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DEPARTMENT OF VETERANS AFFAIRS SYSTEMS OF RECORDS
2001 GPO COMPILATION

02VA135

System name: Applicants for Employment under Title 38, USC-VA.

System location:

VA health care facilities to which the applicant applied (address locations are listed in VA Appendix at the end of this document), except that, for physician, dentist, pharmacist, licensed physical therapist, and occupational therapist applicants, records may also be retained by the VA Delegated Examining Unit, 1201 Broad Rock Road, Richmond, Virginia 23224-0269. For Canteen Management Training Program applicants, records will be retained only at the Veterans Canteen Service (133A1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Records resulting from drug testing may be retained by the VA (e.g., by the VA Medical Review Official) and/or by a contractor laboratory.

Categories of individuals covered by the system:

Applicants for appointments under authority of 38 U.S.C. Chapter 73 are covered by this system. This includes candidates such as physicians, dentists, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants, expanded-function dental auxiliaries, pharmacists, certified respiratory therapy technicians, registered respiratory therapists, licensed physical therapists, occupational therapists, and licensed practical or vocational nurses. Applicants for appointment under 38 U.S.C. Chapter 75 in the Veterans Canteen Service are also covered.

Categories of records in the system: Records maintained in this system include: (1) Records of persons who have applied for Federal employment relating to their education and training; licensure, registration or certification by State licensing boards and/or national certifying bodies, including any finding of facts, evidence and any other related documents, relating to a disciplinary action; prior and/or current clinical privileges; employment history, appraisals of past performance; medical records; convictions of offenses against the law; appraisals of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; social security number; and home address. (2) Records resulting from the testing of the applicant for use of illegal drugs under Executive Order 12564. Such records may be retained by the VA (e.g., by the VA Medical Review Official) or by a contractor laboratory. This includes records of negative results, confirmed or unconfirmed positive test results, and lists of who have been tested, who failed to report for testing, and related documents.

Authority for maintenance of the system: Executive Order 12564;

Urgent Relief for the Homeless Supplemental Appropriations Act of 1987; Pub. L. 100-71, section 503, 101 Stat. 468 (1987); and Title 38, United States Code, Chapter 3, section 210(c)(1); Chapter 73, section 4108 and Chapter 75, section 4202.

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

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Except for Routine Use 8, no other Routine Use for this system of records applies to records included in Item (2) in the Categories of Records in the System section of this notice. Drug test results may not be released under any other routine use.

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal, local or State agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made to NARA (National Archives and Records Administration) and General Services Administration (GSA) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

7. Records from this system of records may be disclosed to a Federal Agency or to a State or local government licensing board and/ or to a Federation of State Medical Boards or a similar nongovernment entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registrations necessary to practice an occupation, profession or specialty, in order for the Agency to obtain information relevant to an Agency decision concerning the hiring, retention or termination of an employee or to inform a Federal Agency or licensing boards or the appropriate nongovernment entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of

- professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another Federal Agency. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.
8. To disclose the results of a drug test of a Title 38 applicant pursuant to an order of a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.
 9. To disclose relevant information to the Department of Justice and United States Attorneys in defense or prosecution of litigation involving the United States, and to Federal agencies upon their request in connection with review of administrative tort claims filed under the Federal Tort Claims Act, 28 U.S.C. 2672.
 10. To disclose information to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.
 11. To disclose information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.
 12. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.
 13. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding or in order to comply with the issuance of a subpoena. Information is also made available pursuant to a court order directing production of personnel records.
 14. To disclose information to officials of the Merit Systems Protection Board, including 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 5 U.S.C. 1205 and 1206, or as may be authorized by law.
 15. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination practices, examination of Federal affirmative employment programs, compliance with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.
 16. To disclose information to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator awards when a question of material fact is raised and matters before the Federal Service Impasses Panel.
 17. To disclose information to a State or local government entity which has the legal authority to make decisions concerning the issuance, retention or

revocation of licenses, certifications or registrations required to practice a health care profession, when requested in writing by an investigator or supervisory official of the licensing entity for the purpose of making a decision concerning the issuance, retention or revocation of the license, certification or registration of a named health care professional.

18. Identifying information in this system, including name, address, social security number and other information as is reasonably necessary to identify such individual, may be disclosed to the National Practitioner Data Bank at the time of hiring and/or clinical privileging/reprivileging of health care practitioners, and other times as deemed necessary by VA, in order for VA to obtain information relevant to a Department decision concerning the hiring, privileging/reprivileging, retention or termination of the applicant or employee.

19. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and/or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning:

(1) Any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual;

(2) A final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days; or,

(3) The acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents.

Retrievability:

Records are indexed by name or by name within geographic location preference. Drug testing records are retrieved by name or social security number, or name or social security number by geographic location preference.

Safeguards:

Records are stored in locked file cabinets or locked rooms. Strict control measures are enforced to ensure that access to and disclosure from these records are limited to a "need-to-know basis." In VA Central Office and in the Delegated Examining Unit these records are maintained in staffed rooms during

working hours. During nonworking hours, there is limited access to the building with visitor control by security personnel. Drug testing records will be maintained in accordance with the Urgent Relief for the Homeless Supplemental Appropriations Act of 1987, Pub. L. 100-71, section 503, 101 Stat. 468 (1987), as well as any Governmentwide guidance concerning the protection of these records. Employee drug testing records will be maintained and used with the highest regard for employee privacy. Contractor laboratories are subject to the same restrictions as VA employees.

Retention and disposal:

Records are retained in accordance with records retention standards approved by the Archivist of the United States, the National Archives and Records Administration, and published in VA Records Control Schedules. Records arising in connection with employee drug testing under Executive Order 12564 are generally retained for up to 2 years. Records are destroyed by shredding or burning.

System manager(s) and address:

Director, Office of Personnel and Labor Relations (05), VA Central Office, 810 Vermont Avenue, NW., Washington DC 20420.

Notification procedure:

Individuals wishing to inquire whether this system of records contains records on them should contact the local facility to which they applied or the Physician and Dentist Placement Service. Individuals submitting requests should furnish identifying information as required by VA for their records to be located and identified: (1) Full name, (2) date of birth, (3) social security number, (4) name and location of VA facility or Physician and Dentist Placement Service where application was submitted, (5) date of application, and (6) signature.

Record access procedures:

(See Notification Procedures above.)

Contesting record procedures:

(See Notification Procedures above.)

Record source categories:

Records in this system are obtained from VA officials and from individuals and organizations regarding the individual's qualifications, credentials and suitability for employment, including prior employers, education providers, state licensing boards and/or national certifying bodies, law enforcement entities, and health care providers. Drug testing records may be obtained from the Medical Review Official.

08VA05**System name: Employee Medical File System Records (Title 38)-VA.****System location:**

For current employees, records are located in VA medical, personnel, dispensary, health, safety or other designated offices at Central Office and field facilities (see Appendix 1); with another agency providing such services for the VA; or with private sector contractors. For former employees, most records will be located in an Employee Medical Folder (EMF) stored in Federal records centers operated by the National Archives and Records Administration (NARA). Paper record abstract information is stored in automated storage media records that are maintained at the health care facilities.

Categories of individuals covered by the system:

The following categories of individuals are covered by this system: current or former VA employees appointed under 38 U.S.C. Chapter 73 to the occupations identified in 38 U.S.C. 4103, 4104(1), and 4104(3); individuals in those occupations who are appointed under 38 U.S.C. 4114; and residents appointed under 38 U.S.C. 4114(b). This includes employees such as non-physician facility Directors, physicians, dentists, podiatrists, optometrists, nurses, nurse anesthetists, physician assistants, expanded-function dental auxiliaries, certified respiratory therapy technicians, registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses. Current and former employees appointed under 38 U.S.C. Chapter 75 in the Veterans Canteen Service are also covered.

Categories of records in the system:

Records maintained in this system include: (1) Medical records, forms, and reports completed or obtained when an individual applies for a Federal job and is subsequently employed; (2) Medical records, forms, and reports completed during employment as a condition of employment, either by the VA or by another agency, State or local government entity, or a private sector entity under contract to the VA; (3) Records resulting from the testing of the employee for use of illegal drugs under Executive Order 12564. Such records may be retained by the VA (e.g., by the VA Medical Review Official) or by a contractor laboratory. This includes records of negative results, confirmed or unconfirmed positive test results, and lists of who has been tested, who failed to report for testing, and related documents. Records maintained by a VA dispensary are included in the system only when they are the result of a condition of employment or related to an on-the-job occurrence. (4) Files containing reports of on-the-job injuries and medical records, forms, and reports generated as a result of the filing of a claim for Workers' Compensation, whether the claim is accepted or not. (The official compensation claim file, maintained by the Department of Labor's Office of Workers' Compensation Program (OWCP) is part of that agency's system of records and not covered by this notice.) (5) All other medical records, forms, and reports created on an employee during his or her period of employment, including records retained on a short term/ temporary basis (i.e., those

designated to be retained only while the employee is with the VA) and records designated for long-term retention (i.e., those retained for the employee's duration of Federal service and for some period of time thereafter).

Authority for maintenance of the system:

Executive Order 12564; Urgent Relief for the Homeless Supplemental Appropriations Act of 1987, Pub. L. No. 100-71, Section 503, 101 Stat. 468 (1987); and Title 38, United States Code, Chapter 3, Section 210(c)(1); Chapter 73, Section 4108 and Chapter 75, Section 4202.

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

Except for Routine Use 7, no other Routine Use for this system of records applies to records included in Item (3) in the Categories of Records in the System section of this notice. Drug test results may not be released under any other routine use.

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. To assess physical capability of employees and to provide data for periodic reports of the health services program to the Civil Service Commission.
3. Information may be disclosed from this system of records to a Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable diseases.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made to NARA (National Archives and Records Administration) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.
5. To disclose information to the Department of Labor, Social Security Administration, or a national, State, or local social security type agency, when necessary to adjudicate a claim (filed by or on behalf of the individual) under a retirement, insurance, or health benefit program.
6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding or to comply with the issuance of a subpoena.
7. To disclose the results of a drug test of a Title 38 employee pursuant to an order of a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

8. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the VA is authorized to appear, when: (a) The VA, or any component thereof; or (b) any VA employee in his or her official capacity; or (c) any VA employee in his or her individual capacity where the Department of Justice or the VA has agreed to represent the employee; or (d) the United States, where the VA determines that litigation is likely to affect the VA or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the VA is deemed by the VA to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.
9. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.
10. To disclose pertinent information to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
11. To disclose information to the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.
12. To disclose information to officials of the Merit Systems Protection Board including the Office of Special Counsel, the Federal Labor Relations Authority and its general counsel, the Equal Employment Opportunity Commission, arbitrators, and hearing examiners to the extent necessary to carry out their authorized duties.
13. To disclose information to survey team members from the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) when requested in connection with an accreditation review, but only to the extent that the information is relevant and necessary to meet JCAHO standards.
14. To disclose to health insurance carriers contracting with the Office of Personnel Management to provide a health benefits plan under the Federal Employee Health Benefits Program, information necessary to verify eligibility for payment of a claim for health benefits or to carry out the coordination of audit of benefit provisions of such contracts.
15. To locate individuals for health research or survey response and in the production of summary descriptive statistics and analytical studies (e.g., epidemiological studies) in support of the function for which the records are collected and maintained. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study might be structured in such a way as to make the data individually identifiable by inference.
16. To disclose information to the Office of Federal Employees Group Life Insurance that is relevant and necessary to verify election, declination, or waiver

of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance.

17. To disclose information, when an individual to whom a record pertains is mentally incompetent or under other legal disability, to any person who is responsible for the care of the individual, to the extent necessary.

18. To disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under: (a) Medical evaluation (formerly Fitness for Duty) examinations procedures, or (b) agency-filed disability retirement procedures.

19. To disclose to a requesting agency, organization, or individual the home address and other information concerning those individuals who it is reasonably believed might have contracted an illness or been exposed to or suffered from a health hazard while employed in the Federal work force.

20. To disclose information to a Federal agency, in response to its request or at the initiation of the VA, in connection with the retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the other agency, or the lawful statutory, administrative or investigative purpose of the agency to the extent that the information is relevant and necessary to the other agency's decision on the matter.

21. To disclose to any Federal, State, or local government agency, in response to its request or at the initiation of the VA, information relevant and necessary to the lawful, statutory, administrative, or investigatory purpose as it relates to the conduct of job related epidemiological research or the assurance of compliance with Federal, State, or local government laws on health and safety in the work environment.

22. To disclose to officials of labor organizations recognized under 5 U.S.C. Chapter 71, analyses using exposure or medical records and employee exposure records, in accordance with the record access rules of the OSHA, Department of Labor, and subject to the limitations of 29 CFR 1910.20(e)(2)(iii)(B).

23. Records from this system of records may be disclosed to a Federal Agency or to a State or local government licensing board and/ or to the Federation of State Medical Boards or a similar nongovernment entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registrations necessary to practice an occupation, profession or specialty, in order for the Agency to obtain information relevant to an Agency decision concerning the hiring, retention or termination of an employee or to inform a Federal Agency or licensing boards or the appropriate nongovernment entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another

Federal Agency. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

24. Information in this system of records may be disclosed to a State or local government entity which has the legal authority to make decisions concerning the issuance, retention or revocation of licenses, certifications or registrations required to practice a health care profession, when requested in writing by an investigator or supervisory official of the licensing entity for the purpose of making a decision concerning the issuance, retention or revocation of the license, certification or registration of a named health care professional.

25. Identifying information in this system, including name, address, social security number and other information as is reasonably necessary to identify such individual, may be disclosed to the National Practitioner Data Bank at the time of hiring and/or clinical privileging/reprivileging of health care practitioners, and other times as deemed necessary by VA, in order for VA to obtain information relevant to a Department decision concerning the hiring, privileging/reprivileging, retention or termination of the applicant or employee.

26. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and/or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning: (1) Any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual; (2) a final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days; or, (3) the acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored in paper folders, microfiche, magnetic discs, magnetic tape, and on file cards, X-rays, or other medical reports and forms. These records are stored in VA medical, personnel, dispensary, health, safety or other designated offices at Central Office and field facilities. Information in the Decentralized Hospital Computer Program (DHCP) system is stored at health care facilities.

Retrievability:

Records are retrieved by the employee's name, date of birth, social security number, or any combination of those identifiers.

Safeguards:

Records are stored in locked file cabinets or locked rooms. Generally, file areas are locked after normal duty hours. Automated records are protected by restricted access procedures and audit trails. Access to Employee Medical File System records is strictly limited to VA or contractor officials with a bona fide need for access to the records. Strict control measures are enforced to ensure that access to and disclosure from these records are limited to a "need-to-know basis." In VA Central Office these records are maintained in staffed rooms during working hours. During nonworking hours, there is limited access to the building with visitor control by security personnel. Access to the DHCP computer rooms within the health care facilities is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. Automated data processing peripheral devices are generally placed in secure areas (areas that are locked or have limited access) or are otherwise protected. Information in the DHCP system may be accessed by authorized VA employees. Access to file information is controlled at two levels; the system recognizes authorized employees by a series of individually unique passwords/codes as a part of each data message, and the employees are limited to only that information in the file which is needed in the performance of their official duties. Drug testing records will be maintained in accordance with the Urgent Relief for the Homeless Supplemental Appropriations Act of 1987, Pub. L. No. 100-71, Section 503, 101 Stat. 468 (1987). Contractor laboratories are subject to the same restrictions as VA employees.

Retention and disposal:

Records are retained in accordance with records retention standards approved by the Archivist of the United States, the National Archives and Records Administration, and published in Agency Records Control Schedules. Records arising in connection with employee drug testing under Executive Order 12564 are generally retained for up to 2 years. Records are destroyed by shredding, burning, or by erasing the magnetic media. Automated storage media is retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

System manager(s) and address:

Director, Office of Personnel and Labor Relations (05), VA Central Office, 810 Vermont Avenue NW, Washington, DC 20420.

Notification procedure:

Individuals wishing to inquire whether this system of records contains records on them should follow the appropriate procedure listed below.

- a. Current employees. Current employees should contact the local facility at which they are employed. Individuals must furnish such identifying information as required by VA for their records to be located and identified.
- b. Former employees. Former employees should contact the local facility at which they were employed. Individuals submitting requests must submit the following information for their records to be located and identified: (1) Full name, (2) date of birth, (3) social security number, (4) name and location of VA facility where last employed and dates of employment, and (5) signature.

Record access procedures: Individuals requesting access to and contesting the contents of records must submit the following information for their records to be located and identified: (1) Full name, (2) date of birth, (3) social security number, (4) name and location of VA facility where last employed and dates of employment, and (5) signature.

Contesting record procedures:

(See Record Access Procedures above).

Record source categories:

Records in this system are obtained from: The individual to whom the records pertain, VA employee health unit staff, Federal and private sector medical practitioners and treatment facilities, supervisors/managers and other VA officials, testimony of witness, and other VA records.

09VA05

System name: Employee Unfair Labor Practice Charges and Complaints, Negotiated Agreement Grievances and Arbitrations-VA.

System location:

VA station personnel offices, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

VA employees or labor union representatives who have filed, in the name of VA employees, unfair labor practice charges or complaints and negotiated agreement grievances.

Categories of records in the system:

Various material, considered pertinent by parties to proceedings, needed for processing charges, complaints, grievances and arbitrations.

Authority for maintenance of the system:

Executive Order 11491 as amended.

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

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. Files may be released to arbitrators for processing arbitrations and to authorized Department of Labor officers for processing unfair labor practice complaints.
3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. Disclosure may be made to NARA (National Archives and Records Administration) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.
5. Records from this system of records may be disclosed to a Federal Agency or to a State or local government licensing board and/ or to the Federation of State Medical Boards or a similar nongovernment entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the Agency to obtain information relevant to an Agency decision concerning the hiring, retention or termination of an employee or to inform a Federal Agency or licensing boards or the appropriate nongovernment entities about the health care

practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another Federal Agency. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

6. Identifying information in this system, including name, address, social security number and other information as is reasonably necessary to identify such individual, may be disclosed to the National Practitioner Data Bank at the time of hiring and/or clinical privileging/reprivileging of health care practitioners, and other times as deemed necessary by VA, in order for VA to obtain information relevant to a Department decision concerning the hiring, privileging/reprivileging, retention or termination of the applicant or employee.

7. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning: (1) Any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual; (2) a final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days; or, (3) the acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents in files.

Retrievability:

Alphabetically by name at some VA stations. Some stations do not maintain records retrievable by name or other personal identifier.

Safeguards:

Access to files is restricted to authorized VA employees in the Personnel Office and to operating officials.

Retention and disposal:

Records are retained indefinitely.

System manager(s) and address:

Officials maintaining the system-VA Personnel Officers where records are maintained. (See VA Appendix 1 for local addresses.) Official responsible for

policies and procedures-Assistant Administrator for Personnel (05), VA Central Office, Washington, DC 20420.

Notification procedure:

VA station Personnel Officer. Individual should provide full name, social security number and date and nature of proceeding involved.

Record access procedures:

Individuals or representatives designated in writing may contact their servicing Personnel Office for gaining access to their records and contesting the contents thereof.

Contesting record procedures:

(See Record Access Procedures above.)

Record source categories:

VA officials, employees, and labor organization officials.

13VA047

System name: Individuals Submitting Invoices/Vouchers For Payment-VA.

System location:

VA Data Processing Center, Austin, Texas and the fiscal offices of Central Office and other field stations where the fiscal transactions are processed.

Categories of individuals covered by the system:

Contractors, vendors, non-salaried employees, consultants, attendings, fee basis physicians and dentists, and patients.

Categories of records in the system:

Vendor identification listings, invoices and payment records.

Authority for maintenance of the system:

Budget and Accounting Act of 1950 and General Accounting Office Title 8, Chapter 3.

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

To the extent that records contained in the system include information protected by 38 U.S.C. 4132, i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a Routine Use unless there is also specific statutory authority permitting disclosure.

1. Transfer payment information necessary to complete payment of claims and to furnish income data Form 1099 to the Treasury Department in order to effect payment of claims to vendors and to furnish income information.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency or to a non-governmental organization maintaining civil, criminal or other relevant information, such as current licenses, registration or certification, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the use of an individual as a consultant, attending or to provide fee basis health care, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

4. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or

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retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Relevant information from this system of records, including the nature and amount of financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, 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. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U.S. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub.L. 89-508, 31 U.S.C. 951-953) and 4 CFR parts 101-105.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made to NARA (National Archives and Records Administration) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

9. Records from this system of records may be disclosed to a Federal Agency or to a State or local government licensing board and/ or to the Federation of State Medical Boards or a similar nongovernment entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the Agency to obtain information relevant to an Agency decision concerning the hiring, retention or termination of an employee or to inform a Federal Agency or licensing boards or the appropriate nongovernment entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another Federal Agency. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

10. Relevant information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle

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cell anemia) may be disclosed to the Department of Health and Human Services (HHS) for the purpose of identifying improper duplicate payments made by Medicare fiscal intermediaries where VA authorized and was responsible for payment for medical services obtained at non-VA health care facilities. The purpose of the review is for HHS to identify duplicate payments and initiate recovery of identified overpayments and, where warranted,

initiate fraud investigations, or, to seek reimbursement from VA for those services which were authorized by VA and for which no payment, or partial payment, was made by VA. HHS will provide information to identify the patient to include the patient name, address, Social Security number, date of birth, and information related to the period of medical treatment for which payment was made by Medicare to include the name and address of the hospital, the admission and discharge dates, the services for which payment was made, and the dates and amounts of payment. Information disclosed from this system of records will be limited to that information that is necessary to confirm or disprove an inappropriate payment by Medicare. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

11. Identifying information in this system, including name, address, social security number and other information as is reasonably necessary to identify such individual, may be disclosed to the National Practitioner Data Bank at the time of hiring and/or clinical privileging/reprivileging of health care practitioners, and other times as deemed necessary by VA, in order for VA to obtain information relevant to a Department decision concerning the hiring, privileging/reprivileging, retention or termination of the applicant or employee.

12. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and/or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning: (1) Any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual; (2) a final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days; or, (3) the acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents, microfiche, magnetic tape.

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Retrievability: Alphabetically by name and numerically by identification number.

Safeguards:

Access to the records is restricted to VA Finance employees. These records are protected from outside access by Federal Protective Service.

Retention and disposal:

Governed by General Accounting Office Regulations which require retention for records created prior to July 2, 1975: 10 years and 3 months after the period of the account; records created on and after July 2, 1975: 6 years and 3 months after the period of the account. Records are normally retired to Federal Record Centers within 1 or 2 years after payment and audit.

System manager(s) and address:

Director, Office of Budget and Finance (Controller)(04), VA Central Office, Washington, DC 20420. Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves may submit a written request to the VA office to which the invoice/voucher was submitted. All inquiries must reasonably identify the invoice/voucher involved. Inquiries should include name and return address.

Record access procedures:

Individuals or authorized representatives seeking information regarding access to and contesting of records may write, call or visit the VA office to which the invoice/voucher was submitted.

Contesting record procedures:

(see Record Access Procedures above)

Record source categories:

These payment records are compiled from documentation from the vendor, contractor, and employee; Dun and Bradstreet (identifying numbers); and procurement and authorization documentation generated by the Veterans Administration.

18VA05

System name: Centralized Staffing System-VA

System location:

Active records are located at the Veterans Administration (VA) Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. Inactive records will be stored at the same address. Information from these records is also maintained in automated files at the VA Central Office. Duplicate copies of certain manual and automated files are maintained only by the VA Central Office. No other VA facility has access to the Centralized Staffing System automated data.

Categories of individuals covered by the system:

Employees in specified occupations and at specified grade levels leading to centralized managerial or executive positions.

Categories of records in the system:

All categories of records may include names of individuals, social security numbers, dates of birth, inquiries or correspondence sent to the VA by individuals, information pertinent to decisions or responses given by the Administrator, Department Heads, Associate Deputy Administrators, and Staff Office Directors, and copies of the decisions or responses of the Administrator, Department Heads, Associate Deputy Administrators, and Staff Office Directors. The records will also include:

- a. Records reflecting work experience, educational level, and specialized training obtained outside of the Federal service.
- b. Records reflecting Federal service and documenting work experience and specialized education or training received while employed. Such records contain information about: Past and present positions held including grades, salaries, and duty station locations.
- c. Records pertaining to annual performance evaluation and supervisory assessment of performance in response to specific knowledge, skills, abilities and other characteristics.
- d. Records relating to incentive awards received while employed within or outside of the agency.
- e. Records reflecting ratings assigned by a promotion panel to individuals participating in the system.
- f. Records reflecting geographic mobility and mobility statements.
- g. Records reflecting qualification determinations made on individuals participating in the system.

Authority for maintenance of the system:

Title 5, United States Code, Sections 301 and 302.

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

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto,

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the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made to NARA (National Archives and Records Administration) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, magnetic tape and disks. Retrieval: Folder files are filed by name, automated records are indexed by social security number within station.

Safeguards:

1. Physical Security. The VA Central Office is protected from outside access by the Federal Protective Service. All file areas are restricted to authorized personnel on a need-to-know basis. Hard copy records pertaining to employees, or other sensitive records are stored in locked cabinets. Access to the VA Central Office computer rooms is restricted to authorized operating personnel through electronic locking devices. All other persons gaining access to the computer room are escorted by an individual with authorized access.

2. System Security: Access to computer programs is controlled at three levels: Programming, auditing, and operations. The CSS provides automated recognition of authorized users and their respective access restrictions through passwords. Passwords are changed periodically and are restricted to authorized individuals on a need-to-know basis for system access or security purposes. In addition to passwords, there are other levels of security assigned to system personnel only.

These levels are strictly monitored by the Systems Manager. The VA Central Office Systems Security Officer is assigned responsibility for privacy-security measures, including review of violation logs and local control and distribution of passwords.

Retention and disposal: Folder files are destroyed immediately upon separation from VA. Folders are retained two years if employee withdraws from system and subsequently destroyed. Automated records are stored on disks for a period of ten years. Automated records in excess of ten years are then stored on remote disks separate from active disks. Other records are retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

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System manager(s) and address: Director, Office of Personnel, (054), VA Central Office, Washington, DC 20420.

Notification procedure:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name, or who has a routine inquiry concerning the status of his or her application under this system may contact the Director, Recruitment and Placement Service, Office of Personnel and Labor Relations, VA Central Office, Washington, DC 20420. Requests concerning the specific content of a record must be in writing or in person. Employee should provide full name, social security number, employing station and position title.

Record access procedures:

Employee or representative designated in writing may contact their servicing personnel office in person or in writing for information on procedures for gaining access to his/her record.

Contesting record procedures:

(See Record Access Procedures above.)

Record source categories:

Employee, Supervisory officials (appraisals), Personnel and Accounting Pay System.

41VA41

System name: Veterans and Dependents National Cemetery Gravesite Reservation Records-VA.

System location:

Veterans Administration Central Office and the National Cemetery where reservation is made. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

Veterans and their dependents.

Categories of records in the system:

Military service data, name and address of individual; data on gravesite reservation.

Authority for maintenance of the system:

Pub. L. 93-43 dated June 18, 1973 "National Cemeteries Act of 1973".

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

1. A record from this system of records may be disclosed as a "routine use" to a foreign government allied with the U.S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a Government headstone to mark a grave.
2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
5. Disclosure may be made to NARA (National Archives and Records Administration) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage:

Paper documents and magnetic tape.

Retrievability:

Alphabetically by name and reservation survey date.

Safeguards:

Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal:

Paper records are destroyed after interment; automated record is erased after reservation is used or cancelled.

System manager(s) and address:

Director (41), National Cemetery System, Veterans Administration Central Office,
Washington, DC 20420.

Notification procedure:

Same as System Manager.

Record access procedures:

Same as System Manager.

Contesting record procedures:

(See System Manager above.)

Record source categories:

Reservist involved and official military records.

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42VA41

System name: Veterans and Dependents National Cemetery Interment Records-VA.

System location:

VA Central Office, and the National Cemetery where veteran or his dependent is interred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

Deceased veterans and their dependents.

Categories of records in the system:

Military service data, name and address of next-of-kin, burial location and cemetery burial services data.

Authority for maintenance of the system:

Pub. L. 93-43 dated June 18, 1973 "National Cemeteries Act of 1973".

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

1. A record from this system of records may be disclosed as a "routine use" to a foreign government allied with the U.S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a government headstone to mark a grave.
2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
3. To reply to inquiries, written and verbal, from family members and friends.
4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. Disclosure may be made to NARA (National Archives and Records Administration) GSA (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents and microfilm.

Retrievability:

Alphabetically by name.

Safeguards:

Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal:

Retained permanently.

System manager(s) and address:

Director (41), National Cemetery System, VA Central Office, Washington, DC 20420.

Notification procedure:

(See System Manager above.)

Record access procedures:

(See System Manager above.)

Contesting record procedures:

(See System Manager above.)

Record source categories:

The veteran, family members of the deceased, official military records, and VA claims records.

63VA05

System name: Grievance Records-VA.

System location:

These records are located in personnel or designated offices in the Veterans Administration (VA) in which the grievances were filed.

Categories of individuals covered by the system:

Current or former VA employees who have submitted grievances with the agency in accordance with part 771 of OPM Regulations (5 CFR part 771); VA Personnel Manual MP-5, Part I, Chapter 771, and Part II, Chapter 8; or a negotiated procedure.

Categories of records in the system:

The system contains records relating to grievances filed by agency employees under Part 771 of OPM Regulations and VA Personnel Manual MP-5, Part I, Chapter 771, and Part II, Chapter 8. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that may be established through negotiations with recognized labor organizations.

Authority for maintenance of the system:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp. p218, E.O. 10987, 3 CFR 1959-1963 Comp. p519, 38 U.S.C. 4108 and 4115, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

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

These records and information in these records may be used:

1. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
2. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.
3. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

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4. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
5. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.
6. By the National Archives and Records Administration (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.
7. By the agency maintaining the records or the OPM in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.
8. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.
9. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.
10. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.
13. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and/or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning: (1) Any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual; (2) a final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days; or, (3) the acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer matching program to accomplish these purposes.
12. Identifying information in this system, including name, address, social security number and other information as is reasonably necessary to identify

such individual, may be disclosed to the National Practitioner Data Bank at the time of hiring and/or clinical privileging/reprivileging of health care practitioners, and other times as deemed necessary by VA, in order for VA hiring, privileging/reprivileging, retention or termination of the applicant or employee.

13. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank or to a State or local government licensing board which maintains records concerning the issuance, retention or revocation of licenses, certifications, or registrations necessary to practice an occupation, profession or specialty when under the following circumstances, through a peer review process that is undertaken pursuant to VA policy, negligence, professional incompetence, responsibility for improper care, and/or professional misconduct has been assigned to a physician or licensed or certified health care practitioner: (1) On any payment in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim; or, (2) on any final decision that adversely affects the clinical privileges of a physician or practitioner for a period of more than 30 days. These records may also be disclosed as part of a computer matching program to accomplish these purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained in file folders.

Retrievability:

These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

Retention and disposal:

These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

System manager(s) and address:

Officials maintaining the system—Personnel Officer at station where employed (see Appendix 1 for local addresses). Official responsible for policies and procedures—Assistant Administrator for Personnel (05), VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

Record access procedures:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Contesting record procedures:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals requesting access must also follow the VA's Privacy Act regulations regarding access to records and verification of identity (38 CFR 1.577).

Contesting record procedures:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed.

Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

Individuals requesting amendment must also follow the VA Privacy Act regulations regarding amendment to records and verification of identity (38 CFR 1.577).

Record source categories:

Information in this system of records is provided: a. By the individual on whom the record is maintained. b. By testimony of witnesses. c. By agency officials. d. From related correspondence from organizations or persons.

68VA05**System name: VA Employee Counseling Services Program Record-VA.****System location:**

These records are located at VA facilities (See Appendix 1) and at other Federal, State, or local government or private sector agencies or institutions which have agreements with the VA to provide counseling to VA employees or family members with alcohol, drug or emotional or personal health problems.

Categories of individuals covered by the system:

Categories of individuals who may be covered by the system include current or former VA employees or immediate family members of VA employees who have been counseled or otherwise treated regarding alcohol or drug abuse or for personal or emotional health problems.

Categories of records in the system:

The records (or information contained in records) may include records and documents related to employee visits to counselors, diagnosis, recommended treatment, prognosis, results of treatment, and other notes or records of discussions held by a program counselor with the employee, employee's family members or supervisors. Records in this system may also contain documentation of treatment at a Federal, State, local government, private agencies, or institutions which have agreements with the VA to provide counseling to VA employees or family members with alcohol, drug or personal or emotional health problems.

Authority for maintenance of the system:

5 U.S.C. 7901, 21 U.S.C. 1101, 42 U.S.C. 4541 and 4561 and 44 U.S.C. 3101.

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

1. Any information in this system may be disclosed to approved third parties for the purpose of conducting scientific research, management audits, financial audits, or program evaluations; however, such third parties may not identify, directly or indirectly, any individual patient or subject in any report of such research, audit or evaluation, or otherwise disclose patient or subject identities in any manner.
2. Any information in this system may be disclosed to the Department of Justice, or, when appropriate, to other Federal agencies, in order for the VA or another Federal agency to defend any claims against the United States arising from the treatment or counseling of an employee or family member with alcohol, drug, emotional or personal health problems.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

These records are maintained on paper documents in file folders.

Retrievability: These records are retrieved by the names of the individuals on whom they are maintained.

Safeguards:

These records are maintained in locked file cabinets with access limited to the program Counselor or Coordinator.

Retention and disposal:

Records are maintained for three years after the employee's last contact with the Counselor, or for three years after the employee's separation or transfer, whichever comes first. Records are destroyed by shredding or burning.

System manager(s) and address:

Assistant Deputy Administrator for Personnel & Labor Relations (05), 810 Vermont Avenue, NW, Washington, DC 20420.

Notification procedure:

VA employees or family members wishing to inquire whether this system of records contains information about them should contact the VA Employee Alcoholism and Drug Abuse or Counseling Services Program Counselor or Coordinator who arranged for counseling or treatment. Individuals must furnish their name and date of birth for their records to be located and identified.

Record access procedures:

VA employees or family members wishing to request access to records pertaining to them should contact the VA Employee Alcoholism and Drug Abuse or Counseling Services Program Counselor or Coordinator who arranged for counseling or treatment. Individuals must furnish their name and date of birth for their records to be located and identified. An individual must also follow the VA's Privacy Act regulations and procedures regarding verification of identity and amendment of records.

Contesting record procedures:

VA employees or family members wishing to request amendment to these records should contact the Program Counselor or Coordinator who arranged for counseling or treatment. Individuals must furnish their name and date of birth for their records to be located and identified.

An individual must also follow the VA's Privacy Act regulations and procedures regarding verification of identity and amendment of records.

Record source categories:

Information in this system of records comes from the individual to whom it applies, the supervisor of the employee, if the employee was referred by a supervisor for counseling, the Program Counselors or Coordinators who recorded counseling sessions, and therapists or institutions providing treatment.