

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of amendment to system of records—Department of Veterans Affairs Federal Docket Management System Commenter Information (VAFDMS—Commenter Info)—(140VA02REG).

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently titled, “Department of Veterans Affairs Federal Docket Management System (VAFDMS)—(140VA00REG)” as set forth in the **Federal Register** on February 9, 2007 and amended on March 25, 2008. VA is amending the system name, expanding the authority listed for maintenance of the system, clarifying storage location, and updating the address for notification and record access procedures. VA is republishing the system notice in its entirety.

**DATES:** This amended system of record will be effective March 3, 2015.

**FOR FURTHER INFORMATION CONTACT:** William F. Russo, Privacy Officer, or Janet Coleman, Chief, Office of Regulation Policy and Management (02REG), Office of the General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-4902.

**SUPPLEMENTARY INFORMATION:** A Notice of Establishment of New System of Records was published in the **Federal Register** on February 9, 2007 (72 FR 6315), and amended on March 25, 2008 (73 FR 15856).

#### I. Description of the System of Records

The Department of Veterans Affairs Federal Docket Management System (VAFDMS) serves as a central, electronic repository for VA rulemaking and non-rulemaking dockets including **Federal Register** rules, notices, supporting materials such as scientific and economic analyses, and public comments. The portion of VAFDMS information that comes under the Privacy Act is personal identifying information (name and contact address/email address). This information permits VA to identify individuals who have submitted comments in response to VA rulemaking documents or notices so that communications or other actions, as appropriate and necessary, can be effected, such as clarification of

the comment, direct response to a comment, and other activities associated with the rulemaking or notice process. Identification is possible only if the individual voluntarily provides identifying information when submitting a comment. If such information is not furnished, the submitted comments and/or supporting documentation cannot be linked to an individual.

VAFDMS permits members of the public to search posted public comments received by name of the individual submitting the comment on the regulations.gov Web site. All the contents of posted comments are searchable. Unless the individual submits the comment anonymously, a name search will result in the comment being displayed for view. If the comment is submitted electronically using VAFDMS, the viewed comment will not include the name of the submitter or any other identifying information about the individual except the information that the submitter has opted to include as part of his or her general comment. If a comment is submitted by an individual on his or her own behalf, in writing, that has been scanned and uploaded into VAFDMS, unless the individual submits the comment anonymously, the submitter's name will be on the comment, but other personally identifying information will be redacted before it is scanned and posted. Comments submitted on behalf of organizations in writing that have to be scanned and uploaded into VAFDMS, may not be redacted.

#### II. Proposed Update to Authority for Maintenance of the System

VA is adding to the authority listed for the system so as to better guide individuals if they are researching the authority.

#### III. Proposed Amendments to System Name

VA is renaming the system of records to reflect the categories of individuals on whom information is maintained, and to update the originating office name that changed from 00REG to 02REG. Thus “Department of Veterans Affairs Federal Docket Management System (VAFDMS)—(140VA00REG)” is renamed as, “Department of Veterans Affairs Federal Docket Management System Commenter Information (VAFDMS—Commenter Info)—(140VA02REG)”.

#### IV. Proposed Amendment to Storage

VA is providing greater detail as to where records are stored.

#### V. Proposed Update to the Address for Notification and Record Access Procedures

VA is updating the mailbox address for the office for notification and record access procedures from 00REG to 02REG.

#### VI. Proposed Update To Record Source Categories

VA is correcting the Record Source Categories to correctly list both individuals and public or private organizations. Formerly only “individuals” was listed.

Under 5 U.S.C. 552a(r) (Privacy Act), as amended, and guidelines issued by OMB published at 65 FR 77677 on December 12, 2000, these proposed minor changes do not need to be reported to Congressional Committees or the Director of the Office of Management and Budget before implementation.

#### Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 12, 2015 for publication.

Dated: February 25, 2015.

**Jeffrey M. Martin,**

*Program Manager, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.*

#### 140VA02REG

##### SYSTEM NAME:

Department of Veterans Affairs Federal Docket Management System Commenter Information (VAFDMS—Commenter Info)

##### SYSTEM LOCATION:

Primary location: Electronic records are kept at the U.S. Environmental Protection Agency, Research Triangle Park, NC 27711-0001. Secondary location: Paper records are kept at Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who voluntarily provide personal contact information when submitting a public comment and/or supporting materials in response to a Department of Veterans Affairs rulemaking document or notice.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Full name, postal address, email address, phone and fax numbers of the individual submitting comments, the name of the individual or organization that the individual represents, and the comments, as well as other supporting documentation, furnished by the individual. Comments may include personal information about the commenter.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3501, Note; Sec. 206(d), Pub. L. 107-347; 5 U.S.C. 301, 552, 552a, and 553.

**PURPOSE:**

To permit the Department of Veterans Affairs (VA) to identify individuals, who have submitted comments in response to VA rulemaking documents or notices, so that communications or other actions, as appropriate and necessary, can be effected, such as to seek clarification of the comment, to directly respond to a comment, and for other activities associated with the rulemaking or notice process.

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

1. 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.

2. Disclosure may be made to the National Archives and Records Administration in records management inspections conducted under authority of Title 44 U.S.C.

3. 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.

4. Disclosure of relevant information may be made to individuals, organizations, private or public 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.

5. VA may disclose on its own initiative any information in the system, except the names and home addresses of veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of the 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. 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, or order issued pursuant thereto.

6. 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.

7. 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 economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department 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 Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department

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.

8. VA may disclose information contained in this System of Records, as necessary, to comply with the requirements of the Administrative Procedure Act (APA) that comments are available for public review if submitted in response to VA's solicitation of public comments as part of the Agency's notice and rulemaking activities under the APA. However, VA will not release individually-identifiable personal information, such as an individual's address or home telephone number, under this routine-use, except where VA determines that publication without redaction was intended by the submitter.

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

Records are maintained on electronic storage media and paper. See System Location.

**(b) RETRIEVABILITY:**

Records are retrieved by various data elements and key word searches, among which are by: Name, Agency, Docket Type, Docket Sub-Type, Agency Docket ID, Docket Title, Docket Category, Document Type, CFR Part, Date Comment Received, and **Federal Register** Published Date.

**(c) SAFEGUARDS:**

Electronic records are maintained in a secure, password protected, electronic system that utilizes security hardware and software to include: multiple firewalls, active intruder detection, and role-based access controls. Paper records are maintained in a controlled facility, where physical entry is restricted by the use of locks, guards, and/or administrative procedures. Access to records is limited to those officials who require the records to perform their official duties consistent with the purpose for which the information was collected. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

**(d) RETENTION AND DISPOSAL:**

Records will be maintained and disposed of, in accordance with records disposition authority, approved by the Archivist of the United States.

**SYSTEM MANAGER(S) AND ADDRESSES:**

William F. Russo, Privacy Officer, Office of Regulation Policy and

Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420; telephone (202) 461-4902.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether this System of Records contains information about them should address written inquiries to the Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420. Requests should contain the full name, address and telephone number of the individual making the inquiry.

**RECORD ACCESS PROCEDURE:**

Individuals seeking to access or contest the contents of records, about themselves, contained in this System of Records should address a written request, including full name, address and telephone number to the Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420.

**CONTESTING RECORD PROCEDURE:**

(See Record Access Procedure above.)

**RECORD SOURCE CATEGORIES:**

Individuals; public or private organizations.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

There are no exemptions being claimed for this system.

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

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice of amendment to system of records.

**SUMMARY:** As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled "Health Administration Center Civilian Health and Medical Program Records-VA" (54VA16) as set forth in the **Federal Register** 74 FR 34398. VA is amending the system of records by revising the System Name, System Number, System Location, Categories of Individuals Covered by the System, Categories of Records in the System, Authority for Maintenance of the

System, Purpose, Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses; Retrievability, Safeguards, Retention and Disposal, System Manager(s) and Address, Record Access Procedure, and Notification Procedure. VA is republishing the system notice in its entirety.

**ADDRESSES:** Written comments concerning the proposed new system of records may be submitted through [www.regulations.gov](http://www.regulations.gov); by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. (This is not a toll free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; telephone (704) 245-2492.

**SUPPLEMENTARY INFORMATION:** VA is renaming the system of records from Health Administration Center Civilian Health and Medical Program Records-VA to Veterans and Beneficiaries Purchased Care Community Health Care Claims, Correspondence, Eligibility, Inquiry and Payment Files-VA.

The system number is changed from 54VA16 to 54VA10NB3 to reflect the current organizational alignment.

The System Location, Safeguards, Notification Procedure, and Record Access Procedure have been amended to reflect a name change from the Health Administration Center to the VA Chief Business Office Purchased Care.

Categories of Individuals Covered by the System has been amended to include family members and caregivers of Veterans who are authorized and receive community non-VA medical care health care benefits and/or stipends, and to reflect that records are maintained on all health care providers who provide care under the programs administered by CBOPC. 38 U.S.C. 1720G, 1787, 1812, 1821 and Public Law 111-163 section 101 are being added to section 1 and 4. A new section 5 has been added to include caregivers of Veterans providing personal care

services and in receipt of a stipend under 38 U.S.C. 1720G and Public Law 111-163 section 101.

The Category of Records in the System is amended to reflect that information regarding family members and caregivers will be included, including information regarding eligibility or entitlement to other federal medical programs; and those who have applied for benefits in these programs, claims (billing) for medical care and services; information related to claims processing; documents pertaining to stipend calculation and payment; and documents pertaining to appeals.

The Authority for Maintenance of the System is amended to include 1720G, 1787, 1812, 1821, and Public Law 111-163 section 101.

The Purpose is being amended to include processing claims for medical care and services, and processing stipends.

Routine use 1 is being amended to add interactive voice recognition and portal. Routine use 28 is added to allow the disclosure of any relevant information to the Centers for Medicare and Medicaid, the Social Security Administration, Veterans Benefit Administration, or any other federal or state agency.

The Retrievability section is being amended to include caregivers. The Retention and Disposal section is amended to reflect the Record Control Schedule (RCS) 10-1 item XXXVIII Civilian Health and Medical care (CHMC) Records, NARA job number N1-015-3-1Item 1-8b, (Master file) item 3, destroy 6 years after all individuals in the record become ineligible for program benefits.

The System Manager and Address and Record Access Procedure are being amended to change the official maintaining the System from the Director, Health Administration Center to the Deputy Chief Business Officer Purchased Care.

The Privacy Act permits VA to disclose information about individuals without their consent for a routine use when the information will be used for a purpose that is compatible with the purpose for which VA collected the information. In all of the routine use disclosures described above, the recipient of the information will use the information in connection with a matter relating to one of VA's programs, or to provide a benefit to VA, or disclosure is required by law.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the