

RECORDS AND INFORMATION MANAGEMENT

1. REASON FOR ISSUE: To revise Department-wide records and information management policy.

2. SUMMARY OF CONTENTS: This directive contains the policies and responsibilities for VA's Records and Information Management program which includes records management, vital records, the Privacy Act (PA), the Freedom of Information Act (FOIA), the Computer Matching and Privacy Protection Act, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Release of Names and Addresses (RONA). This directive:

a. Consolidates policy relating to the creation, collection, maintenance, use, disposition, protection, and release and exchange of record information.

b. Provides policy direction for the Data Integrity Board (DIB), which oversees and approves all VA computer matching activities in accordance with the requirements of the Computer Matching and Privacy Protection Act and the Office of Management and Budget (OMB).

c. Provides policy for obtaining approvals from the Department of Defense (DOD) military service branches to access military records located at the military branch headquarters or at the National Personnel Records Center (NPRC), St. Louis, Missouri, when research studies are approved necessitating access to military service records.

d. Authorizes VA administrations and program offices procedures for loan and exchange of records or information with other Federal agencies and the NPRC.

e. Authorizes Veterans Benefits Administration (VBA) procedures for requesting classified documents from the DOD when such documents are needed to process a veteran's claim for benefits.

f. Authorizes VA administrations and program offices, the establishment and maintenance of legal and financial rights vital records schedules.

g. Provides policy for electronic records created or received.

h. Provides policy for storage of VA's vital records.

i. Provides policy for VA's micrographic program.

3. RELATED HANDBOOKS:

- a. VA Handbook 6300.1, Records Management Procedures.
- b. VA Handbook 6300.2, Procedures for the Vital Records Program.
- c. VA Handbook 6300.3, Procedures for Implementation of the Freedom of Information Act.
- d. VA Handbook 6300.4, Procedures for Processing Requests for Records Subject to the Privacy Act.
- e. VA Handbook 6300.5, Procedures for Establishing and Managing Privacy Act Systems of Records.
- f. VA Handbook 6300.6, Procedures for Releasing Lists of Veterans and Dependents Names and Addresses.
- g. VA Handbook 6300.7, Procedures for Computer Matching Programs.
- h. VA Handbook 6300.8, Procedures for Shipment of Records to the VA Records Center & Vault in Neosho, Missouri.
- i. VA Directive and Handbook 6500, Information Security Program.

4. RESPONSIBLE OFFICE(S) Office of the Assistant Secretary for Information and Technology (005), Office of Information Protection and Risk Management (005R), Office of Privacy and Records Management (005R1) and Records Management Service (005R1B), is responsible for the material contained in this directive.

5. RESCISSIONS: VA Directive 6300, Records and Information Management, dated January 12, 1998.

Certified By:

/s/
Stephen W. Warren
Acting Assistant Secretary for
Information and Technology

**BY DIRECTION OF THE SECRETARY OF
VETERANS AFFAIRS:**

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RECORDS AND INFORMATION MANAGEMENT

1. PURPOSE

a. This directive provides policy for the Department of Veterans Affairs (VA) Records Management (RM) program, which includes records management, micrographics management, vital records, the Privacy Act (PA), the Freedom of Information Act (FOIA), the Computer Matching and Privacy Protection Act, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Release of Names and Addresses (RONA). The provisions of this directive are applicable to all elements of VA.

b. The terms “records” and “information” are used interchangeably throughout this directive. The practices and principles that have been applied historically to managing records in paper and other hardcopy recording media must also be applied to information in electronic or other machine-readable recording media, such as computer tapes and disks (includes electronic mail), optical disks, CD ROMS, sound and video recording tape, photographic film, and microforms.

2. POLICY

a. VA will establish and maintain an active RM program for the economical and efficient management and release of its records.

b. VA will establish and maintain a vital records program to ensure continuity of essential VA activities during and following a national emergency or local natural or technological disaster.

c. VA will create and preserve records, in any medium, that document the functions, policies, decisions, procedures and essential transactions of the agency. VA will maintain and preserve records necessary to protect the legal and financial rights of the Government and of persons directly affected by its activities. VA will make reasonable efforts to maintain records in formats or media that are reproducible for purposes of the FOIA.

d. VA will collaborate with the National Archives and Records Administration (NARA) and other regulatory agencies in applying standards, procedures, and techniques to improve the management of records, promote the maintenance of those records of continuing value, and facilitate the segregation and disposal of temporary records.

e. VA will establish effective management controls over the creation, maintenance, and use of records in any medium, including paper, electronic, and microform media, throughout their life cycle.

f. VA will ensure that the RM program provides adequate and proper documentation of VA's activities and ensure records in any medium can be accessed as needed and authorized.

g. All VA records, including paper, electronic, microform, media, and information subject to the provisions of PA, FOIA, HIPAA, and VA's confidentiality statutes (38 U.S.C. 5701, 5705, and 7332), including the Release of Names and Addresses (RONA) program, will be maintained, protected, and released in accordance with applicable laws. Information on veterans, beneficiaries, employees, and others having dealings with VA, including proprietary information, will be collected only when legally authorized and will be protected from unauthorized disclosure.

h. Records or information obtained from other Government agencies will be maintained in accordance with VA records management policies and VA information security policies. VA will comply with the rules, regulations, and restrictions of other agencies' regarding the use of their records.

i. Original military personnel/health records obtained by VA will be maintained and safeguarded in such a manner that they can be returned when requested. No original military personnel/health records will be destroyed or removed for any reason from the custody of VA without obtaining permission from the military service to which the records belong.

j. Questions relative to a FOIA or PA request should be directed to the appropriate Privacy/FOIA Officer of jurisdiction before contact is made with the Office of General Counsel or the Regional Counsel on questions regarding the application of FOIA, PA, HIPAA, and VA's confidentiality statutes. Requests related to litigation or anticipated litigation will be coordinated with the Office of General Counsel or the Regional Counsel's

k. All records, including electronic, microform media, and information created will be systematically identified, appraised, and their NARA-approved retention periods published in a Records Control Schedule (RCS). Space devoted to records and information will be kept to a minimum through an aggressive program of records disposition and application of state-of-the-art records storage technologies.

l. VA's vital records will be identified, protected, and secured in locations geographically separated from the original records in accordance with the policies and procedures set forth in VA Directive and Handbook 6500, Information Security Program. VA will operate a records center for storage of vital records to protect the legal and financial rights of the Government, VA and its employees, veterans and their dependents, and other organizations or entities who have business with VA, in a manner that permits them to be available in the event of an emergency. VA's legal and financial rights vital records shall be stored at the VA Records Center and Vault in Neosho, Missouri. Plans for automated information systems should include provisions for reasonable continuity of support should their normal operations be disrupted. This directive supplements existing VA mail policy to ensure the protection of the Personally Identifiable Information (PII) of all individuals, including veterans, dependents and employees.

m. Records management standards and procedures will be established for maintaining VA records and information in a manner that facilitates ease of use, access and disposition, and that is consistent with the regulations and guidelines promulgated by NARA or other regulatory agencies. VA will comply with all records management regulations and policies issued by NARA or other regulatory agencies, including the provisions of all records control schedules approved and issued by NARA.

n. The laws, regulations, and policies that apply to records and information maintained and used by VA also apply to VA records and information maintained and used on VA's behalf by VA contractors. All records created by VA contractors shall remain the property of the VA and cannot be used except as explicitly authorized in writing by the VA.

o. VA will maintain a Data Integrity Board (DIB) to ensure that computer matching agreements comply with the requirements of the Computer Matching and Privacy Protection Act of 1988 and the Office of Management and Budget (OMB).

p. VA will include the life cycle of the records and information when planning for manual or automated information systems.

q. VA will use NARA regulations (36 CFR 1230) for managing microform records. Standards and procedures are contained in NARA Guide entitled "Managing Micrographics Records." Copies of this guide are available, from NARA, Product Sales Section (NWPS), Room G-9, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

r. VA will use NARA regulations (36 CFR 1234) for managing electronic records. Standards and procedures are contained in NARA Guide entitled "Managing Electronic Records." Copies of this guide may be obtained by writing to NARA at the address shown in subparagraph 2q above.

3. RESPONSIBILITIES

a. Secretary of Veterans Affairs. The Secretary or Deputy Secretary will ensure that an effective VA RM program is established and maintained.

b. The VA Chief Information Officer will:

(1) Establish policies and procedures for administering the RM program.

(2) Issue changes to this directive that are necessary to implement and manage the RM program.

(3) Establish, coordinate, and maintain a VA-wide RM program to ensure that all records, including electronic and microform media, and information are received,

created, maintained, protected, released, and disposed of as required by the laws and regulations cited in paragraph 4.

(4) Designate an individual(s) to serve as VA Records Officer and VA FOIA/PA Officer, and Chief FOIA Officer.

(5) Under the RONA program, receive and process all requests for lists of names and addresses of veterans and their dependents, except for lists of educationally disadvantaged veterans. Monitor the use of such lists of names and addresses, and refer allegations of possible unauthorized use of such VA-supplied lists to the Assistant Inspector General for Investigations.

(6) Advise and assist Under Secretaries, Assistant Secretaries, and other key officials on matters relating to the RM program.

(7) Ensure that all information management policies, procedures, or guidelines that relate to the creation or collection of records and information, adequacy of documentation, and maintenance, use, and preservation or destruction of records, are coordinated with affected Under Secretaries, Assistant Secretaries, and other key officials.

(8) Establish procedures, reporting requirements, and formats for monitoring the administration of FOIA, HIPAA, and PA, and prepare the annual, biennial, and other reports on the administration of FOIA, PA, HIPAA, and the Computer Matching and Privacy Protection Act.

(9) Ensure that all records and information management policies, procedures, or guidelines that relate to national security or to emergency management functions are coordinated with the Deputy Assistant Secretary for Security and Law Enforcement and those vital records activities are coordinated with organizational Records Officers.

(10) Maintain and operate under the responsibility of the Austin Information Technology Center (ITC), and the VA Records Center and Vault in Neosho, Missouri, for the purpose of storing, protecting and servicing records and materials.

(11) Serve as Chairperson of the VA DIB, which is responsible for overseeing and approving all VA computer matching activities.

(12) Establish and maintain a list of VA employees who are designated as FOIA and/or PA Officers and Records Officers, and ensure that the lists are kept current.

(13) Serve as VA liaison with the Department of Defense, NARA, and the National Personnel Records Center (NPRC) in St. Louis, Missouri, regarding records and information management issues.

(14) Ensure that VA implements a program for managing all records on microform media in accordance with Federal regulations (36 CFR 1230).

(15) Ensure that VA implements a program for managing audiovisual records in accordance with Federal regulations (36 CFR 1232).

(16) Ensure that VA implements a program for managing electronic records in accordance with Federal regulations (36 CFR 1234).

(17) Ensure that departing VA employees do not remove Federal records from VA custody (36 CFR 1222.40).

(18) Periodically conduct VA-wide reviews of the RM program to ensure that policies and procedures are effectively carried out (44 USC 3506; 36 CFR 1220.54).

c. Assistant Secretary for Management (AS/M): (re-delegated to the Deputy Assistant Secretary for Finance) will:

(1) Establish, publish, and maintain an RCS covering all VA budget and financial management records, consistent with the Government Accountability Office requirements.

d. Executive Director, Office of Acquisition Logistics and Construction.

(1) The Executive Director, Office of Acquisition, Logistics and Construction (re-delegated to the Deputy Assistant Secretary for Acquisition and Logistics) will:

(a) Establish, appropriate procedures to ensure that all VA contracts that provide for the creation or maintenance of a system of records on individuals on behalf of VA to accomplish a Department function include appropriate language to make PA requirements that apply to system of records. Such notification and clauses will conform to those prescribed by the Federal Acquisition Regulation (FAR) and VA Acquisition Regulation (VAAR). In addition, contract language will be included to help ensure that any VA contractor who is provided VA records or information, protected by a VA confidentiality laws, complies with those laws and implementing VA regulations. (See 38 U.S.C 5701, 5705, 5721-5728 and 7332; 38 CFR 1.460-1.496, 1.500-1.527; and 17.500-17.511.)

(b) Develop VA-wide procedures to ensure that contracts dealing with the destruction of temporary records or information by sale or salvage conform to NARA regulations (36 CFR 1228.58).

(c) Develop VA-wide procedures to ensure that records and information created or received and maintained for VA by contractors are maintained in accordance with NARA regulations (36 CFR 1222.48 and 1234.10(k)).

e. Under Secretaries, Assistant Secretaries, and Other Key Officials. These individuals will:

(1) Establish procedures, as required, to implement the provisions of this directive, VA regulations, and related directives to ensure that records and information are received, maintained, and released in accordance with FOIA, PA, and VA's confidentiality statutes.

(2) Initiate investigations of any allegation of noncompliance with FOIA, PA, HIPAA, or a VA confidentiality statute. Certain substantiated allegations, i.e., willful and intentional violations, must be reported to the Inspector General pursuant to 38 CFR 14.560. The Office of General Counsel, or the Regional Counsel, will be contacted for such violations.

(3) Establish and maintain a vital records program to include identification, maintenance, and storage of legal and financial vital records at the VA Records Center and Vault in Neosho, Missouri. The program will include retention schedules of vital records that may be needed during and following a national emergency or local natural or technological disaster to ensure continuance of essential VA activities.

(4) Inventory and appraise all records, including electronic records and microform media, which the organization authorizes or requires to be created, collected, or maintained.

(5) Ensure that all employees are aware of the provisions of this directive and its related handbooks, VA regulations, and laws governing the receipt, maintenance, disposition, and release of records and information. Particular effort will be made to ensure that all employees are familiar with the criminal and civil penalties for willfully violating the PA, or any other applicable Federal confidentiality statutes, or willfully destroying records and information that are not authorized for destruction.

(6) Seek advice and assistance, as needed, from the VA FOIA/PA Officer and/or Records Officer concerning problems or questions of an administrative nature that arise during implementation or operation of the program established by this directive.

(7) Seek legal advice and assistance from the General Counsel as needed to ensure legal compliance with the provisions of the laws affecting the receipt, maintenance, and release of information.

(8) Designate an official(s) and an alternate(s) to serve as FOIA/PA Officer and Records Officer. Report the names, mail routing symbols, and telephone numbers of the designated officials to the Director, Records Management Service (005R1B). Notify that office of all additions, changes, and deletions in a timely manner.

(9) Ensure that officials are designated in each VA field facility to serve as the facility FOIA/PA Officer and Records Officer. These individuals are responsible for

assisting the facility Director in ensuring that their facility is in compliance with the provisions of this directive.

(10) Establish procedures, as required, to implement a program of loan and exchange of records or information with other Government agencies and the NPRC.

(11) Establish, publish, and maintain an RCS covering all records, except budget and finance records, to include field facilities that are not covered by another RCS.

(12) Ensure that in planning for manual or automated information systems, the life cycle of the records and information is considered and the records associated are properly scheduled.

(13) Ensure that the standards and procedures contained in the NARA Guide entitled Managing Micrographic Records are used to manage records in microform media.

(14) Ensure that the standards and procedures contained in the NARA Guide entitled Managing Electronic Records are used to manage all electronic records created.

(15) Ensure that all unscheduled records are retained until an approved disposition instruction is received from NARA.

f. Additional Responsibilities of Selected Officials. In addition to the responsibilities in paragraph 3d, the Assistant Secretary for Human Resources and Administration, the Under Secretary for Health, the Under Secretary for Benefits, the Under Secretary for Memorial Affairs, the Chairman, Board of Veterans' Appeals, the Inspector General, and the General Counsel have the following specific responsibilities:

(1) Assistant Secretary for Human Resources and Administration (AS/HR&A):

(a) The AS/HR&A (re-delegated to the Deputy Assistant Secretary for Administration) will:

1. Develop procedures and guidelines necessary to implement policies established by this directive and its related handbooks for VA Central Office (VACO) records, provide records disposition service for all VACO elements, and establish files management management standards and procedures for records maintained by VACO elements, and provide records management training for VACO employees.

2. Establish, publish, and maintain an RCS covering all records except budget and financial records. RCS must include electronic mail and microform media, located in VACO, unless the records are covered in another records schedule due to program responsibilities.

3. Designate an official(s) and an alternate(s) to serve as VACO Records Officer with responsibility to assist Records Officers of other organizations in identifying, appraising, and maintaining their Central Office records.

(b) The AS/HR&A (re-delegated to the Deputy Assistant Secretary for Human Resources Management) will develop procedures to ensure the transfer of Federal civilian personnel, health, and payroll records to the NPRC for Civilian Personnel Records (36 CFR 1228.154).

(2) The Assistant Secretary for Operations, Security and Preparedness (AS/OSP):

The AS/OSP (re-delegated to the Deputy Assistant Secretary for Security and Law Enforcement will:

a. Be familiar with Federal and VA requirements relating to the management of vital records and information.

b. Ensure that the official designated to serve as the VA liaison with other Federal agencies for coordination of VA's emergency preparedness activities, including the information needs related to those activities, is familiar with Federal and VA requirements relating to the management of vital records and information.

c. Ensure that Administration Heads, Assistant Secretaries and other key officials, and the Deputy Assistant Secretaries develop procedures for the selection, maintenance and disposition of Emergency Operating Records.

(3) Under Secretary for Health. The Under Secretary for Health will:

(a) Serve as a member of the VA DIB.

(b) Establish policies and procedures to obtain approvals from Department of Defense military service branches to access military records located at the military branch headquarters or at the NPRC when research studies are approved necessitating access to military service records.

(4) Under Secretary for Benefits. The Under Secretary for Benefits will:

(a) Serve as a member of the VA DIB.

(b) Establish procedures for requesting from other agencies records and information relating to the military service of veterans, for maintaining such records in VA files, and for returning the records to the originator when requested.

(c) Designate an individual to serve as VA liaison with the NPRC to assist this office in replying to VA requests for records or information contained in military personnel/health

records or civilian personnel records and to resolve problems; to observe, analyze, and appraise procedures and practices followed by VA field activities in requesting records; to make recommendations for changes in policy or procedures relating to VA requests; and to perform surveys or studies that may be needed to ensure that VA requests for records are answered in a timely and efficient manner.

(d) Establish procedures for requesting classified documents from the Department of Defense when such documents are required to process a veteran's claim.

(4) Under Secretary for Memorial Affairs will: The Under Secretary, will:

(a) Establish and maintain a burial eligibility activity to assist NCA field and Central Office staff in verifying military service data to confirm eligibility. The information will be obtained through VA, NPRC, or other record sources when sufficient data is not otherwise available.

(b) Establish procedures and guidelines for requesting military records or information from VA regional offices, NPRC, or other record sources when such information is needed to establish eligibility for burial in National and State cemeteries or for approving applications for headstones and markers.

(5) Chairman, Board of Veterans' Appeals (BVA). The Chairman, BVA will make decisions of the Board available to members of the public in a form that will permit public access through electronic text searches but which will avoid disclosure of the name, address or other information that would identify the claimant or which would cause an unwarranted invasion of personal privacy.

(6) Inspector General (IG). The IG will serve as a member of the VA DIB.

(7) General Counsel (GC). The GC will:

(a) Provide legal advice and assistance to ensure that VA fully complies with the provisions of PA, FOIA, the Computer Matching and Privacy Protection Act, and applicable confidentiality statutes.

(b) Receive, review, and make appropriate responses to all appeals of initial decisions to deny requests for records or requests for correction or amendment of records.

(c) Concur on initial decisions to approve or deny requests for the release of lists of claimant names and addresses under the provisions of PA or VA's confidentiality statutes, and provide a written decision on any appeal from a denial.

(d) Recommend changes in policies and procedures relating to the RM program, including the maintenance and release of records to ensure that they are legally sufficient and incorporate all legal requirements.

4. REFERENCES

- a. Attorney General Memorandum on the 1986 Amendments to FOIA, October, 2001;
- b. Computer Matching and Privacy Protection Act of 1988, Public Law. 100-503, the Computer Matching and Privacy Protection Amendments of 1990 (Public Law 101-508), and OMB Final Guidance Interpreting the Provisions of Public Law 100-503, Computer Matching and Privacy Protection Act of 1988, published in the Federal Register June 19, 1989;
- c. Controlling Paperwork Burdens on the Public, Title 5 CFR, Part 1320;
- d. Executive Order 12656, Responsibilities of Federal Departments and Agencies for National Security Emergency Preparedness, November 18, 1988;
- e. Federal Acquisition Regulation, Title 48 CFR, sections 24.104, 52.224-1, and 52.224-2;
- f. Federal Records Act of 1950, as amended and codified in title 44 U.S.C. Chapters 21, 29, 31, 33 and 35;
- g. Government Accountability Office (GAO) Policy and Procedures Manual for Guidance of Federal Agencies, Title 8--Records Management;
- h. National Archives and Records Administration Regulations, Title 36 CFR, Parts 1220, 1222, 1228, 1230, 1232, 1234, 1236;
- i. Office of Management and Budget (OMB) Circular No. A-130, Management of Federal Information Resources;
- j. OMB Privacy Act Implementation, Guidelines and Responsibilities published in the Federal Register July 9, 1975;
- k. Public Law 107-347, Title III Federal Information Security Act (FISMA) of 2002;
- l. Public Law 104-13, Paperwork Reduction Act of 1995;
- m. Public Law 104-191, the Health Insurance Portability and Accountability Act of 1996 (HIPAA);
- n. 5 U.S.C. 552, Freedom of Information Act, as amended by O. P. E. N Government Act of 2007 (PL 110-175), VA regulations, 38 CFR 1.550 through 1.559, Release of Information from VA Records Other Than Claimant Records;

o. 5 U.S.C. 552a, Privacy Act of 1974, and VA regulations, 38 CFR 1.575 through 1.584, Safeguarding Personal Information in VA Records;

p. 18 U.S.C., Crimes and Criminal Procedures;

q. 38 U.S.C. 5701, 5705, and 7332, VA's confidentiality statutes and VA regulations 38 CFR 1.500 through 1.527, Release of Information from VA Claimant Records; 38 CFR 17.500 through 17.511, Confidentiality of Healthcare Quality Assurance Review Records; and 38 CFR 1.460-1.499, Release of Information from VA Records Relating to Drug Abuse, Alcoholism or Alcohol Abuse, Infection with HIV or Sickle Cell Anemia;

r. 41 CFR, Part 101-11, Management and Use of Information and Records;

s. 41 U.S.C., Public Contracts; and 44 U.S.C. 3506.