

**COMPUTER MATCHING
AGREEMENT BETWEEN
DEFENSE MANPOWER DATA CENTER
DEPARTMENT OF DEFENSE
AND
VETERANS BENEFITS ADMINISTRATION
DEPARTMENT OF VETERANS AFFAIRS
FOR RESERVE PAY RECONCILIATION
DoD-DMDC Computer Matching Agreement #89**

I. INTRODUCTION AND BACKGROUND

A. Supersedes

This computer matching agreement supersedes all existing data exchange agreements or memoranda of understanding between the Department of Defense (DoD) and the Department of Veterans Affairs (VA) concerning reserve pay reconciliation.

B. Guidance

This agreement between the Defense Manpower Data Center (DMDC), Department of Defense, and the Veterans Benefits Administration (VBA), Department of Veterans Affairs, is executed to comply with the Privacy Act of 1974, as amended (5 U.S.C. § 552a), Office of Management and Budget Guidelines (OMB) pertaining to computer matching (54 FR 25818, June 19, 1989), and OMB Circular No. A-108 (81 FR 94424, December 23, 2016).

C. Abbreviations and Definitions

1. **Disclose and Disclosure:** The release outside the agency (department) of information or data, with or without consent of the individual to whom the data pertains, either by DoD or VA.
2. **DMDC:** Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.
3. **DoD:** Department of Defense.
4. **Drill Pay:** The monetary benefits a reservist or member of the National Guard receives for performing active and inactive duty training.
5. **FR:** Federal Register, when used for citation purposes with the volume number and page number. Example: 58 FR 12345.
6. **Matching Program:** Defined in subsection (a)(8) of the Privacy Act. This particular program described in this agreement meets the criteria for a matching program because it involves a computerized comparison of two automated systems

of records for the purpose of verifying the eligibility of, or continued compliance with statutory and regulatory requirements by, recipients of payments under a Federal benefit program.

7. **OMB:** Office of Management and Budget.
8. **Privacy Act:** The Privacy Act of 1974, as amended, 5 U.S.C. § 552a.
9. **Recipient Agency:** Consistent with subsection (a)(9) of the Privacy Act, the agency receiving the records and actually performing the computer match, i.e., the matching agency.
10. **Reserve Military Pay:** The monetary benefits authorized by law for a reservist or member of the National Guard for performing a duty in accordance with 10 U.S.C. 12316(a)(2). Includes “military pay” and “training pay,” as used on VA Form 21-8951, Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances.
11. **Source Agency:** Consistent with subsection (a)(11) of the Privacy Act, the agency initially disclosing the records for the purpose of a computer match.
12. **SSN:** Social Security Number.
13. **U.S.C.:** United States Code.
14. **USCG:** United States Coast Guard.
15. **VA:** Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, 20420.
16. **Waive/Waiver:** Election by Veteran to forego **either** 1) VA benefits **or** 2) reserve military pay/allowances in order to receive the other.

D. Background

This computer matching program will identify individuals who are receiving VA disability compensation or pension based upon their previous military service and DoD or Coast Guard active service pay.

II. PURPOSE AND LEGAL AUTHORITY

A. Purpose of the Matching Program

1. The purpose of this agreement is to verify eligibility for DoD/USCG members of the Reserve forces who receive VA disability compensation or pension to receive, in lieu and upon election, military pay and allowances when performing reserve duty.

Veterans who perform reserve duty must choose the monetary benefit they prefer and waive the other.

2. VA will use the DoD reserve military pay data in the VA-DoD Identity Repository (VADIR) to match against VA recipients of VA disability compensation or pension. DMDC sends reserve military pay data to VADIR monthly; the data provided by DMDC include all data elements required for the match.

B. Legal Authority

38 U.S.C. § 5304(c), Prohibition Against Duplication of Benefits, provides that VA disability compensation or pension based upon a person's previous military service shall not be paid to that person for any period for which such person receives active service pay. 10 U.S.C. § 12316, Payment of Certain Reserves While on Duty, further provides that a Reservist who is entitled to disability payments due to his or her earlier military service and who performs duty for which he or she is entitled to DoD/USCG compensation may elect to receive for that duty either the disability payments, or if he or she waives such payments, the DoD/USCG compensation for the duty performed.

III. JUSTIFICATION AND ANTICIPATED RESULTS

A. Justification

The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by VA to identify those individuals who are receiving both VA compensation or pension and DoD/USCG payments for those periods when they are performing Reserve duty. By law, the individual must waive his or her entitlement to VA disability compensation or pension if he or she desires to receive DoD/USCG pay and allowances for the period of duty performed. This matching agreement will result in an accurate reconciliation of such payments by permitting VA to determine which individuals are being paid by DoD/USCG for duty performed and are being paid VA disability compensation or pension benefits for the same period of time without a waiver on file with VA. If this reconciliation is not completed by computer matching, but is performed manually, the cost would be prohibitive and most dual payments would not be detected.

B. Anticipated Results

As a result of an internal cost/benefit analysis (Attachment 1), VA expects net savings of approximately \$589,550,000 per year from running this match. The cost and beneficial impact of this match on DoD operations is also described in Attachment 1.

IV. DESCRIPTION OF THE MATCH AND RECORDS INVOLVED

A. Description of the Match

DMDC updates VADIR monthly. VA will use the Reserve military pay data in VADIR to match against

VA recipients of VA disability compensation or pension and to resolve any discrepancies or inconsistencies on an individual basis. VA will initiate actions to obtain an election by the individual of which pay he or she wishes to receive and will be responsible for making final determinations as to positive identification, eligibility for, or amounts of pension or disability compensation benefits, adjustments thereto, or any recovery of overpayments, or such other action as authorized by law.

B. Number of Records and Data Elements Involved

1. The DMDC reserve pay data contains information on approximately 800,000 DoD and 6,000 USCG Reservists who received pay and allowances for performing authorized duty (estimates based on FY20 figures).
2. DoD will provide to VADIR the name, SSN, date of birth, training days and paid active duty days. VA will use data from VADIR provided by DoD to match against VA recipients of VA disability compensation or pension.

C. Privacy Act Systems of Records

1. The DMDC will use the system of records identified as DMDC 01, entitled “Defense Manpower Data Center Data Base,” last published in the Federal Register at April 16, 2019 , 84 FR 15605. A copy of the published system notice is at Attachment 2 with the appropriate routine use, i.e., 1.e.(2). The Routine Use provides for disclosure to VA to conduct computer matching programs in support of “[p]roviding identification of reserve duty, including full time support National Guard/Reserve Armed Forces personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.”
2. VA will use the system of records identified as "Compensation, Pension, Education and Vocational Rehabilitation and Employment Records– VA (58 VA 21/22/28)", published at 74 FR 29275 (June 19, 2009), last amended at 84 FR 4138 on February 14, 2019. Attachment 3 is a copy of the system notice with the appropriate routine use, i.e., RU 49.
3. VA will use the system of records identified as "Veterans Affairs/Department of Defense Identity Repository (VADIR)-VA (138VA005Q)", published at 74 FR 37093 (July 27, 2009). Attachment 4 is a copy of the system notice with the appropriate routine use, i.e. RU 2.
4. The systems of records contain appropriate routine uses permitting the disclosure and exchange of information between VA and DoD pursuant to subsection (b)(3) of the Privacy Act. The routine uses are compatible with the purposes for which each agency collected the information and also reflect that the disclosures are made for computer matching purposes.

V. RECORDS ACCURACY ASSESSMENT

A. Department of Defense/DMDC

DoD serves as the source agency. DMDC records consist of reserve pay data provided by the Defense Finance and Accounting Service and the Coast Guard Human Resources Service and Information Center. Experience with matching programs and analyses by DMDC show these records to be at least 99% accurate with respect to the month in which payment was made.

B. Department of Veterans Affairs

VA serves as the recipient agency. VA records are from information provided for VA pension and disability compensation recipients. Previous matches with the same data indicate that these records are 99% accurate.

VI. STARTING AND COMPLETION DATES

A. Transmittal Letter Begins Review Time

When this agreement is approved and signed by the Chairpersons of the respective Data Integrity Boards, VA, as the recipient agency for the match data, will submit this agreement and the proposed public notice of the match as attachments via a transmittal letter to OMB and Congress for review.

B. Matching Notice Publication

VA will submit the notice of this match to OMB and Congress at least 30 days before publication of the notice in the Federal Register (unless VA requests and OMB grants an expedited OMB review period) in accordance with OMB Circular A-108. The matching notice will clearly identify the record systems and categories of records being used and state that the program is subject to review by OMB and Congress. A copy of the published notice shall be provided to DoD.

C. Effective Date of Agreement

VA will forward the public notice of the proposed matching program for publication in the Federal Register, as required by subsection (e)(12) of the Privacy Act. The effective date of the matching agreement and date when matching may actually begin shall be at the expiration of the 30-day review period after publication of the matching notice in the Federal Register; or the end of a subsequent 30-day review period should significant changes in response to public comments and republication of the matching notice in the Federal Register be necessary. The mandatory 30-day public comment period for the Federal Register publication will be after the 30-day OMB and Congressional review period (unless VA requests and OMB grants an expedited OMB review period).

D. Duration of the Agreement

This agreement shall be valid for 18 months after the effective date and may be renewed by the parties for a period of time not to exceed one additional year, if each agency's program manager certifies to its respective Data Integrity Board that:

1. The matching program will be conducted without change; and
2. The matching program has been conducted in compliance with the original agreement.

It shall be the responsibility of the recipient agency to draft the renewal. If either party wishes not to renew this agreement, it should notify the other of its intentions not to renew at least 90 days before the expiration of the agreement. This agreement may be modified at any time with the consent of both parties. The modification must be in writing, satisfy the requirements of the Privacy Act, and be approved by the Data Integrity Board of each agency.

E. Frequency of Matching

VA has the capability to perform matching because reserve military pay data are updated monthly in VADIR. The goal of both agencies is to increase the frequency of matching so that members who are receiving dual compensation are notified promptly and provided an opportunity to elect military pay and allowances in lieu of VA disability compensation.

F. Termination

This agreement may be terminated at any time with the consent of both parties. Either party may unilaterally terminate this agreement upon written notice to the other party, in which case the termination shall be effective 90 days after the date of the notice, or at a later date specified in the notice so long as the termination date does not exceed the expiration date of the agreement in effect (including any applicable renewal period approved by the Data Integrity Board).

VII. NOTICE PROCEDURES

A. Individual Notice

Subsection (o)(1)(D) of the Privacy Act requires an agency to implement procedures for providing individualized notice at the time of application, and notice periodically thereafter, to applicants for and recipients of payments under Federal benefits program. VA provides individualized (direct) notice to all individuals who apply for disability compensation or pension benefits that the information provided on the application (VA Form 21-526) is subject to computer matching with other agencies. VA will provide beneficiaries subsequent notice annually. VA also furnishes such notice on separate handouts. The application or handout informs all applicants that information obtained through computer matching may be used to determine eligibility for benefits and may be used by VA to verify any information provided.

B. Constructive Notice

Any deficiencies as to direct, and periodic, notice procedures to the individual for the matching program in paragraph A., above are cured by the indirect or constructive notice that will be accorded record subjects by VA's publication in the Federal Register of the public notice of the proposed match

as required by (e)(12) of the Privacy Act.

Constructive notice also has been furnished to DoD/USCG Reservists and VA beneficiaries by publication in the Federal Register of the DMDC and VA system of records notices that information may be disclosed for computer matching for purposes of reconciling what payments are due the individual.

VIII. VERIFICATION PROCEDURES AND OPPORTUNITY TO CONTEST

A. Verification Procedures

1. VA is responsible for verifying and determining, in the event of a match, if the data from the DMDC records are consistent with the data in the VA pension and disability compensation records and for resolving any discrepancies or inconsistencies as to positive identification on an individual basis.
2. VA will screen the initial data to verify that the matched individual is in fact a recipient of VA pension or disability compensation. VA will do this by comparing the “hit” data with VA’s case files to verify the identity of the individual and will conduct independent inquiries when necessary to resolve questionable identities.
3. Any discrepancies or inconsistencies in data furnished by DoD, or developed as a result of the match, will be independently investigated, and verified by VA prior to any adverse action being taken against the individual.

B. Actions by VA

1. After verification of a match, the VA Benefits Delivery Center at Hines, Illinois will mail the Veteran VA Form 21-8951 (Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances). The form advises the Veteran that active or inactive duty training pay cannot legally be paid concurrently with VA disability compensation or pension benefits. The form mailed to the Veteran will give the individual the following options: 1) “I elect to waive VA benefits for the days indicated in order to retain my training pay.” 2) “I elect to waive military pay and allowances for the days indicated in order to retain my VA compensation or pension. NOTE: Checking this option will give most veterans LESS money.” Or 3) “I received no military pay and allowances during the fiscal year(s) indicated on the front of this form.”
2. VA Form 21-8951 noted in section VIII.B.1, above, will be issued with a predetermination notice of the proposed action. As part of the predetermination notice, VA agrees to inform the Veteran:
 - i. VA has received information from DMDC indicating the number of training days for which the Veteran was paid; that the Veteran also received VA disability compensation or pension payments for the same time period; that

- receipt of both payments is not authorized by law and the Veteran must make an election as to which payment they wish to receive, and failure to make an election or to respond will result in an overpayment of VA benefits. VA will also advise the Veteran of the right to present new evidence and the right to a hearing.
- ii. The Veteran has 60 days in which to contest and respond to the information provided by VA.
 - iii. Unless the Veteran notifies VA within 60 days from the date of the notice that the information is not accurate, VA will conclude that the date provided by DMDC is correct and will take appropriate action to retroactively withhold the Veteran's benefits for the same number of days for which they received reserve military pay.
3. If the Veteran responds within 60 days, VA will make a decision based on the response.
- i. If the Veteran waives VA benefit payments in order to receive reserve military pay, VA will take action to withhold the same number of days of benefits as printed on the form. The withholding will be at the appropriate rate for the fiscal year in question. This withholding will generate a debt for the Veteran. The debt amount is then transmitted to the VA Debt Management Center for collection.
 - ii. If the Veteran waives VA benefit payments but indicates that the number of days printed on the form is incorrect, VA will adjust the withholding based on the number of days provided by the Veteran and certified by the Unit Commander or designee.
 - ii. If the Veteran chooses to waive military pay and allowances in order to receive VA benefits, VA will not adjust the Veteran's award, will retain a digital image of the waiver form, and will send a digital image of the waiver form to the appropriate DoD or United States Coast Guard office at the following websites, e-mail addresses, or mailing addresses (if necessary), for appropriate action.

Air Force National Guard and Reserve:

<https://corpweb1.dfas.mil/askDFAS/ticketInput.action?subCategoryID=18384>

Army National Guard and Reserve:

<https://corpweb1.dfas.mil/askDFAS/ticketInput.action?subCategoryID=18364>

Navy Reserve:

<https://corpweb1.dfas.mil/askDFAS/ticketInput.action?subCategoryID=18184>

Marine Corps Reserve

Current e-mail contact: Alfred.Marcoux@usmc.mil

RFF – KCI

Reserve Pay Section

2306 E. Bannister Road

Kansas City, MO 64131

Coast Guard Reserve

Current e-mail contact: Brian.J.Spina@uscg.mil

USCG PPC

444 SE Quincy Street

Topeka, KS 66683-3591

C. Final Authority

After verification and notice under subsection (p) of the Privacy Act, VA will make all determinations regarding whether an individual's benefits are to be withheld. The individual will be provided notice of his or her review rights whenever a decision is made.

IX. SECURITY PROCEDURES

- A.** DoD and VA will comply with all Federal requirements relating to information security, information systems security, and privacy, including the Federal Information Security Modernization Act of 2014 (FISMA), the E-Government Act of 2002, OMB memoranda related to privacy, the National Institute of Standards and Technology (NIST) directives in the special publications (SP) 800 series (e.g., NIST SP 800-53, Rev 4, and NIST SP 800-37, Rev 1). Specific security requirements include, but are not limited to, the following:
1. Each party shall establish appropriate administrative, technical, and physical safeguards to assure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.
 2. The data will be transmitted through secure means, e.g., secure file transfer protocols, virtual private networks, secure socket layers, symmetric key encryption, or other generally recognized means of securing data transmissions.
 3. Access to the records matched and to any records created by the match will be restricted only to those authorized employees and officials who need it to perform their official duties in connection with the uses of the information authorized in this agreement.
 4. The records matched and any records created by the match will be stored in an area that is physically safe from access by unauthorized persons during duty hours as well as non-duty hours or when not in use, to include ensuring that the removal of any data from the work site for official purposes (e.g., telework, working from a

residence, etc.) is only accomplished in accordance with agency procedures that shall protect the data (e.g., password protocols, encryption, etc.) if the portable devices on which the data is stored (e.g., laptop hard drives, CDs, disks, etc.) are lost, stolen, or otherwise compromised.

5. The records matched and any records created by the match will be processed under the immediate supervision and control of authorized personnel in a manner that will protect the confidentiality of the records, and in such a manner that unauthorized persons cannot retrieve any such records by means of computer, remote terminal, or other means.
6. All personnel who will have access to the records matched and to any records created by this exchange will be advised of the confidential nature of the information and the civil and criminal sanctions for noncompliance contained in the Privacy Act of 1974 and other applicable federal laws.
7. DoD and VA will also comply with the personally identifiable information breach reporting and security requirements as required by OMB M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information (PII)." DoD and VA also agree to report information security incidents, where the confidentiality, integrity or availability of a federal information system of the Executive Branch is potentially compromised, to the National Cybersecurity and Communications Integration Center/United States Computer Emergency Readiness Team (NCCIC/US-CERT) with the required data elements, as well as any other available information, within one hour of being identified by the agency's top-level Computer Security Incident Response Team (CSIRT), Security Operations Center (SOC), or information technology department.

The agency experiencing the PII breach will notify the other agency's System Security Contact named in Section XIII of this CMA. If DoD is unable to speak with the VA System Security Contact within one hour, or if for some other reason notifying the VA System Security Contact is not practicable (e.g., it is outside of the normal business hours), DoD will contact VA at: National Data Center ISO at VAVBAHIN/ISO@va.gov. If VA is unable to speak with the DoD System Security Contact within one hour, VA will contact DMDC at: dodhra.dodc-mb.dmdc.list.ir-team@mail.mil and dodhra.dodc-mb.dmdc.list.privacy-office@mail.mil.

8. If the agency that experienced the breach of PII determines, in coordination with the agency that provided the PII (as applicable), that the risk of harm to affected individuals or to either agency requires notification to affected individuals and/or other remedies, that agency will carry out the remedies and assume all costs of the remediation.

- B.** DoD and VA may request onsite inspections of the other party's facilities and/or security documentation or make other provisions to ensure that adequate safeguards are being maintained under this agreement by both agencies.

- C. DoD and VA will adopt policies and procedures to ensure that information contained in their respective records and obtained from each other shall be used solely as provided under this agreement, in accordance with the Privacy Act and any other applicable laws.

X. RECORDS USAGE, DUPLICATION, RETENTION, AND REDISCLOSURE RESTRICTIONS

- A. Each party agrees to the following limitations on the access to, and disclosure and use of the data and information provided by the other agency:

1. That the data supplied by each agency and the records created by the match will be used only for the purposes of, and to the extent necessary in, the administration of the matching program covered by this agreement.
2. That the data provided by each agency will not be used to extract information concerning individuals therein for any purpose t specified in this agreement, unless required by law.
3. That the data provided by source agency will not be duplicated or disseminated within or outside the recipient agency without the written authority of the source agency, except as otherwise provided for in this agreement. No agency shall give such permission unless the redisclosure is required by law or essential to the conduct of the matching program.
4. That information resulting from the matching program may be disclosed for follow-up and verification or for civil or criminal law enforcement or prosecution if the match uncovers activity that warrants such action.

- B. Both agencies will keep an accurate accounting of disclosures from an individual's record as required by subsection (c) of the Privacy Act so as to permit record subjects to know how their personal information is being used; to enable the agency to inform past recipients of disputed or corrected information; and to provide an audit trail for any subsequent reviews of agency compliance with subsection (b) of the Privacy Act pertaining to conditions of disclosure.

- C. Each party agrees to the following with respect to data ownership and retention:

1. DMDC data sent to the VA pursuant to this agreement will remain DoD-owned records while stored in VADIR. Those records shall be retained in accordance with the Federal Records Act and applicable records schedules (44 U.S.C. 3303A). VA will not create a separate, permanent data set consisting of this information except as necessary to monitor the results of the matching program.
2. If any DMDC record pertains to a match and warrants retention by VA, VA may

copy the DMDC record and maintain it in the Veteran's file in the appropriate VA Privacy Act system of records associated with the VA activity supported by this matching agreement. Those records shall be retained in accordance with the Federal Records Act and applicable records schedules (44 U.S.C. 3303A).

XI. COMPTROLLER GENERAL ACCESS

The Comptroller General of the United States may have access to all DoD and VA records as necessary in order to monitor and verify compliance with this agreement.

XII. REIMBURSEMENT

Expenses incurred by this data exchange will not involve any payments or reimbursements between DoD and VA. Cost adjustments, however, may be made in the future between the agencies. DoD and VA may make such adjustments by means of a reimbursable agreement between the two Departments.

XIII. POINTS OF CONTACT

A. DoD contacts:

For DoD Data Integrity Board Issues:

Cheryl Jenkins
Management Analyst
Defense Privacy, Civil Liberties, and Transparency Division (DPCLTD)
4800 Mark Center Drive, Box 24
Alexandria, VA 22350-1700
Telephone: (703) 571-0070
Email: cheryl.jenkins8.civ@mail.mil

DMDC Program Issues:

Privacy Issues:

Samuel Peterson
Privacy Chief
Defense Manpower Data Center
Telephone: (831)-220-7330
Email: Samuel.m.peterson2.civ@mail.mil

Project Manager:

Christina Morris
IT Specialist
Defense Manpower Data
Center
Telephone: (831) 583-2400
Email: christina.d.morris2.civ@mail.mil

Security Issues:

Donna Naulivou
Information System Security Officer
Defense Manpower Data Center
Telephone: (831)-220-6855
Email: donna.m.naulivou.civ@mail.mil

B. VA contacts:

Program Issues:

Tatia McBride
Program Analyst
Inter-Agency Data Sharing and Military Operations (212B)
Compensation Service
Veterans Benefits Administration
810 Vermont Avenue, NW
Washington, DC 20420
Telephone: (202) 894-0673
Email: tatia.mcbride@va.gov

Security Issues:

Andre Davis
Information System Security Officer
Office of Information & Technology
Veterans Benefits Administration
1615 Woodward Street
Austin, TX 78772
Telephone: (512) 326-7422
Email: andre.davis2@va.gov

Privacy Issues:

Rochelle Foxworth
Supervisory Privacy Officer
Office of Mission Support
Veterans Benefits Administration
1800 G. ST. NW
Washington, DC 20006
Telephone: (202) 461-8401
Email: Rochelle.Foxworth@va.gov

DEPARTMENT OF DEFENSE

A. APPROVALS

A. DoD Program Official

Subject to the approval of the Data Integrity Boards of the parties to this agreement and the required notifications, the authorized program official, whose signature appears below, accepts and expressly agrees to all the terms and conditions, included herein, confirms that no verbal agreements of any kind shall be binding or recognized, and hereby commits DMDC to the terms of this agreement.

SORRENTO.MICH³ Digitally signed by
SORRENTO.MICHAEL.V.139963
AEL.V.1399639162³ 9162
Date: 2021.04.16 15:40:15 -04'00'

Michael V. Sorrento
Director
Defense Manpower Data Center
4800 Mark Center Drive
Suite 04E25
Alexandria, VA 22350

DATE _____

DEPARTMENT OF DEFENSE

XIV. APPROVALS

B. Defense Data Integrity Board

The respective Data Integrity Board, having reviewed this agreement and finding that it complies with applicable statutory and regulatory guidelines, signifies its collective approval thereof by the signature of the below official.

CHUNG.JOO.
Y.1512306507

Digitally signed by
CHUNG.JOO.Y.1512306507
Date: 2021.04.21 17:43:22
-04'00'

Joo Y. Chung
Chairperson
Defense Data Integrity Board
Department of Defense

Date 4/21/2021

VETERAN BENEFITS ADMINISTRATION

A. VA Program Officials

Subject to the approval of the Data Integrity Boards of the parties to this agreement and the required notifications, the authorized program officials, whose signatures appear below, accept and expressly agree to all the terms and conditions included herein, confirm that no verbal agreements of any kind shall be binding or recognized, and hereby commit their respective organizations to the terms of this agreement.

BETH A. MURPHY Digitally signed by BETH A.
MURPHY 302388
302388 Date: 2021.04.12 09:10:44 -04'00'

Executive Director
Compensation Service
Veterans Benefits Administration
810 Vermont Ave, NW
Washington, D. C. 20420

Date

RONALD S BURKE Digitally signed by
RONALD S BURKE
113672
113672 Date: 2021.04.12
16:22:53 -04'00'

Ronald S. Burke, Jr.
Executive Director
Pension and Fiduciary Service
Veterans Benefits Administration
810 Vermont Ave, NW
Washington D.C. 20420

Date

B. VA Data Integrity Board

The respective Data Integrity Board, having reviewed this agreement and finding that it complies with applicable statutory and regulatory guidelines, signifies its collective approval thereof by the signature of the below official.

Joseph S.
Stenaka
3386367

Digitally signed by
Joseph S. Stenaka
3386367
Date: 2021.04.27
11:43:14 -04'00'

Joseph Stenaka
Chair, Data Integrity Board
U.S. Department of Veterans Affairs

Date

Attachments:

1. Cost Benefit Analysis
2. DoD System of Records Notice DMDC 01
3. VA Record System Notice 58 VA 21/22/28
4. Veterans Affairs/Department of Defense Identity Repository (VADIR)-VA (138VA005Q)

ATTACHMENT 1

COST-BENEFIT ANALYSIS

1. VA COST BENEFITS ANALYSIS

BENEFITS:

A. Number of cases reviewed	160,310
B. Overpayments created	\$ 907,000,000
Recovery @ 65% recovery rate	\$ 589,550,000
C. Amounts saved as a result of this match (cost avoidance)	0
D. Other savings	0
TOTAL SAVINGS	\$ 589,550,000

COSTS:

A. VA salaries, fringe benefits, and other personnel costs in administering the matching program, including costs associated with the verification process	\$ 13,118,978
B. Computer Costs	5,799
TOTAL COSTS	\$ 13,124,777

BENEFITS MINUS COSTS: \$576,431,022

SUMMARY:

The overall benefit realized by the match, \$576,431,022 exceeds the costs by a ratio of 43 to 1, demonstrating the cost-effectiveness of this match for VA.

2. DoD COST BENEFIT ANALYSIS

BENEFITS:

The data sharing arrangement involving the exchange of personnel information between DoD and VA has served to facilitate more effective and efficient management of benefits programs administered by the agencies. Several years ago, reserve military pay data was added to the arrangement to allow VA to identify reservists who were receiving dual compensation. Such dual compensation can occur when a Reservist receives payment for both drill or active duty pay and VA disability compensation, in violation of 38 U.S.C. § 5304(c). The sharing of reserve military pay data allows VA to conduct matches to determine necessary offsets in the administration of VA benefits and recoupment of dual compensation in a more timely and efficient manner than would be possible in the absence of computer matching. While not eliminating the potential adverse effects from recoupment actions, matching helps

to mitigate the financial impact to reservists when recoupment is required from future drill pay due to overpayment of VA disability compensation.

Prior to the addition of this data to the monthly match file, DoD conducted the match by providing an annual match file to VA. The annual match resulted in the potential continuation of dual compensation to reservists for a significantly longer period of time, resulting in economic shortfalls and other hardships, including debt, damage to long-term credit ratings, and emotional strain. The more timely monthly match provides real and important benefits to Reserve Service Members, their families, and their commands.

COSTS:

DMDC FY21 Technical Operations

Extract Reserve pay from monthly pay files	3,500	
Load Reserve Pay extracts to Person Data Repository (DEERS)	20,000	
Move data to DoD-VA Data Share	15,000	
Replicate Reserve pay data to VA	2,000	
<i>DMDC FY2021 Technical Operations Estimate:</i>		<i>\$40,500</i>

DoD FY21 Administrative/Personnel Costs

Action Officer	2,703	
GS-13-5 @ \$56.31 for 48 hrs		
Office of Legal Counsel/General Counsel	391	
GS-15-5 @ \$78.27 for 5 hrs		
Data Integrity Board Executive Secretary	391	
GS-15-5 @ 78.27 for 5 hrs		
Data Integrity Board Members (8)	313	
GS-15-5 @ 78.27 for 0.5 hrs= \$313.08		
<i>DMDC FY2021 Administrative Estimate:</i>		<i>\$ 3,798</i>

SUMMARY:

While DoD’s costs for participating in the match are relatively small, the benefit to reservists (even if not provided here in quantifiable form) is substantial. In addition to a more efficient program and improved service, reservists will benefit significantly from this match as a result of the avoidance of hardship due to recoupment actions resulting from dual compensation.

ATTACHMENT 2

DoD System of Records Notice DMDC 01

SYSTEM NAME AND NUMBER: Defense Manpower Data Center Data Base, DMDC 01. (April 16, 2019; 84 FR 15605)

SECURITY CLASSIFICATION: Unclassified. SYSTEM LOCATION: Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

SYSTEM MANAGER(S): Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955– 6771.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 5 U.S.C. App. 3 (Pub. L. 95– 452, as amended (Inspector General Act of 1978)); 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 1562, Database on Domestic Violence Incidents; 20 U.S.C. 1070(f)(4), Higher Education Opportunity Act; Public Law 106–265, Federal Long-Term Care Insurance; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM: The purpose of the system of records is to provide a single central facility within the Department of Defense to assess manpower trends, support personnel and readiness functions, to perform longitudinal statistical analyses, identify current and former DoD civilian and Armed Forces personnel for purposes of detecting fraud and abuse of pay and benefit programs, to register current and former DoD civilian and Armed Forces personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified. To collect debts owed to the United States Government and state and local governments. Information will be used by agency officials and employees, or authorized contractors, and other DoD Components in the preparation of studies and policy as related to the health and well-being of current and past Armed Forces and DoD-affiliated personnel; to respond to Congressional and Executive branch inquiries; and to provide data or documentation relevant to the testing or exposure of individuals. Armed Forces drug test records will be maintained and used to conduct longitudinal, statistical, and analytical studies and computing demographic reports. No personal identifiers will be included in the demographic data reports. All requests for Service specific drug testing demographic data will be approved by the Service designated drug testing program office. All requests for DoD wide drug testing demographic data will be approved by the DoD Coordinator for Drug Enforcement Policy and Support, 1510 Defense Pentagon, Washington, DC 20301–1510. DMDC web usage data will be used to validate continued need for user access to DMDC computer systems and databases, to address problems associated with web access, and to ensure access is only for official purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: All Army, Navy, Air Force, Marine Corps, and Coast Guard officer and enlisted personnel serving on active duty from July 1, 1968 and after or were a member of a reserve component since July 1975 (hereafter the “Armed Forces”); retired Armed Forces personnel; active and retired members of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the Public Health Service (PHS) (with Armed Forces above, hereafter referred to as the “Uniformed Services”). All individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; Current and former DoD civilian employees since January 1, 1972. Veterans using the Veterans

Education Assistance Program (VEAP) from January 1977 through June 1985; Participants in the Department of Health and Human Services National Longitudinal Survey; Survivors of retired Armed Forces personnel eligible for or currently receiving disability payments or disability income compensation from the Department of Veterans Affairs; surviving spouses of active or retired deceased Armed Forces personnel; 100% disabled veterans and their survivors; and survivors of retired officers of NOAA and PHS eligible for, or are currently receiving, Federal payments due to the death of the retiree; Individuals receiving disability compensation from the Department of Veterans Affairs or who are covered by a Department of Veterans Affairs' insurance or benefit program; dependents of active and retired members of the Uniformed Services, selective service registrants; All Federal civilian retirees; All non-appropriated funded individuals employed by the Department of Defense; Individuals who were or may have been the subject of tests involving chemical or biological human subject testing; and individuals inquiring or providing information to the Department of Defense concerning such testing; Individuals with authorized web access to DMDC computer systems and databases.

CATEGORIES OF RECORDS IN THE SYSTEM: Computerized personnel/ employment/pay records consisting of name, Service Number, Selective Service Number, Social Security Number (SSN), DoD Identification Number, citizenship data, compensation data, demographic information such as home town, age, sex, race, and educational level; civilian occupational information; performance ratings of DoD civilian employees and military members; reasons given for leaving military service or DoD civilian service; civilian and military acquisition work force warrant location, training and job specialty information; military personnel information such as rank, assignment/deployment, length of service, military occupation, aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs; date of award of certification of military experience and training; military hospitalization and medical treatment, immunization, and pharmaceutical dosage records; home and work addresses; and identities of individuals involved in incidents of child and spouse abuse, and information about the nature of the abuse and services provided; CHAMPUS claim records containing enrollee, patient and health care facility, provided data such as cause of treatment, amount of payment, name and Social Security or tax identification number of providers or potential providers of care; Selective Service System registration data; Primary and secondary fingerprints of Military Entrance Processing Command (MEPCOM) applicants; Department of Veterans Affairs disability payment records. Credit or financial data as required for security background investigations; Criminal history information on individuals who subsequently enter the military; Extracts from Office of Personnel Management (OPM); OPM/CENTRAL-1, Civil Service Retirement and Insurance Records, including postal workers covered by Civil Service Retirement, containing Civil Service Claim number, date of birth, name, provision of law retired under, gross annuity, length of service, annuity commencing date, former employing agency and home address. These records provided by OPM for approved computer matching; Non-appropriated fund employment/ personnel records consist of Social Security Number (SSN), name, and work address; Military drug test records containing the Social Security Number (SSN), date of specimen collection, date test results reported, reason for test, test results, base/area code, unit, service, status (active/reserve), and location code of testing laboratory; Names of individuals, as well as DMDC assigned identification numbers, and other user identifying data, such as organization, Social Security Number (SSN), email address, phone number, of those having web access to DMDC computer systems and databases, to include dates and times of access.

RECORD SOURCE CATEGORIES: Record sources are individuals via survey questionnaires, the Uniformed Services, the Department of Veteran Affairs, the Office of Personnel Management, Environmental Protection Agency, Department of Health and Human Services, Department of Energy,

Executive Office of the President, and the Selective Service System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Department of Veterans Affairs (DVA):

a. To provide Uniformed Service personnel and pay data for present and former Uniformed Service personnel for the purpose of evaluating use of veterans' benefits, validating benefit eligibility, and maintaining the health and well-being of veterans and their family members.

b. To provide identifying Armed Service personnel data to the DVA and its insurance program contractor for the purpose of notifying separating eligible Reservists of their right to apply for Veteran's Group Life Insurance coverage under the Veterans Benefits Improvement Act of 1996 (38 U.S.C. 1968).

c. To register eligible veterans and their dependents for DVA programs.

d. Providing identification of former Uniformed Service personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program(38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

e. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

(1) Providing full identification of active duty Uniformed Service personnel, including full time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program. The information is used to determine continued eligibility for DVA disability compensation to recipients returning to active duty so benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment (38 U.S.C. 5304(c)).

(2) Providing identification of reserve duty, including full time support National Guard/Reserve Armed Forces personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

f. To provide identifying Uniformed Service personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).

2. To the Office of Personnel Management (OPM):

a. Consisting of personnel/ employment/financial data for the purpose of carrying out OPM's

management functions. Records disclosed concern pay, benefits, retirement deductions and any other information necessary for those management functions required by law (Pub. L. 83–598, 84–356, 86–724, 94–455 and 5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347).

b. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of:

(1) Exchanging civil service and Reserve personnel data to identify those individuals of the Reserve forces employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and cannot be released for extended active duty in the event of mobilization. Employing Federal agencies are informed of the reserve status of those affected personnel so the choice of terminating the position or the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Forces.

c. Matching for administrative purposes to include updated employer addresses of Federal civil service employees who are reservists and demographic data on civil service employees who are reservists.

3. To the Internal Revenue Service (IRS) for the purpose of obtaining home addresses to contact Reserve component members for mobilization purposes and for tax administration. For the purpose of conducting aggregate statistical analyses on the impact of Armed Forces personnel of actual changes in the tax laws and to conduct aggregate statistical analyses to life stream earnings of current and former military personnel to be used in studying the comparability of civilian and military pay benefits. To aid in administration of Federal Income Tax laws and regulations, to identify non-compliance and delinquent filers.

4. To the Department of Health and Human Services(DHHS):

a. To the Office of the Inspector General, DHHS, for the purpose of identification and investigation of DoD civilian employees and Armed Forces members who may be improperly receiving funds under the Temporary Assistance for Needy Families(TANF).

b. To the Office of Child Support Enforcement, Federal Parent Locator Service, DHHS, pursuant to 42 U.S.C. 653 and 653a; to assist in locating individuals for the purpose of establishing parentage; establishing, setting the amount of, modifying, or enforcing child support obligations; or enforcing child custody or visitation orders; and for conducting computer matching as authorized by E.O. 12953 to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services (active and retired). Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

Note 1:

Information requested by DHHS is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

Note 2:

Quarterly wage information is not disclosed for those individuals performing intelligence or counter intelligence functions and a determination is made that disclosure could endanger the safety of the individual or compromise an ongoing investigation or intelligence mission (42U.S.C. 653(n)).

a. To the Health Care Financing Administration (HCFA), DHHS for the purpose of monitoring HCFA reimbursement to civilian hospitals for Medicare patient treatment. The data will ensure no Department of Defense physicians, interns, or residents are counted for HCFA reimbursement to hospitals.

b. To the Centers for Disease Control and the National Institutes of Mental Health, DHHS, for the purpose of conducting studies concerned with the health and well-being of Uniformed Services personnel or veterans, to include family members.

c. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the Public Assistance Reporting Information System (PARIS) for the purpose of determining continued eligibility and help eliminate fraud and abuse in benefit programs by identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

4. To the Social Security Administration (SSA):

a. To the Office of Research and Statistics for the purpose of:

(1) Conducting statistical analyses of impact of military service and use of GI Bill benefits on long term earnings.

(2) Obtaining current earnings data on individuals voluntarily leaving military service or DoD civil employment so analytical personnel studies regarding pay, retention and benefits may be conducted.

Note 3: Earnings data obtained from the SSA and used by DoD does not contain any information identifying the individual about whom the earnings data pertains.

a. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) to the Bureau of Supplemental Security Income for the purpose of verifying information provided to the SSA by applicants and recipients/beneficiaries, who are retired members of the Uniformed Services or their survivors, for Supplemental Security Income (SSI) or Special Veterans' Benefits (SVB). By law (42 U.S.C. 1006 and 1383), the SSA is required to verify eligibility factors and other relevant information provided by the SSI or SVB applicant from independent or collateral sources and obtain additional information as necessary before making SSI or SVB determinations of eligibility, payment amounts, or adjustments thereto. Y

b. To the Client Identification Branch for the purpose of validating the assigned Social Security Number for individuals in DoD personnel and pay files, using the SSA Enumeration Verification System (EVS).

c. To the Office of Disability and Insurance Security Programs, for the purpose of expediting disability processing of wounded military service members and veterans.

6. To the Selective Service System (SSS) for the purpose of facilitating compliance of members and

former members of the Armed Forces, both active and reserve, with the provisions of the Selective Service registration regulations (50 U.S.C. App. 451 and E.O. 11623).

7. To the Department of Labor (DOL) to reconcile the accuracy of unemployment compensation payments made to former DoD civilian employees and members of the Uniformed Services by the states. To the Department of Labor to survey Armed Forces separations to determine the effectiveness of programs assisting veterans to obtain employment.

8. To Federal and Quasi Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior Armed Forces service credit for their employees or for job applicants. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub. L. 95-452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

9. To state and local law enforcement investigative agencies to obtain military history information for the purpose of ongoing investigations.

10. To Federal and Quasi Federal agencies, territorial, state, and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well-being of Uniformed Service and retired personnel or veterans, to include family members. DMDC will disclose information from this system of records for research purposes when DMDC:

a. Determines the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. Determines the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Requires the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) makes no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information enabling research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. Secures a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

11. To Federal and State agencies for purposes of obtaining socioeconomic information on Armed Forces personnel so analytical studies can be conducted with a view to assessing the present needs and future

requirements of such personnel.

12. To Federal and State agencies for purposes of validating demographic data (e.g., Social Security Number, citizenship status, date and place of birth, etc.) for individuals in Uniformed Service personnel and pay files so accurate information is available in support of Uniformed Service requirements.

13. To the Bureau of Citizenship and Immigration Services, Department of Homeland Security, for purposes of facilitating the verification of individuals possibly eligible for expedited naturalization (Pub. L. 108– 136, Section 1701, and E.O. 13269, Expedited Naturalization).

14. To Federal and State agencies, as well as their contractors and grantees, for purposes of providing military wage, training, and educational information so that Federal-reporting requirements, as mandated by statute, such as the Workforce Investment Act (29 U.S.C. 2801, et seq.) and the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301, et seq.) can be satisfied.

15. To the Department of Education, to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

a. Identifying dependent children of service members killed in Operation Iraqi Freedom and Operation Enduring Freedom (OIF/OEF) Afghanistan Only for possible benefits. \

b. Ensuring eligibility of service members to receive the no-interest accrual benefit on their eligible student loans during the period of time the service members receive imminent danger pay or hostile fire pay, consistent with the Higher Education Act of 1965 (20 U.S.C 1070 et seq.). ,

Note 5: Military drug test information involving individuals participating in a drug abuse rehabilitation program shall be confidential and disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The DoD ‘Blanket Routine Uses’ do not apply to these types of records.

16. To State public assistance agencies to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the Public Assistance Reporting Information System (PARIS) for the purpose of determining continued eligibility and help eliminate fraud and abuse in benefit programs by identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Electronic storage media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Records are retrieved by name, Social Security Number (SSN), DoD ID number, occupation, or any other data element contained in system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: The records are used to provide a centralized system within the Department of Defense to assess manpower trends, support personnel functions, perform longitudinal statistical analyses, and conduct scientific studies or medical follow-up programs and other related studies/ analyses. Records are retained as follows:

(1) Input/source records are deleted or destroyed after data have been entered into the master file or when no longer needed for operational purposes, whichever is later. Exception: Apply NARA approved disposition instructions to the data files residing in other DMDC data bases.

(2) The Master File is retained permanently. At the end of the fiscal year, a snapshot is taken and transferred to the National Archives in accordance with 36 CFR part 1228.270 and 36 CFR part 1234.

(3) Output records (electronic or paper summary reports) are deleted or destroyed when no longer needed for operational purposes. Note: This disposition instruction applies only to record keeping copies of the reports retained by DMDC. The DoD office requiring creation of the report should maintain its record keeping copy in accordance with NARA approved disposition instructions for such reports.

(4) System documentation (codebooks, record layouts, and other system documentation) are retained permanently and transferred to the National Archives along with the master file in accordance with 36 CFR part 1228.270 and 36 CFR part 1234.

ADMINISTRATIVE, PHYSICAL, AND TECHNICAL SAFEGUARDS: Access to personal information is restricted to those requiring the records in the performance of their official duties. Access to personal information is further restricted by the use of Common Access Cards (CAC). Physical entry is restricted by the use of locks, guards, and administrative procedures. All individuals granted access to this system of records must complete Information Assurance and Privacy Act training; all have been through the vetting process and have ADP ratings.

RECORD ACCESS PROCEDURES: Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155. Written requests should contain the name and number of this system of records notice along with the full name, Social Security Number (SSN), date of birth, current address, and telephone number of the individual and be signed. In addition, the requester must provide a notarized statement, or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”

Attorneys or other persons acting on behalf of an individual must provide written authorization from the individual for their representative to act on their behalf.

CONTESTING RECORD PROCEDURES: The Office of the Secretary of Defense rules for accessing records, contesting contents and appealing initial agency determinations are published in Office of the Secretary of Defense Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155. Written requests should contain the full name, Social Security Number (SSN), date of birth, current address, and telephone number of the individual. In addition, the requester must provide a notarized statement, or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”

Attorneys or other persons acting on behalf of an individual must provide written authorization from the individual for their representative to act on their behalf.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: November 23, 2011, 76 FR 72391. February 27, 2019, 84 FR 6383. March 11, 2019, 84 FR 8698.

ATTACHMENT 3

VA Privacy Act System of Records Notice, Record System Notice VA (58 VA 21/22/28)", published at 74 FR 29275 (June 19, 2009), last amended at 84 FR 4138 on February 14, 2019

System Name:

Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records-VA.

Categories of individuals covered by the system:

The following categories of individuals will be covered by this system.

1. Veterans who have applied for compensation for service-connected disability under 38 U.S.C. chapter 11.
2. Veterans who have applied for nonservice-connected disability under 38 U.S.C. chapter 15.
3. Veterans entitled to burial benefits under 38 U.S.C. Chapter 23.
4. Surviving spouses and children who have claimed pensions based on nonservice- connected death of a veteran under 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 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 38 U.S.C. Chapter 13.
7. Parents who have applied for death compensation based on service-connected death of a veteran under 38 U.S.C. Chapter 11.
8. Parents who have applied for dependency and indemnity compensation for service- connected death of a veteran under 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 under 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) or the Veterans Service Network (VETSNET) 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 (TSGLI) under Sections 1967 through 1980A.

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 non-pay 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, 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, reentrance 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 folder 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). The VA employee's BDN or VETSNET 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 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.

Authority for maintenance of the system:

Title 10 United States Code (U.S.C.) chapters 106a, 510, 1606 and 1607 and Title 38, U.S.C., section 501(a) and Chapters 11, 13, 15, 18, 23, 30, 31, 32, 33, 34, 35, 36, 39, 51, 53, and 55.

Purpose(s):

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."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Congress: VA may disclose information from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. VA must be able to provide information about individuals to adequately respond to inquiries from Members of Congress at the request of constituents who have sought their assistance.
2. Data breach response and remedial efforts: VA may, on its own initiative, disclose information from this system 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 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. a. *Effective Response.* A federal agency's ability to respond quickly and effectively in the event of a breach of federal data is critical

to its efforts to prevent or minimize any consequent harm. An effective response necessitates disclosure of information regarding the breach to those individuals affected by it, as well as to persons and entities in a position to cooperate, either by assisting in notification to affected individuals or playing a role in preventing or minimizing harms from the breach. b. *Disclosure of Information*. Often, the information to be disclosed to such persons and entities is maintained by federal agencies and is subject to the Privacy Act (title 5 U.S.C. 552a). The Privacy Act prohibits the disclosure of any record in a system of records by any means of communication to any person or agency absent the written consent of the subject individual unless the disclosure falls within one of twelve statutory exceptions. In order to ensure an agency is in the best position to respond in a timely and effective manner, in accordance with title 5 U.S.C. 552a(b)(3) of the Privacy Act, agencies should publish a routine use for appropriate systems specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a data breach.

3. Data breach response and remedial efforts with another Federal agency: VA may, on its own initiative, disclose information from this system to another Federal agency or Federal entity, when VA determines that information from this system of records 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, on its own initiative, disclose information in this system, except the names and home addresses of Veterans and their dependents, which is relevant to a suspected 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, regulation, rule or order. On its own initiative, VA may also disclose the names and addresses of Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. VA must be able to provide on its own initiative information that pertains to a violation of laws to law enforcement authorities in order for them to investigate and enforce those laws. Under title 38 U.S.C. 5701(a) and (f), VA may disclose the names and addresses of Veterans and their dependents to Federal entities with law enforcement responsibilities. This is distinct from the authority to disclose records in response to a qualifying request from a law enforcement entity, as authorized by Privacy Act subsection title 5 U.S.C. 552a(b)(7).

5. Litigation: VA may disclose information from this system of records to the Department of Justice (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 the 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. To determine whether to disclose records under this routine use, VA will comply with the guidance promulgated by the Office of Management and Budget in a May 24, 1985, memorandum entitled "Privacy Act Guidance—Update," currently posted at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/inforeg/guidance1985.pdf>. VA must be able to provide information to DoJ in litigation where the United States or any of its components is involved or has an interest. A determination would be made in each instance that under the

circumstances involved, the purpose is compatible with the purpose for which VA collected the information. This routine use is distinct from the authority to disclose records in response to a court order under subsection (b)(11) of the Privacy Act, title 5 U.S.C. 552(b)(11), or any other provision of subsection (b), in accordance with the court's analysis in *Doe v. DiGenova*, 779 F.2d 74, 78–85 (D.C. Cir. 1985) and *Doe v. Stephens*, 851 F.2d 1457, 1465–67 (D.C. Cir. 1988).

6. Contractors: VA may disclose information from this system of records to individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor, subcontractor, public or private agency, or other entity or individual with whom VA has a contract or agreement to perform services under the contract or agreement. This routine use includes disclosures by an individual or entity performing services for VA to any secondary entity or individual to perform an activity that is necessary for individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to provide the service to VA. This routine use, which also applies to agreements that do not qualify as contracts defined by Federal procurement laws and regulations, is consistent with OMB guidance in OMB Circular A–130, App. I, paragraph 5a(1)(b) that agencies promulgate routine uses to address disclosure of Privacy Act-protected information to contractors in order to perform the services contracts for the agency.

7. Equal Employment Opportunity Commission (EEOC): VA may disclose information from this system to the EEOC when requested 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 or regulation. VA must be able to provide information to EEOC to assist it in fulfilling its duties to protect employees' rights, as required by statute and regulation.

8. Federal Labor Relations Authority (FLRA): VA may disclose information from this system to the FLRA, including its General Counsel, information related to the establishment of jurisdiction, investigation, and resolution of allegations of unfair labor practices, or in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; for it to address matters properly before the Federal Services Impasses Panel, investigate representation petitions, and conduct or supervise representation elections. VA must be able to provide information to FLRA to comply with the statutory mandate under which it operates.

9. Merit Systems Protection Board (MSPB): VA may disclose information from this system to the MSPB, or the Office of the Special Counsel, when requested 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 title 5 U.S.C. 1205 and 1206, or as authorized by law. VA must be able to provide information to MSPB to assist it in fulfilling its duties as required by statute and regulation.

10. National Archives and Records Administration (NARA) and General Services Administration (GSA): VA may disclose information from this system to NARA and GSA in records management inspections conducted under title 44, U.S.C. NARA is responsible for archiving old records which are no longer actively used but may be appropriate for preservation, and for the physical maintenance of the Federal government's records. VA must be able to provide the records to NARA in order to determine the proper disposition of such records.

11. The record of an individual who is covered by this system or records may be disclosed to a Member of Congress, or staff person acting for the member when, the member or staff person request the record on behalf of and at the written request of that individual.

12. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: The hiring, retention or transfer of an employee; the issuance of a security clearance; the letting of a contract; or the issuance or

continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of Veterans will only be made with the Veteran's prior written consent.

13. Any information in this system may be disclosed to a State or local agency, upon official request, to the extent that it is relevant and necessary to that agency's decision on: The hiring, retention or transfer of an employee; the issuance of a security clearance; the letting of a contract; or the issuance or continuance of a license, grant or other benefit by that agency including eligibility for unemployment compensation; provided, that if the information pertains to a Veteran, the name and address of the Veteran will not be disclosed unless the name and address are provided first by the requesting State or local agency.

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 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. The name and address of an individual, and other information as is reasonably necessary to identify such individual, may be disclosed to a consumer reporting agency for the purpose of locating the individual, or obtaining a consumer report to determine the ability of the individual to repay an indebtedness to the United States arising by virtue of the individual's participation in a benefits program administered by the VA, provided that the requirements of title 38 U.S.C. 5701(g)(2) 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: 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.
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 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. Medical data (excluding the name and address of a Veteran unless the name and address are furnished by the requestor) may be disclosed to epidemiological and other research facilities approved by the Under Secretary for Health to obtain data from those facilities necessary to assist in medical studies on Veterans for VA or for any research purposes determined to be necessary and proper by the Under Secretary for Health.

33. The name(s) and address(es) of a Veteran may be disclosed to another Federal agency or to a contractor of that agency, at the written request of the head of that agency or designee of the head of that agency for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency.

34. Any information in this system relevant to a Veteran's claim 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 may be disclosed at the request of the Veteran to accredited service organizations, VA approved claims agents and attorneys acting under a declaration of representation so that these individuals can aid Veterans 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. Any information in this system such as the amount of benefit or disability payments and medical information may be disclosed in the course of presenting evidence to a court, magistrate, or administrative authority, 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. Any information in this system including medical information, the basis and nature of claim, the amount of benefits and personal information may be disclosed to a VA Federal fiduciary or a guardian ad

litem in relation to his or her representation of a Veteran only to the extent necessary to fulfill the duties of the VA Federal fiduciary or the guardian ad litem.

38. Any relevant information (including changes in disability ratings) may be disclosed to the DOJ and United States Attorneys in the defense or prosecution of litigation involving the United States, and to Federal agencies upon their request in connection with review of administrative tort claims and potential tort claims filed under the Federal Tort Claims Act, title 28 U.S.C. 2672, the Military Claims Act, title 10 U.S.C. 2733, and other similar claims statutes.

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. Identifying information, except for the name and address of a Veteran, may be disclosed to a State agency for the purpose of conducting a computer match to determine if income and employment data are being properly reported to VA and to detect the unwarranted payment of benefits 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. The beneficiary's name, address, social security number and the amount (excluding interest) of any indebtedness waived under title 38 U.S.C. 5302, or compromised under 4 CFR part 103 may be disclosed to the Treasury Department, Internal Revenue Service (IRS), as a report of income under title 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. The name of a Veteran, or other beneficiary, other information as is reasonably necessary to identify such individual, and any other information concerning the individual's indebtedness by virtue of a person's participation in a benefits program administered by VA, may be disclosed to the Treasury Department, IRS, for the collection of title 38, U.S.C. benefit overpayments, overdue indebtedness, and/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. Identifying information including social security number, abbreviated surname, first and middle initial, date of birth, sex and claim number, and excluding the full name and address, may be disclosed to the SSA for the purpose of conducting a computer match to obtain information to validate the social security number maintained in VA records.

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 VA 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The BDN, Virtual VA, Corporate WINRS, VETSNET, The Image Management System (TIMS), Long Term Solution (LTS) 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.) Vocational Rehabilitation and Employment (VR&E), and Education claims are maintained on paper and electronic folders and on automated storage media (*e.g.*, microfilm, microfiche, magnetic tape, and disks). Such information may be accessed through BDN, VBMS, Corporate WINRS, TIMS, LTS, and VETSNET terminals. BDN, Virtual VA, 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. 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 tape

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, Virtual VA, Corporate WINRS, VETSNET and VBMS data telecommunication networks are by authorization controlled by the site security officer who is responsible for authorizing access to the BDN, Virtual VA, 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, Virtual VA, VETSNET, and VBMS System Security:

(a) Usage of the BDN, Virtual VA, Corporate WINRS, VETSNET, 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.

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 or fax their Privacy Act or FOIA requests to: Department of Veterans Affairs, Claims Intake Center, P.O. Box 4444, Janesville, WI 53547-4444, Fax: 844-531-7818, 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

CONTESTING RECORD PROCEDURES

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 https://www.va.gov/landing2_locations.htm. 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 FROM 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 July 19, 2012 at 77FR42594.

System Manager(s) and Address

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

Director, Pension and Fiduciary Service, 810 Vermont Avenue NW., VA Central Office, Washington, DC 20420.

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

Director, Vocational Rehabilitation and Employment Service (28), 810 Vermont Avenue NW., VA Central Office, Washington, DC 20420.

Record Access Procedures

Individuals seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office. Address locations are listed at <https://www.va.gov/find-locations/>

Record Source Categories:

Veterans, service members, reservists, spouses, surviving spouses, dependents and other beneficiaries of the veteran accredited service organizations, VA- supervised fiduciaries (i.e., 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, State, local, and county courts and clerks, Federal, State, and local penal institutions and correctional facilities, other third parties and other VA records.

ATTACHMENT 4

VA Privacy Act System of Records Notice, Record System Notice VA (138VA005Q)", published at 74 FR 37093 (July 27, 2009).

System Name:

Veterans Affairs Department of Defense Identity Repository (VADIR)— VA'' 138VA005Q.

SYSTEM LOCATION:

The primary VADIR database containing all records is maintained at the Austin Automation Center (AAC) at 1615 East Woodward Street, Austin, Texas 78772. A second VADIR database with an identical set of records is being established as a disaster recovery site at the Data Processing Center at Hines, Illinois. The disaster recovery site will be established in CY 2009. All records are maintained electronically.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The category of the individuals covered by the VADIR database encompasses veterans, service members, and their dependents. This would include current service members, separated service members, and their dependents; as well as veterans whose VA military service benefits have been sought by others (e.g., burial benefits).

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record, may include identifying information (e.g., name, contact information, Social Security number), association to dependents, cross reference to other names used, military service participation and status information (branch of service, rank, enter on duty date, release from active duty date, military occupations, type of duty, character of service, awards), reason and nature of active duty separation (completion of commitment, disability, hardship, etc.), combat/ environmental exposures (combat pay, combat awards, theater location), combat deployments (period of deployment, location/country), Guard/ Reserve activations (period of activation, type of activation), military casualty/disabilities (line of duty death, physical examination board status, serious/very serious injury status, DoD rated disabilities), education benefit participation, eligibility and usage, healthcare benefit periods of eligibility (TRICARE, CHAMPVA), and VA compensation (rating, Dependency and Indemnity Compensation (DIC), award amount).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintaining this system is Title 38 U.S.C. Section 5106.

PURPOSE:

The purpose of VADIR is to receive electronically military personnel and payroll information from the Department of Defense (DoD) in a centralized VA system and then distribute the data to other VA systems and Lines of Business who require the information for health and benefits eligibility determinations. This information is provided to VADIR by the Defense Manpower Data Center (DMDC). VADIR will also provide veterans information concerning education benefits usage and death and disability status, as well as personal and demographic information on veterans discharged prior to 1978 to DMDC for reconciliation purposes.

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

1. The record of an individual included in this system may be provided to DoD systems or offices for

use in connection with matters relating to one of DoD's programs to enable delivery of healthcare or other DoD benefits to eligible beneficiaries. 2. 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 DMDC to reconcile the amount and/or waiver of service, department and retired pay. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

3. The name, address, VA file number, date of birth, date of death, social security number, and service information may be disclosed to DoD's Defense Manpower Data Center. DoD will use this information to identify retired veterans and dependent members of their families who have entitlement to Department of Defense benefits but who are not identified in the Department of Defense Enrollment Eligibility Reporting System (DEERS) program and to assist in determining eligibility for Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits. This purpose is consistent with 38 U.S.C. 5701.

4. The name(s) and address(es) of a veteran may be disclosed to another Federal agency or to a contractor of that agency, at the written request of the head of that agency or designee of the head of that agency for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency.

5. VA may disclose on its own initiative any information in this system, except the names and addresses of veterans and their dependents, that is relevant to a suspected 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, 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, regulation, rule, or order. VA may also disclose on its own initiative the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule, or order issued pursuant thereto.

6. VA may disclose information in the system of records to the Department of Justice (DOJ), either 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 proceeding before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of records to the DOJ is a use of 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 the 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.

7. 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 representative.

Names and home addresses of veterans and their dependents will be released on VA's initiative under this routine use only to Federal entities when VA believes that the names and addresses are required by the Federal department or agency.

8. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to perform such

services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor, subcontractor or entity or individual with whom VA has an agreement or contract to perform the services of the contract or agreement.

9. VA may disclose information or records to appropriate agencies, entities, and persons when (1) it is suspected or 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 records' subjects, harm to economic or property interest, identity theft or fraud, or harm to the security, confidentiality or integrity of this system or other systems or programs (whether maintained by VA or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is made to such agencies, entities, and persons whom VA determines are reasonably necessary to assist in or carry out VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

10. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs. 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 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

11. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the member, when the member or staff person requests the record on behalf of and at the written request of the individual.

12. Disclosure may be made to the National Archives and Records Administration (NARA) or the General Services Administration (GSA) in records management inspections conducted under authority of Chapter 29 of Title 44 United States Code.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM STORAGE:

STORAGE:

Records are transmitted between DMDC and VA over a dedicated telecommunications circuit using approved encryption technologies. Records (or information contained in records) are maintained in electronic format in the VADIR Oracle database. These records cannot be directly accessed by any VA employee or other users. Information from VADIR is disseminated in three ways: (1) Approved VA systems electronically request and receive data from VADIR, (2) data is provided between VADIR and DMDC for reconciliation of records or to identify retired veterans and dependents who have entitlements to DoD benefits but are not identified in DEERS, and (3) periodic electronic data extracts of subsets of information contained in VADIR are provided to approved VA offices/systems. Backups of VADIR data are created regularly and stored in a secure off-site facility.

RETRIEVABILITY:

Electronic files are retrieved using various unique identifiers belonging to the individual to whom the information pertains to include such identifiers as name, claim file number, social security number and date of birth.

SAFEGUARDS:

1. **Physical Security:** The primary VADIR system is located in the AAC and the backup disaster recovery system is located in the Hines Data Processing Center. 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 needing access to computer rooms are escorted.
2. **System Security:** Access to the VA network is protected by the usage of "logon" identifications and passwords. Once on the VA network, separate ID and password credentials are required to gain access

to the VADIR server and/ or database. Access to the server and/or database is granted to only a limited number of system administrators and database administrators. In addition, VADIR has undergone certification and accreditation. Based on a risk assessment that followed National Institute of Standards and Technology Vulnerability and Threat Guidelines, the system is considered stable and operational and a final Authority to Operate has been granted. The system was found to be operationally secure, with very few exceptions or recommendations for change.

RETENTION AND DISPOSAL:

VA retains selected information for purposes of making eligibility determinations for VA benefits. The information retained may be included in the VA records that are maintained and disposed of in accordance with the appropriate record disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESSES:

The official responsible for maintaining the VADIR repository: David Lindsey, Program Manager, VADIR, Registration and Eligibility, Office of Enterprise Development, Interagency Program Executive Office (005Q3), ATTN: VADIR System of Records, 810 Vermont Avenue, NW., Washington, DC 20420.

NOTIFICATION PROCEDURES:

Individuals seeking information on the existence and content of a record pertaining to them should contact the system manager, in writing, at the above address. Requests should contain the full name, address and telephone number of the individual making the inquiry.

RECORD ACCESS PROCEDURE:

(See notification procedure above.)

CONTESTING RECORD PROCEDURES:

See Notification Procedure above. Additionally, to the extent that information contested is identified as data provided by DMDC, which is part of the Defense Logistics Agency (DLA), the DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR Part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DES-B, 8725 John J.

Kingman Road, Stop 6220, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by components of the Department of Defense.

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