

Information Returns (IRP) master file, Privacy Act System Treas/IRS 22.061, hereafter referred to as the Information Return Master File (IRMF) published at 60 FR 56786 (11/9/95) through the Disclosure of Information to Federal, State, and Local Agencies (DIFSLA) program. In accordance with Title 5 U.S.C. subsection 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget (OMB).

This notice is provided in accordance with the provisions of the Privacy Act of 1974 as amended by Pub. L. 100-503.

**DATES:** The match will start no sooner than 30 days after publication of this Notice in the **Federal Register**, or 40 days after copies of this Notice and the agreement of the parties is submitted to Congress and OMB, whichever is later, and end not more than 18 months after the agreement is properly implemented by the parties. The involved agencies' Data Integrity Boards (DIB) may extend this match for 12 months provided the agencies certify to their DIBs within three months of the ending date of the original match that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original matching program.

**ADDRESSES:** Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m., Mondays through Fridays, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Paul Trowbridge (213B), (202) 273-7218.

**SUPPLEMENTARY INFORMATION:** This information is required by Title 5 U.S.C. subsection 552a(e)(12), the Privacy Act of 1974. A copy of this notice has been provided to both Houses of Congress and OMB.

Approved: March 1, 1999.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

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## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; Amendment of System of Records Notice "Means Test Verification Records—VA"

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Department of Veterans Affairs (VA) is amending and renaming the system of records currently known as "Means Test Verification Records—VA (89VA161)" as set forth in the **Federal Register** 59FR8677 (2/23/94). VA is amending the system by revising the System Name and Number and the paragraphs for System Location; Categories of Individuals Covered by the System; Categories of Records in the System; Authority for Maintenance of the System; and Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System, including Storage, Retrievability and Safeguards. VA is republishing the system notice in its entirety at this time.

**DATES:** These amendments are effective on March 16, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Alan Begbie, Director, Health Eligibility Center (HEC), Veterans Health Administration, 1644 Tullie Circle, Atlanta, Georgia 30329, (404) 235-1300.

**SUPPLEMENTARY INFORMATION:** The name and number of the system is changed from "Means Test Verification Records" VA(89VA161) to "Healthcare Eligibility Records" VA(89VA19) to more accurately reflect the type of records maintained in this system and to reflect recent organizational changes.

The system location has been amended to reflect that the Income Verification Match Center (IVMC) has been renamed the Health Eligibility Center (HEC) and to indicate the current address of the HEC.

The individuals covered by this system have been increased to include all veterans who have applied for VA healthcare services under Title 38, United States Code, Chapter 17, and in certain cases, members of their immediate families. Under the previous notice only data on nonservice-connected veterans was collected.

The VHA HEC in Atlanta, Georgia, was originally established as the IVMC to verify the self-reported income of certain veterans with Internal Revenue Service (IRS) and Social Security Administration (SSA) information to determine the veteran's correct eligibility for VA healthcare benefits, as mandated by section 8051, Pub. L. 101-508. Section 8014 of Pub. L. 105-33 extended VA's matching authority through September 30, 2002.

Title 38, United States Code, Section 1705, requires VA to design, establish and operate a system of annual patient enrollment. As a matter of policy, VHA has determined that the HEC database will be expanded to serve as the central repository for eligibility and enrollment

data of veterans applying for or receiving VA healthcare benefits. Veterans' enrollment information such as beginning and ending dates of the enrollment period, enrollment status and primary healthcare facility, will be maintained in this database and provided to VA healthcare facilities involved in the veteran's care. This increases the types of records and individuals covered under the system.

To carry out the HEC programs, the Center receives electronic transmissions from VA healthcare facilities via the Department's electronic communications system (wide area network). These transmissions include personal, income and eligibility information, such as name, social security number, address, health insurance coverage, and other information concerning the veteran's self-reported household income and eligibility status. In certain cases, these transmissions include limited immediate family information provided by the veteran.

Compensation and pension award adjustment information contained in claim records administered by the Veterans Benefit Administration (VBA) is also sent to the HEC database, ensuring consistency of eligibility information contained in records covered by this system.

The HEC automatically sends this information over VA's wide area network to VA medical facilities where the veteran received care within the previous 12 month period. VA medical facilities can query the HEC database to obtain information on veteran applicants who have not received healthcare at that facility during the previous 12 month time frame. If available, updated information is transmitted to the requesting facility and loaded into the facility's database. Access to data in these files is controlled at the healthcare facility in accordance with nationally and locally-established data security procedures. These standards include, but are not limited to, requiring a unique password for each user, restricting access to "need-to-know" data, and deactivating screen displays after short periods of inactivity.

The HEC submits record identifiers (name, social security number, date of birth, and sex) to SSA for social security number validation. The validated social security number assists in matching a veteran's record maintained at one VA healthcare facility with records maintained at another. For certain veterans whose eligibility for VA healthcare is based on income, the validated social security number is also

used to match VA records with SSA and IRS for income verification purposes. For these veterans, the HEC database contains earned and unearned income data received from IRS and SSA.

The purpose of this system of records is to conduct income testing and verification activities; to validate social security numbers of veterans receiving VA healthcare benefits; to identify veterans' third party health insurance coverage; to ensure accuracy of veterans' eligibility information for medical care benefits; and to operate an annual patient enrollment system.

Approved: February 27, 1999.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

#### 89VA19

#### Healthcare Eligibility Records—VA.

##### SYSTEM LOCATION:

All paper and electronic records are maintained at the Health Eligibility Center (HEC), 1644 Tullie Circle, Atlanta, Georgia 30329 and at VA healthcare facilities listed in the biennial publication of the VA's Systems of Records, Appendix A.

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

Veterans who have applied for VA healthcare services under Title 38, United States Code, Chapter 17, and in certain cases, members of their immediate families.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Medical benefit application and eligibility information; identifying information including name, address, date of birth, social security number, claim number, eligibility information, family information including spouse and dependent(s) name, address, and social security number; employment information on veteran and spouse, including occupation, employer(s) name(s) and address(es); financial information concerning the veteran and the veteran's spouse including family income, assets, expenses, debts; third party health plan contract information, including health insurance carrier name and address, policy number and time period covered by policy; facility location(s) where treatment is provided; type of treatment provided, i.e., inpatient or outpatient; and dates of visits. Documents generated as a result of income verification by computer match with records from the IRS and the SSA and during the notification, verification and due process periods, such as initial verification letters, income verification forms, final confirmation letters, due process letters,

clarification letters and subpoena documentation. Individual correspondence provided to the HEC by veterans or family members including, but not limited to, copies of death certificates; DD 214, Notice of Separation; disability award letters; IRS documents (i.e., Form 1040's, W-2's, etc.); state welfare and food stamp applications; VA and other pension applications; VA Forms 10-10, Application for Medical Benefits, and 10-10F, Financial Worksheet; workers compensation forms; and various annual earnings statements, as well as pay stubs.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, sections 501(a), 1705, 1722, and 5317.

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

Income information that is received from IRS and SSA is protected by 26 U.S.C. 6103, and may not be disclosed under routine uses set forth absent specific authorization from the IRS or the VA Office of General Counsel (024).

1. The record of an individual who is covered by this system may be disclosed to a Member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of, and at the written request of, that individual.

2. Disclosure of records covered by this system, as deemed necessary and proper to named individuals serving as accredited service organization representatives and other individuals named as approved agents or attorneys for a documented purpose and period of time, to aid beneficiaries in the preparation and presentation of their cases during the verification and/or due process procedures and in the presentation and prosecution of claims under laws administered by the Department of Veterans Affairs.

3. In the event that information in this 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 a particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant 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, rule, regulation, or order issued pursuant thereto.

4. Relevant information from this system of records may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal in matters of guardianship, inquests and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

5. Any information in this system may be disclosed to a VA Federal fiduciary or a guardian *ad litem* in relation to his or her representation of a veteran but only to the extent necessary to fulfill the duties of the VA Federal fiduciary or the guardian *ad litem*.

6. Relevant information may be disclosed to attorneys, insurance companies, employers, third parties, liable or potentially liable under health plan contracts to the Department of Veterans Affairs, and to courts, boards, or commissions. Such disclosures may be made only to the extent necessary to aid the Department of Veterans Affairs in the preparation, presentation, and prosecution of claims authorized under Federal, State, or local laws, and regulations promulgated thereunder.

7. Relevant information may be disclosed 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.

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

9. Information in this system of records may be disclosed for the purposes identified below to a third party, except consumer reporting agencies, in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Department of Veterans Affairs. Information may be disclosed under this routine use only to the extent that it is reasonably necessary to: (a) Assist the VA in the collection of costs of services provided individuals not entitled to such services; and (b) initiate civil or criminal legal actions for collecting amounts owed to the United States. This disclosure is consistent with 38 U.S.C. 5701(b)(6).

10. The name and address of a veteran, other information as is reasonably necessary to identify such veteran, including personal information obtained from other Federal agencies through computer matching programs and any information concerning the veteran's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the VA, may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 5701(g)(4) have been met.

11. For computer matching program and ADP security review purposes, record information may be disclosed to teams from other source Federal agencies who are parties to computer matching agreements involving the information maintained in this system, but only to the extent that the information is necessary and relevant to the review.

12. For veterans subject to income verification requirements, the name and identifying information on a veteran and/or spouse may be provided to reported payers of earned and/or unearned income in order to verify the identifier provided, address, income paid, period of employment, and health insurance information provided on the means test and to confirm income and demographic data provided by other Federal agencies during income verification computer matching.

13. Identifying information, including social security numbers, concerning veterans, their spouses, and the dependents of veterans may be disclosed to other Federal agencies for purposes of conducting computer matches to obtain valid identifying demographic and income information to determine or verify eligibility of certain veterans who are receiving VA medical care under Title 38, U.S.C.

14. The name and social security number of a veteran, spouse and dependents, and other identifying information as is reasonably necessary may be disclosed to SSA, Department of Health and Human Services, for the purpose of conducting a computer match to obtain information to validate the social security numbers maintained in VA records.

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

**STORAGE:**

All records are maintained at the HEC, 1644 Tullie Circle, Atlanta, Georgia 30329. Paper correspondence received from the veteran in response to

HEC inquiries may be scanned and stored for viewing electronically.

**RETRIEVABILITY:**

Records (or information contained in records) maintained on paper documents are indexed by the veteran's name and social security number and are filed in case number order. Automated veterans' health eligibility records are indexed and retrieved by the veteran's name, social security number or case number. Automated health eligibility record information on spouses may be retrieved by the spouse's name or social security number.

**SAFEGUARDS:**

1. Data transmissions between VA healthcare facilities and the HEC and VA databases housed at VA's Austin Automation Center are accomplished using the Department's wide area network. The software programs at the respective facilities automatically flag records or events for transmission based upon functionality requirements. VA healthcare facilities and the HEC control access to data by using VHA's Veterans Health Information System and Technology Architecture (VISTA), (formerly known as Decentralized Hospital Computer Program (DHCP) software modules), specifically Kernel and MailMan. Kernel utility programs provide the interface between operating systems, application packages and users. Once data are identified for transmission, records are stored in electronic mail messages which are then transmitted to specific domains on the Department's wide area network which currently uses the Integrated Data Communications Utility (IDCU), a vendor-provided set of communications utilities and hardware. The data are stored in the electronic mail message using Health Level Seven (HL7) protocol. HL7 is a standard protocol which specifies the implementation of interfaces between two computer applications (sender and receiver) from different vendors for electronic data exchange in healthcare environments. Based on predetermined functional specifications, HL7 defines the data to be exchanged, the timing of the interchange, and the communication of errors when necessary. Server jobs at each agency run continuously to check for data to be transmitted and/or incoming data which needs to be parsed to files on the receiving end. All mail messages containing data transmissions include header information which is used for validation purposes. Consistency checks in the software are used to validate the transmission, and

electronic acknowledgment messages are returned to the sending application. The Department's Telecommunications Support Service has oversight responsibility for planning, security, and management of the IDCU network.

2. Working spaces and record storage areas at the HEC are secured during all business hours, as well as during non-business hours. All entrance doors require an electronic passcard for entry when unlocked, and entry doors are locked outside normal business hours. Electronic passcards are issued by the HEC Security Officer. Visitor entry is controlled by HEC staff by door release or escort. The building is equipped with an intrusion alarm system for non-business hours, and this system is monitored by a security service vendor. The office space occupied by employees with access to veteran records is secured with an electronic locking system which requires a card for entry and exit of that office space.

3. Strict control measures are enforced to ensure that access to and disclosure from all records including electronic files and veteran specific data elements stored in the HEC veteran database are limited to HEC employees whose official duties warrant access to those files. The automated record system recognizes authorized users by keyboard entry of a series of unique passwords. Once the employee is logged onto the system, access to files is controlled by discreet menus which are assigned by the HEC computer system administration staff upon request from the employee's supervisor and the employee's demonstrated need to access the data to perform the employee's assigned duties. A number of other security measures are implemented to enhance security of electronic records (automatic timeout after short period of inactivity, device locking after pre-set number of invalid logon attempts, etc.). Employees are required to sign a user access agreement acknowledging their knowledge of confidentiality requirements, and all employees receive annual training on information security. Access is deactivated when no longer required for official duties. Recurring monitors are in place to ensure compliance with nationally- and locally-established security measures.

4. Veteran data are transmitted from the HEC to VA healthcare facilities over the Department's computerized electronic communications system (currently the Integrated Data Communications Utility or IDCU). Access to data in these files is controlled at the healthcare facility level in accordance with nationally- and locally-established data security

procedures. VA employees at healthcare facilities are granted access to patient data on a "need-to-know" basis. All employees receive information security training and are issued unique access and verify codes. Employees are assigned computer menus that allow them to view and edit records as authorized by the supervisor. While employees at the healthcare facility may edit data which was initially input at the facility level, employees at the facility do not have edit access to income tests which originated at the HEC. Likewise, HEC employees have view-only access to the income tests that originated at the healthcare facility.

5. In addition to passcards, the HEC computer room requires manual entry of a security code prior to entry. Only the automated information systems (AIS) staff and the HEC security officer are issued the security code to this area.

Programmer access to the HEC database is restricted only to those AIS staff whose official duties require that level of access.

6. On-line data reside on magnetic media in the HEC Computer Room that is highly secured. Backup media are stored in a combination lock safe in a secured room within the same building; only information system staff has access to the safe. On a weekly basis, backup media are stored in off-site storage by a media storage vendor. The vendor picks up and returns the media in a locked storage container; vendor personnel do not have key access to the locked container.

7. Any sensitive information that may be downloaded to personal computer files in the HEC or printed to hard copy format is provided the same level of security as the electronic records. All paper documents and informal notations containing sensitive data are shredded prior to disposal. All magnetic media (primary computer system) and personal computer disks are degaussed prior to disposal or release off site for repair.

8. The Income Verification Match Program of the HEC requires that HEC obtain veteran and spouse earned and unearned income data from IRS and SSA. The HEC complies fully with the Tax Information Security Guidelines for

Federal, State and Local Agencies (Department of Treasury IRS Publication 1075) as it relates to access and protection of such data. These guidelines define the management of magnetic media, paper and electronic records, and physical and electronic security of the data.

9. All new HEC employees receive initial information security training, and refresher training is provided to all employees on an annual basis. An annual information security audit is performed by the VA Regional Information Security Officer. This annual audit includes the primary computer information system, the telecommunication system, and local area networks. Additionally, the IRS performs periodic on-site inspections to ensure the appropriate level of security is maintained for Federal tax data. The HEC Information Security Officer and AIS administrator additionally perform periodic reviews to ensure security of the system and databases.

10. Identification codes and codes used to access HEC automated communications systems and records systems, as well as security profiles and possible security violations, are maintained on magnetic media in a secure environment at the Center. For contingency purposes, database backups on removable magnetic media are stored off-site by a licensed and bonded media storage vendor.

#### RETENTION AND DISPOSAL:

Depending on the record medium, records are destroyed by either shredding or degaussing. Paper records are destroyed after they have been accurately scanned on optical disks. Optical disks or other electronic medium are deleted when all phases of the veteran's appeal rights have ended (ten years after the income year for which the means test verification was conducted). Tapes received from SSA and IRS are destroyed 30 days after the data have been validated as being a true copy of the original data. Summary reports and other output reports are destroyed when no longer needed for current operation. Regardless of record medium, no records will be retired to a Federal records center.

#### SYSTEM MANAGER(S) AND ADDRESS

Official responsible for policies and procedures: Chief Information Officer (19), VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. Official maintaining the system: Director, Health Eligibility Center, 1644 Tullie Circle, Atlanta, Georgia 30329.

#### NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier or wants to determine the contents of such record, should submit a written request or apply in person to the HEC. All inquiries must reasonably identify the records requested. Inquiries should include the individual's full name, social security number and return address.

#### RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of HEC records may write to the Director, Health Eligibility Center, 1644 Tullie Circle, Atlanta, Georgia 30329.

#### CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

#### RECORD SOURCE CATEGORIES:

Information in this system of records may be provided by the veteran; veteran's spouse or other family members or accredited representatives or friends; employers and other payers of earned income; financial institutions and other payers of unearned income; health insurance carriers; other Federal agencies; "Patient Medical Records—VA" (24VA136) system of records; Veterans Benefits Administration automated record systems (including Veterans and Beneficiaries Identification and Records Location Subsystem—VA (38VA23); and the "Compensation, Pension, Education and Rehabilitation Records—VA" (58VA21/22).

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