records are identified by the confidential BDN and VETSNET employee identification number, and are protected by management/supervisory personnel from unauthorized disclosure in the same manner as other confidential records maintained by supervisors.

2. BDN, LCM, VETSNET, CMS, e-VA, and VBMS System Security:

(a) Usage of the BDN, LCM, Corporate WINRS, VETSNET, e-VA and VBMS systems is protected by the usage of "login" identification passwords and

authorized function passwords. The passwords are changed periodically. These same protections apply to remote access users.

(b) At the data processing centers, identification of magnetic tapes and disks containing data is rigidly enforced using labeling techniques. Automated storage media, which are not in use, are stored in tape libraries, which are secured in locked rooms. Access to programs is controlled at three levels: Programming, auditing and operations. Access to the data processing centers where HUD maintains CAIVRS is generally restricted to center employees and authorized subcontractors. Access to computer rooms is restricted to center employees and authorized operational personnel through electronic locking devices. All other persons granted access to computer rooms are escorted. Files in CAIVRS use social security numbers as identifiers. Access to information files is restricted to authorized employees of participating agencies and authorized employees of lenders who participate in the agencies' programs. Access is controlled by agency distribution of passwords. Information in the system may be accessed by use of a touch-tone telephone by authorized agency and lender employees on a "need-to-know" basis.

(3) e-VA and CMS System Security:

A unique SSL certificate has been generated for this connection which provides authentication for the e-VA and CMS applications, which enables an encrypted connection. Short Message Service (SMS) text messages are processed using a secure SMS gateway hosted by Twilio. The client's first and last name (the only PII in the text message) are encrypted when the information is passed back and forth. Emails are processed by AWS Simple Email Service (SES) using Transport Layer Security (TLS) protocol, which is a cryptographic protocol designed to provide communications security over a computer network. All emails to participants are sent from a single email address (*eva@eva.va.gov*).

RECORD ACCESS PROCEDURES:

Veterans and authorized parties have a statutory right to request a copy of or an amendment to a record in VA's possession at any time under the Freedom of Information Act (FOIA) and the Privacy Act (PA). VA has a decentralized system for fulfilling FOIA and PA requests. The type of information or records an individual is seeking will determine the location to which a request should be submitted. For records contained within a VA

claims folder (Compensation and Pension claims), or military service medical records in VA's possession, the request will be fulfilled by the VA Records Management Center. Authorized requestors should mail their Privacy Act or FOIA requests to: Department of Veterans Affairs, Claims Intake Center, P.O. Box 4444, Janesville, WI 53547-4444, DID: 608-373-6690.

For other benefits records maintained by VA (to include Vocational Rehabilitation & Employment, Insurance, Loan Guaranty or Education Service) submit requests to the FOIA/Privacy Act Officer at the VA Regional Office serving the individual's jurisdiction. Address locations for the nearest VA Regional Office are listed at VA Locations Link.

Any individuals who have questions about access to records may also call 1-800-327-1000. Information about how to contact Fiduciary services can be found here: <https://www.benefits.va.gov/FIDUCIARY/contact-us.asp>.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

NOTIFICATION PROCEDURES:

Any individual, who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request or apply in person to the nearest VA regional office or center. Address locations are listed at VA Locations Link.

VA employees wishing to inquire whether the system of records contains employee productivity information about themselves should contact their supervisor at the regional office or center of employment.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

There is no category of records in this system that has been identified as exempt from any section of the Privacy Act.

HISTORY:

Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA (58VA21/22/28) was published on February 14, 2019 at 84FR4138.

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