

By Direction of the Secretary.

**Heyward Bannister,**

*Committee Management Officer.*

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### **Advisory Committee on Women Veterans; Meeting**

The Department of Veterans Affairs gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Women Veterans will be held June 27-28, 1995, in Washington, DC. The purpose of the Advisory Committee on Women veterans is to advise the Secretary regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Department of Veterans Affairs, and the activities of the Department of Veterans Affairs designed to meet such needs. The Committee will make recommendations to the Secretary regarding such activities.

The sessions will convene on June 27, 9:00 a.m. to 4:30 p.m.; and on June 28, 9:00 a.m. to 12 noon in room 230, VA Central Office Building, 810 Vermont Avenue, NW., Washington, DC. All sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Ms. Maryanne Carson, Department of Veterans Affairs (phone 202/273-5078) prior to June 8, 1995.

Dated: April 14, 1995.

By Direction of the Secretary.

**Heyward Bannister,**

*Committee Management Officer.*

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### **Privacy Act of 1974, Amendment of System of Records, Compensation, Pension, Education and Rehabilitation Records—VA (58VA21/22)**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is considering adding two new routine uses to, and amending the storage policies for the records in, the system of records entitled Compensation, Pension, Education and Rehabilitation Records—VA (58VA21/22) published at 41 FR 9294 (03/03/76), and amended at 43 FR 3984 (01/30/78), 43 FR 15026 (04/10/78), 43 FR 23797 (06/01/78), 45 FR 57641 (08/28/80), 45 FR 77220 (11/21/80), 47 FR 367 (01/05/82), 47 FR 16132

(04/14/82), 47 FR 4072 (09/15/82), 48 FR 1384 (01/12/83), 48 FR 15994 (04/13/83), 48 FR 39197 (08/29/83), 48 FR 52798 (11/22/83), 49 FR 23974 (06/08/84), 49 FR 36046 (09/13/84), 50 FR 10886 (03/18/85), 50 FR 31453 (06/28/85), 50 FR 31453 (08/02/85), 51 FR 24781 (07/08/86), 51 FR 25141 (07/10/86), 51 FR 28289 (08/06/86), 51 FR 36894 (10/16/86), 52 FR 4078 (02/09/87), 54 FR 36933 (09/05/89), 55 FR 28508 (07/11/90), 55 FR 42540 (10/19/90), 56 FR 15667 (04/17/91), 56 FR 16354 (04/22/91), 57 FR 12374 (04/09/92), 57 FR 44007 (09/23/92), 58 FR 38164 (07/15/93) and 58 FR 54643 (10/22/93).

VA has published a notice of final rulemaking (59 FR 47082 (September 14, 1994)) amending its regulations to add sections 38 CFR 14.640 through 14.643 to provide for expanded remote access to computerized claims records by individuals approved by the Department to represent claimants before VA in the preparation, presentation, and prosecution of claims for veterans' benefits.

Those regulations provide that VA would disclose information concerning how these representatives use their access privileges in two circumstances for which routine uses do not currently exist. First, if VA is considering whether to revoke the individual representative's access privileges generally, VA will then notify the representative's employer.

Second, if the representative is licensed by a governmental entity, such as a state bar association, VA will report the conduct of the representative to that entity after revocation of access privileges if VA concludes that the conduct which was the basis for revocation of access privileges merits reporting.

These two routine uses would add provisions to allow the release of information concerning the conduct of individual representatives in both these cases.

VA has determined that release of information under the circumstances described above is a necessary and proper use of information in this system of records and that a specific routine use for transfer of this information is appropriate.

VA is also amending the storage policies and practices for the records in this system of records to reflect the policies and practices applicable to claimants' representatives and attorneys who are granted access to automated claimant's record.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amended routine use statements to the

Director, Office of Regulations Management(02), 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before May 24, 1995, will be considered. All written comments received will be available for public inspection at the Office of Regulations Management, room 1176, 801 I Street, NW., Washington, DC 20001 only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays) until June 5, 1995.

If no public comment is received during the 30 day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Department of Veterans Affairs, the amendments to 58VA21/22 included herein are effective May 24, 1995.

Approved: April 10, 1995.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

### **Notice of Amendment to System of Records**

The system of records identified as 58 VA 21/22, "Compensation, Pension, Education and Rehabilitation records—VA" published at 41 FR 9294 (03/03/76) and amended at 43 FR 3984 (01/30/78), 43 FR 15026 (04/10/78), 43 FR 23797 (06/01/78), 45 FR 57641 (08/28/80), 45 FR 77220 (11/21/80), 47 FR 367 (01/05/82), 47 FR 16132 (04/14/82), 47 FR 40742 (09/15/82), 48 FR 1384 (01/12/83), 48 FR 15994 (04/13/83), 48 FR 39197 (08/29/83), 48 FR 52798 (11/22/83), 49 FR 23974 (06/08/84), 49 FR 36046 (09/13/84), 50 FR 10886 (03/18/85), 50 FR 31453 (06/28/85), 50 FR 31453 (08/02/85), 51 FR 24781 (07/08/86), 51 FR 25141 (07/10/86), 51 FR 28289 (08/06/86), 51 FR 36894 (10/16/86), 52 FR 4078 (02/09/87), 54 FR 36933 (09/05/89), 55 FR 28508 (07/11/90), 55 FR 42540 (10/19/90), 56 FR 15667 (04/17/91), 56 FR 16354 (04/22/91), 57 FR 12374 (04/09/92), 57 FR 44007 (09/23/92), 58 FR 38164 (07/15/93) and 58 FR 54643 (10/22/93), is amended by adding the following:

#### **58 VA 21/22**

##### **SYSTEM NAME:**

Compensation, Pension, Education and Rehabilitation Records—VA.

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

\* \* \* \* \*

59. The name and address of a prospective, present, or former accredited representative, claims agent or attorney and any information concerning such individual which is

relevant to a refusal to grant access privileges to automated veterans claims records, or a potential or past suspension or termination of such access privileges may be disclosed to the entity employing the individual to represent veterans on claims for veterans benefits.

60. The name and address of a former accredited representative, claim agent or attorney, and any information concerning such individual, except a veteran's name and home address, which is relevant to a revocation of such access privileges may be disclosed to an appropriate governmental licensing organization where VA determines that the individual's conduct which resulted in revocation merits reporting.

\* \* \* \* \*

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

**STORAGE:**

Records (or information contained in records) are maintained on paper documents in claims file folders (e.g., "C" file folders, educational file folders and vocational rehabilitation folders) and on automated storage media (e.g., microfilm, microfiche, magnetic tape and disks). Such information may be accessed through a data telecommunication terminal system designated the Benefits Delivery Network (BDN). BDN terminal locations include VA Central Office, regional offices, some VA health care facilities, Department of Defense Finance and Accounting Service Centers and the U.S. Coast Guard Pay and Personnel Center.

Remote on-line access is also made available to authorized representatives of claimants and to attorneys of record for claimants. A VA claimant must execute a prior written consent or a power of attorney authorizing access to his or her claims records before VA will allow the representative or attorney to have access to the claimant's automated claims records. Access by representatives and attorneys of record is to be used solely for the purpose of assisting an individual claimant whose records are accessed in a claim for benefits administered by VA.

Information relating to receivable accounts owed to VA, designated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape, microfiche and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

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**RETRIEVABILITY:**

The proposed change should have no effect upon the current RETRIEVABILITY policies or practices.

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**SAFEGUARDS:**

1. *Physical Security:* (a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel. Employee claims file records and claims file records of public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis.

(b) Access to BDN data telecommunications network is by authorization controlled by the site security officer who is responsible for authorizing access to the BDN by a claimant's representative or attorney approved for access in accordance with VA regulations. The site security officer is responsible for ensuring that the hardware, software and security practices of a representative or attorney satisfy VA security requirements before granting access. The security requirements applicable to access to automated claims files by VA employees also apply to access to automated claims files by claimants' representatives or attorneys. The security officer is assigned responsibility for privacy-security measures, especially for review of violation logs, information logs and control of password distribution, including password distribution for claimants' representatives.

(c) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons provided access to computer rooms are escorted.

(d) Employee production records are identified by the confidential BDN access number, not name, and are protected by management/supervisory personnel from unauthorized disclosure in the same manner as other confidential records maintained by supervisors.

2. *BDN System Security:* (a) Usage of the BDN system is protected by the usage of "logon" identification passwords and authorized function passwords. The passwords are changed

periodically. These same protections apply to remote access users.

(b) At the data processing centers, identification of magnetic tapes and disks containing data is rigidly enforced using labeling techniques. Automated storage media which are not in use are stored in tape libraries which are secured in locked rooms. Access to programs is controlled at three levels: Programming, auditing and operations. Access to the data processing centers where HUD maintains CAIVRS is generally restricted to center employees and authorized subcontractors. Access to computer rooms is restricted to center employees and authorized operational personnel through electronic locking devices. All other persons granted access to computer rooms are escorted.

Files in CAIVRS use social security numbers as identifiers. Access to information files is restricted to authorized employees of participating agencies and authorized employees of lenders who participate in the agencies' programs. Access is controlled by agency distribution of passwords. Information in the system may be accessed by use of a touch-tone telephone by authorized agency and lender employees on a "need-to-know" basis.

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**Report of Intention to Alter Federal Notice of System of Records for "Compensation, Pension, Education and Rehabilitation Records—VA" 58 VA 21/22**

*Purpose*

Amending this system of records will allow VA to use information maintained by this system of records to be used to revoke the access of claimant's representatives to the system of records for violation of the provisions of 38 CFR 14.640 through 14.643.

*Authority*

Regulations 38 CFR 14.640 through 14.643.

*Probable or Potential Effect on the Privacy of Individuals*

These changes should have minimal effect on the privacy rights of individuals. They will permit VA to use information contained in this system of records to revoke access to this system to representatives of claimants who violate the provisions of regulations 38 CFR 14.640 through 14.643.

*Steps Taken to Minimize Risks*

VA will safeguard individual records as required by the Privacy Act of 1974. Access to working areas and claims

folder storage areas in VA regional offices is restricted to VA employees on a need to know basis. Files are locked after normal duty hours and the offices are protected from outside access by the Federal Protective Service or other security personnel. Access to automated VA records by VA employees and authorized representatives of claimants requires clearance by the site security officer, whose responsibilities include control of password distribution.

*Satisfaction of Compatibility  
Requirements of Subsection (a)(7) of the  
Privacy Act*

These routine uses will permit VA to disclose information from the BDN system to service organizations whenever VA contemplates revocation of a representative's access privileges. These are necessary to protect the integrity of the BDN system.

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