SORN Task Key: original SORN text is shown in **black.** Additions to SORNs are shown in **green.**

SORN Citation: 74 FR 23247 ID: 01VA022 Hyperlink to FR: click here

Publication date: 05/18/2009

SORN Citation: 78 FR 77205 ID: 01VA022 Hyperlink to FR: click here

Publication date: 12/20/2013

01VA022

SYSTEM NAME:

Accreditation Records—VA.

SYSTEM LOCATION:

Records are maintained in the Office of General Counsel (022), and in the Veterans Benefits Administration (215A), VA Central Office, Washington, DC 20420. Records will also be maintained in Veterans Benefits Administration Regional Offices, Regional Counsel Offices, and the Facility Information Security Offices of the Office of Information & Technology's Field Security Service. Records also will be maintained in the Austin Information Technology Center in Austin, TX. Address locations are listed in VA's "Facility and Locator Directory" at *http://www1.va.gov/directory/guide/home.asp*.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Persons who have applied for accreditation by VA, are currently accredited by VA, or were previously accredited by VA to represent claimants as claims agents or attorneys; (2) individuals who have applied for accreditation by VA, are currently accredited by VA, or were previously accredited by VA to provide representation on a particular claim; (3) individuals recommended for VA accreditation by a recognized veterans service organization, currently accredited by VA as a service organization representative or were previously accredited by VA as a service organization representative; (4) claims agents, attorneys, accredited representatives, and individuals providing representation on a particular claim who have been the subject of correspondence, investigations, or proceedings relating to their fitness to represent claimants for benefits before VA; and (5) individuals, acting alone, or as part of organizations, not accredited by VA, who have been the subject of correspondence or investigations as to the legality of their representation of claimants for VA benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) in this system may include: (1) Name and other identifying information; (2) address; (3) service organization affiliations; (4) claims agent examination and grade; (5) correspondence concerning prospective, present, or former claims agents, attorneys, and accredited representatives, including attorney and

claims agent recommendations and evaluations from third parties; (6) VA Forms 2-21 (former Application for Accreditation as Service Organization Representative) 21 (Application for Accreditation as Service Organization Representative), and 21a (Application for Accreditation as a Claims Agent or Attorney); (7) correspondence concerning a prospective, present, or former individual providing representation in a particular claim; (8) investigative reports, correspondence and other information concerning the fitness of a prospective, present, or former claims agent, attorney, accredited representative, or individual providing representation in a particular claim; (9) documents, decisions, correspondence, and other information relating to or including the granting, denial, suspension, or cancellation of accreditation of representatives, claims agents, or attorneys, and information concerning the placement of representatives, claims agents, or attorneys on probation by VA or VA's issuance of a reprimand to such an individual pertaining to conduct relating to representation of claimants for benefits before VA; (10) information concerning an individual's exercise of remote access privileges to the Veterans Benefits Administration automated claim records, including identification codes and codes used to access various VA automated communications systems and records systems, as well as security profiles and possible security violations; (11) information, documents, correspondence, and decisions relating to the application for, and the grant, denial, suspension, or revocation of an individual's privilege of remote access to Veterans Benefits Administration automated claim records; (12) information, documents, correspondence, and decisions regarding the legality of representation provided to claimants seeking benefits by unaccredited individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Sections 501(a), 5901, 5902, 5903 and 5904.

PURPOSE(S):

The information collected in the system is used to ensure that claimants for veterans benefits have qualified, competent representation. The information will be used to determine whether a person is qualified to represent claimants before VA and, once accredited, whether a person may continue to represent claimants before VA.

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 this system 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 request of that individual.

2. 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 statute, 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.

3. The name and address of a veteran which is 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, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, 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 whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. The name, business address, phone number, and service organization affiliation(s) of claims agents, attorneys, and accredited representatives may be disclosed to requesting service organizations, claimants for benefits, and the general public in order to aid the requestor in verifying the identity and service organization affiliation of the accredited representative.

6. Listings containing the names, business addresses, and status of accreditation of present and former accredited representatives may be provided to recognized service organizations.

7. The name and address of a prospective, present, or former accredited representative, and any information concerning such accredited representative which is relevant to a refusal to grant accreditation, or a potential or past suspension or termination of accreditation of such representative, may be disclosed to the service organization(s) with whom the representative is affiliated.

8. 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 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 also 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.

9. VA may disclose the name and address of any prospective, present, or former accredited representative, claims agent, or attorney, and any information concerning such individual that relates to unlawful, unprofessional, or unethical actions by that individual or to VA's denial, cancellation, suspension or termination of an individual's VA accreditation, or to both, where applicable, to employing entities and State and Federal licensing organizations when such information may be relevant to the initial or continued employment or licensing of a prospective, present, or former accredited representative, claims agent, or attorney by an employing entity or licensing organization. VA will not disclose the names and home addresses of claimants and their dependents to licensing organizations pursuant to this routine use.

10. VA may disclose the name and address of any prospective, present, or former accredited representative, claims agent, or attorney, and any information concerning such individual that relates to unlawful, unprofessional, or unethical actions by that individual or to VA's denial, cancellation, suspension or termination of an individual's VA accreditation, or to both, where applicable, to other Federal and State agencies and to Federal courts when such information may be relevant to the individual's provision of representational services before such agency or court. VA will not disclose the names and home addresses of claimants and their dependents pursuant to this routine use.

11. Disclosure may be made to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under the authority of chapter 29 of title 44, United States Code.

12. 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.

13. 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.

14. 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) the Department 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.

15. VA may disclose the name, address, date of birth, and any other identifying information of any prospective, present, or former accredited representative, claims agent, attorney, or individual providing representation on a particular claim to a third-party individual or entity for the purpose of conducting a background check or to obtain information about the individual's present or past conduct, activities, licenses, or other information that may have a bearing on a determination of the individual's fitness to represent or to continue representing claimants before VA.

16. VA may disclose the name and address of any prospective, present, or former accredited representative, claims agent, attorney, or individual providing representation on a particular claim who is the subject of correspondence, an investigation, or a proceeding relating to his or her fitness to represent claimants for VA benefits, and any information concerning such individual that relates to unlawful, unprofessional, or unethical actions by that individual or to VA's possible denial, cancellation, suspension, or termination of the individual's VA accreditation, or to both, where applicable, to an individual or entity from whom VA has received a credible written complaint about the accredited individual's fitness to represent VA claimants.

17. VA may disclose the name and address of any individual (acting alone or as part of an organization) not accredited by VA who is the subject of correspondence, an investigation, or proceeding relating to the legality of representation provided by such individual to claimants for VA benefits, and any information concerning such individual that relates to unlawful, unprofessional, or unethical actions by that individual to an individual or entity from whom VA has received a credible written complaint about the legality of representation provided by the non-accredited individual.

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

STORAGE:

Active records are maintained in individual folders stored in file cabinets. File cards with name and business addresses of individuals previously covered by this system are maintained in file cabinets; these records and those of newly accredited persons are also maintained in an electronic database. Listings of claim agents, attorneys, and

accredited representatives are maintained both on magnetic disk and in hard copy in file cabinets. Identification codes and codes used to access various VA automated communications systems and records systems, as well as security profiles and possible security violations, are maintained on magnetic media in a secured environment within VA workspaces. Hard copies are maintained in locked containers.

RETRIEVABILITY:

Records and electronic files are maintained in alphabetical order by last name of the individuals covered by this system. A searchable list of claims agents, attorneys, and accredited representatives is available at OGC's internet Web site *http://www.va.gov/ogc/apps/accreditation/index.html.* Information concerning possible security violations associated with exercise or remote access privileges is retrieved by individual assignment numbers. Information concerning individual security profiles and codes assigned to an individual for that person to obtain access to various computer systems is retrieved by the individual's assignment number.

SAFEGUARDS:

1. This list of safeguards furnished in this System of Record is not an exclusive list of measures that has been, or will be, taken to protect individually-identifiable information.

VA will maintain the data in compliance with applicable VA security policy directives that specify the standards that will be applied to protect sensitive personal information. Security complies with applicable Federal Information Processing Standards (FIPS) issued by the National Institute of Standards and Technology (NIST). Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

2. Access to Automated Data Processing files is controlled at two levels: (1) Terminals, central processing units, and peripheral devices are generally placed in secure areas (areas that are locked or have limited access) or are otherwise protected; and (2) the system recognizes authorized users by means of an individually unique password entered in combination with an individually unique user identification code.

3. Access to automated records concerning identification codes and codes used to access various VA automated communications systems and records systems, as well as security profiles and possible security violations is limited to designated automated systems security personnel who need to know the information in order to maintain and monitor the security of the VA's automated communications and veterans' claim records systems. Access to these records in automated form is controlled by individually unique passwords/codes. Agency personnel may have access to the information on a need to know basis when necessary to advise agency security personnel or for use to suspend or revoke access privileges or to make disclosures authorized by a routine use.

4. Access to VA facilities where records, identification codes, passwords, security profiles and possible security violations are maintained is controlled at all hours by the

Federal Protective Service, VA, or other security personnel and security access control devices.

RETENTION AND DISPOSAL:

VA maintains and disposes of records in accordance with records disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel (022), 810 Vermont Ave., NW., Washington, DC 20420; Director, Compensation and Pension Service (21), 810 Vermont Ave., NW., Washington, DC 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained by the Assistant General Counsel under his or her name or other personal identifier, or wants to determine the contents of such records should submit a written request to the Assistant General Counsel (022), 810 Vermont Ave., NW., Washington, DC 20420. For requests concerning remote access program records, an individual should submit a written request to the Director, Compensation and Pension Service (21), 810 Vermont Ave., NW., Washington, DC 20420.

RECORD ACCESS PROCEDURES:

Individuals seeking copies of records under this system that pertain to themselves, or seeking to amend such records, should make those requests under the Privacy Act. Individuals seeking copies of records pertaining to others should request them under the Freedom of Information Act. All such requests must contain a reasonable description of the records requested and should be in writing, over the original, handwritten signature of the requester, and should be mailed to: FOIA/PA Officer (026G), Office of General Counsel, 810 Vermont Ave., NW., Washington, DC 20420. For requests concerning remote access program records, an individual should submit a written request to: FOIA/PA (20M33), Veterans Benefits Administration, 810 Vermont Ave., NW., Washington, DC 20420.

CONTESTING RECORD PROCEDURES:

See Records Access Procedures above.

RECORD SOURCE CATEGORIES:

Applications for accreditation of individuals, correspondence with and updates from accredited individuals, investigative materials, and recommendations and correspondence from service organizations and third parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.