DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

September 7, 2021

VBA Letter 20-21-04
(Revised)

Director (00/21)

All VBA Services, Staff Offices, Regional Offices, and Centers

SUBJ: Records and Information Management

VBA Letter 20-21-04, issued on March 18, 2021, has been revised to rescind VBA Directive 6300, Records and Information Management, and to notify VBA employees of continued litigation holds resulting from the Robinson v. McDonald Decision. The revisions are reflected in Section 1, page 1 and Section 5(d), page 10.

1. PURPOSE

This Veterans Benefits Administration (VBA) Letter defines policies for establishing and maintaining a formalized records management program within all VBA stations (e.g., Regional Offices, VBA Central Office, centers, off-site storage locations, out-based sites, and alternative worksites). It establishes the roles and responsibilities for VBA personnel to create, manage, use, store, and dispose of VBA federal records in accordance with Department of Veterans Affairs (VA) and National Archives and Records Administration (NARA) policies. Additionally, these procedures are implemented to ensure VBA protects evidence submitted by the Veteran for purposes of being awarded benefits earned while in service. Destruction of any document that jeopardizes that process must be avoided by any means necessary. First and foremost, all VBA employees must protect documents that start, stop, or change an award.

Authority: *Title 36, Code of Federal Regulations (CFR), Chapter XII, Subchapter B.*

Recissions: *This Letter supersedes VBA Directive 6300 - Records and Information Management, dated December 1, 2017.*

2. BACKGROUND

The Federal Records Act of 1950, as amended, contains the statutory authority for VBA records management. Government-wide responsibility for Federal recordkeeping is shared by the General Services Administration (GSA) and NARA.

Title 44 of the United States Code (U.S.C.) §§ 3301 through 3314 establishes the legal basis for the disposal of records of the United States Government.

The Paperwork Reduction Act, 44 U.S.C. Ch. 35, establishes the legal basis for minimizing the cost of information creation, collection, maintenance, use, dissemination, and disposition

VBA Letter 20-21-04 requires all administration leadership and other key officials to define records programs within VA policy requirements, including assigning records managers and establishing policies to manage records within the administration.

3. POLICY

It is VBA's policy that all Federal records regardless of media are properly managed from creation through final disposition in accordance with federal laws, the General Records Schedule (GRS) and VBA Records Control Schedule (VBA RCS) VB-1, PART I (Field) & PART II (Central Office).

VBA shall create and preserve records, regardless of medium type, which documents the functions, policies, decisions, procedures, and essential transactions of the agency.

VBA shall maintain and preserve records necessary to protect the legal and financial rights of the Government and of persons directly affected by its activities.

VBA shall make reasonable efforts to maintain all federal records in formats or media that are reproducible for purposes of requests under the Freedom of Information Act (FOIA) and Privacy Act.

VBA is committed to enforcing the proper disposition of Veterans' records by ensuring federal records are appropriately protected and maintained. The Records Management Officer (RMO), Records Management Technician (RMT)/Division Records Management Officer (DRMO), Records Liaison Officer (RLO), and supervisors shall work together to ensure all VBA employees and affected parties follow established procedures for storing, routing, and disposing of Veteran's paper and electronic records.

VBA shall maintain all federal records or information gained from other Government agencies in accordance with VBA records management and information security policies. VBA shall also comply with the rules, regulations, and restrictions of other agencies regarding the use of their records.

VBA shall maintain and safeguard original military personnel/health records in such a manner that VBA can return them when requested. VBA shall not destroy any original military personnel or health records, nor remove them from its custody for any reason without obtaining permission from the military service to which records belong.

Effective immediately, all VBA employees, contractors, Veterans Service Organizations (VSO), interns, volunteers, and any other affected parties, located at a VBA station or a

non-VBA station authorized by VBA, must comply with the revised requirements established in this document. They are required annually to take the VA Talent Management System (TMS) Course #10176, "Privacy and Information Security Awareness and Rules of Behavior." They must also electronically sign a *Rules of Behavior* document at the end of the course. Any individual who violates this policy shall be subject to appropriate administrative action.

Note: Where general procedures set forth in this document address a matter that is also addressed in business-line specific appendices A through E, the procedures outlined in section five "Hardcopy Records Disposition Procedures" shall take precedence.

4. RESPONSIBILITES

a. **The Under Secretary for Benefits**. The Under Secretary for Benefits, ordesignee, shall be responsible for ensuring:

(1) VBA maintains an effective records management program.

(2) VBA maintains an essential records program to guarantee the continuity ofessential Federal Government activities during and following a national emergency.

(3) VBA appraises all records and publishes their approved retention periods in theappropriate RCS VB-1, PART I (Regional Offices) & PART II (Central Office).

(4) VBA places the Records Program Office at a level in VBA with enough authority and funding to efficiently and effectively implement the objectivesand policies of the VBA records management program.

(5) VBA's records management program provides access to records, regardless ofthe medium, when requested.

b. **Directors**, or designee, shall be responsible for complying with this recordsmanagement policy by:

(1) Appointing in writing, the RMO, Alternate RMO, and RMT using enclosure (1) "Sample RMO/RMT Appointment Letters" template. VBA Central Office entities (business lines and staff offices), without regard to geographical proximity, shallappoint Division Records Management Officers (DRMOs).

(2) Delegating local and appropriately trained RMTs to temporarily serve asalternate RMOs during the latter's absence or unavailability (e.g., leave,training).

Director (00)

(3) Appoint in writing, RLOs in each division to assist the RMO/RMT on the management of facility records. Names of designees are required to be reported to VA Enterprise Records Service via email to RecordsManagement.VBAVACO@va.gov, no later than 30 days afterdesignation.

(4) Ensuring employees complete all required records management training annually.

(5) Ensuring all assigned employees comply with the duties promulgated herein, aswell as all other aspects of this VBA Letter.

(6) Ensuring stations or other designated areas under their control meet all requirements for the creation, maintenance, use, storage, and disposition of Federal records generated or obtained within their operations (see the lifecycleof records under GRS or the appropriate RCS VB-1, PART I & PART II).

(7) Ensuring their station conducts an annual review of records control procedures and activities as part of their Systematic Analyses of Operations.

(8) Ensuring each employee has at least one red envelope for record disposal. To support business requirements within the regional office (RO), Directors maintain discretion to require employees receive additional red envelops and/or red shred boxes as necessary, based on shred volume.

(9) Ensuring staff follow the policies and procedures outlined in this VBA Letter, GRS, RCS VB-1, PART I & PART II, and the Title 36 CFR, Chapter XII, Subchapter B in order to create and preserve documents pertaining to the functions, policies, decisions, procedures, and essential transactions of the station.

(10) Certify to the Under Secretary for Benefits, annually, that all employees are aware of the policies for the maintenance, review, and appropriate disposition ofVeteran's records and other government papers located in all VBA facilities andworksites per this VBA Letter.

(11) Unless otherwise rescinded or amended, Directors shall begin certifying the ROs File Plan beginning October 2020 and annually thereafter. Director certification documents completion of an annual review of the agency File Plan and certifies that all federal records are maintained in accordance with governing policies and records control schedule(s).

(12) Certify the ROs file plan using the “File Plan Certification Memorandum” Template provided in enclosure (2). A copy of the File Plan certification shall be forwarded no later than the beginning of the following month after certification, tothe Assistant Director, Office of Mission Support (OMS), Administration Division, through the Office of Field Operations (OFO). Delegation of File Plan certificationshall only be to the Assistant Director.

(13) Unless otherwise rescinded or amended, Directors shall begin certifying the RO's Facility Self-Assessment (FSA) October 1, 2021 and annually thereafter. Director certification documents leadership awareness of strengths and challenges within the RO Records Management Program. Directors shall utilize the FSA certification memorandum format provided in enclosure (3). A copy of the FSA certification shall be forwarded, no later than the beginning of the following month after certification, to the Assistant Director, OMS, Administration Division, through the OFO. Delegation of FSA certification shall only be to the Assistant Director.

c. **VBA Records Officer.** The VBA Records Officer, or designee, shall be responsible for establishing processes and guidance in compliance with this policy, to include:

(1) Developing and maintaining VBA-specific policies and procedures for the development, maintenance, storage, and disposition of Federal records createdwithin VBA.

(2) Developing and maintaining RCS VB-1, PART I & PART II, in accordance withNARA requirements.

(3) Managing applications and petitions to modify existing records schedules andsubmit future RCS requests to the VBA Records Officer, Office of General Council and NARA.

(4) Developing and monitoring a formal records management program specific torecords created, used, stored, and dispositioned within VBA Central Office.

(5) Distributing policies, procedures, and notifications from the VA Records Officeror NARA to all VBA RMO/RMTs and other appropriate personnel.

(6) Providing guidance to all VBA staff on the applicability of VA policy and NARArequirements.

(7) Reporting all records violations to NARA. Records violations are those eventsthat result in the destruction/damage of original copy government records.

Events warranting reporting are those such as the 1973 fire at the National Personnel Records Center, in St. Louis, or the 2006 flooding of NARA in Washington, D.C.

d. **RMO/RMTs.** RMO/RMTs shall be responsible for:

(1) Reviewing records to ensure requests for disposition and disposal of documents comply with the procedures outlined in this policy.

(2) Providing all new employees with a packet and/or a link containing VBA's disposition and disposal policy, and other records management materials. Records Managers must ensure employees know and understand where to locate information pertaining to records management policies.

(3) Maintaining a local records incident log, using enclosure (4) "RMO/RMT Records Incident Log. The Incident log shall contain the date of incident, type of incident (No Personally Identifiable Information (PII)), and a simple "yes" or "no" indicating if corrective action was taken. Records incidents are those events that result in non-compliance with this VBA Letter, but that are corrected locally, and that do not result in the direct or indirect disclosure or inadvertent destruction of Veteran PII. Examples of incidents include improper number of signatures on a document prior to submission to the RMO/RMT, or an employee failing a desk inspection. Upon request, incidents will be reported to the VBA RMO via organizational mailbox RecordsManagement.VBAVACO@va.gov.

(4) Reporting incidents of non-compliance with VBA Letter to the employee's supervisor and the Chief, Support Services Division (SSD) immediately upon knowledge of the incident. Incident summaries shall not contain PII.

(5) Reporting records violations to the employee's supervisor, the Chief, SSD, station Director, and VBA RMO for reporting to National Archives and Records Administration (NARA). Violation summaries shall not contain PII.

(6) Conducting appropriate training with individual employees (i.e. employee and/or supervisor) who violate the records policy.

(7) Providing the Director with a complete and updated facility file plan for validation on an annual basis.

(8) Completing VA TMS #3873736, "Records Management for Records Officers and Liaisons" annually. Review RMO Training Conference slides located on RMO SharePoint site https://dvagov.sharepoint.com/sites/VBARMO/default.aspx.

(9) Completing and maintaining proper inventory/file plans for the station using enclosure (5) “Sample File Plan”.

e. **RLOs.** RLOs shall be responsible for:

(1) Assisting the RMO/RMT to ensure full and proper implementation of the recordsmanagement program within their respective areas. RLO duties should be assigned to the Division Program Support Assistant or the Division Management Analyst. RLOs shall be responsible for reporting the location of all record types and utilizing the Records Control Schedule, MP4 Part X, IRS Publication 1075, and the General Records Schedule to determine proper disposition of records.

(2) Ensuring individual employee inventory/file plans are completed and maintained for each business line. Performs an audit of 25% of employee file plans per quarter for a 100% completion no later than the last day of the fiscal year. RLO'sshall also collate supervisor file plans.

(3) Ensuring that division inventory/file plans are completed and maintained for eachbusiness line and submitted to the RMO on an annual basis or when changed/requested. The File Plan is an integral part of the Records Management process and allows for proper managing of records, regardless of the media format.

(4) Completing VA TMS #3873736, “Records Management for Records Officersand Liaisons” annually and other required records management training as directed, in order to fulfill the annual NARA training requirement of 36 CFR 1222.24(b). Providing additional training and/or guidance to employees on business line specific records.

f. **Supervisors.** Supervisors shall be responsible for:

(1) Ensuring staff follow the policies and procedures outlined in this VBA Letter, GRS, RCS VB-1, PART I & PART II, and the Title 36 CFR, Chapter XII, Subchapter B in order to create and preserve documents pertaining to the functions, policies, decisions, procedures, and essential transactions of the station.

(2) Assisting RLO’s on the life cycle of business line specific records.

(3) Reporting all violations to the RMO/RMT and taking the appropriate administrative action.

(4) Completing file plan/inventory for their own desk/files and provide it to theDivision RLO.

(5) Collating employee file plans, reviewing reporting accuracy, and forwarding toRLO.

(6) Ensuring their employees complete their own file plans and provide them to theDivision RLO.

g. **Employees.** Employees shall be responsible for:

(1) Maintaining their workspace and ensuring all records are submitted for disposition and disposal in accordance with the procedures outlined in thispolicy.

(2) Cooperating with their Division RLO to ensure all records are documented on thedivision file inventory and file plan.

(3) Protecting PII and other VA sensitive information in accordance with the Privacy Act of 1974, to include properly disposing of PII when the business need for the Veteran no longer exists.

(4) Annually completing VA TMS #3948000, “Records Management for All VBAEmployees".

5. HARDCOPY RECORDS DISPOSITION PROCEDURES

a. **Shredding Boxes and Envelopes:**

(1) Each employee shall receive at least one red envelope into which records are placed for disposal. Directors maintain discretion to require employees to receiveadditional red envelopes and/or red shred boxes as necessary.

(2) Each Station shall purchase and distribute to all employees the appropriate quantity of red envelopes and shred boxes.

(3) All red envelopes and shred boxes shall be labeled with the applicable employee’s name.

(4) Employees shall reuse the red envelopes and shred boxes and shall not destroy them.

b. **Disposal of Records:**

(1) Documents appropriate for destruction without a review/signature include duplicates with a system-generated signifier or marking present that identifies the document as a duplicate of a document maintained in a VA system; draft ratings/letters/decisions/plans; CAPRI prints; SHARE prints; ERRA prints and/or prints with scanning vendor date/time stamp printed from systems of record(s); documents that automatically electronically upload to VBMS or other systems ofVA document maintenance, e.g. printed versions of rating decisions/letters do not require review and/or signature; documents with PII that are not Compensation and Pension (Comp & Pen) claims related and/or contain a system-generated signifier or marking identifying the document as duplicate do not require a signature or review. Although the documents mentioned above in this paragraph do not require signature/review, the documents must be picked- up and maintained by the RMO/RMT/Director Designee until destroyed.

(2) Examples of documents that do require signature of the employee and second signature review by the RMO/RMT or Director Designee include, but are not limited to, prints from VBMS without a system-generated signifier or marking present that identifies the document as duplicate, a printed or other version of VA Form 27-0820, Report of General Information, copies of faxed VR&E receiptsthat have been incorporated into the Comp & Pen claims folder, any document received from a claimant or claimant's representative, etc.

(3) Follow the below procedures for documents requiring signature review:

c. **Employee Role:**

(1) Bundle paper documents (staple multiple pages) by beneficiary or claimant's name, sign, date, and annotate the top page with the reason for disposal (e.g.,printed in error, printed from VBMS, etc.) and the system that houses the document(s).

(2) Place bundles too thick to be stapled in envelope(s) or fasten by rubber band(s). Please note: Each employee shall receive at least one red envelope into which they can place records for disposal. To support business requirements within the Regional Office, Directors maintain discretion to require employees receive additional red envelopes and/or shred boxes as necessary based on shred volume.

(3) Place documents requiring 2nd review into red envelopes and/or shred boxes (separate from documents that do not require further review/signature). When housing the two types of correspondence together, place documents requiring review/second signature on the top of other document types and separate with a blank sheet of paper.

d. **RMO/RMT/Director Designee Role (Second Signature Documents Only):**

(1) Retrieve red envelopes and/or shred boxes per designated schedule approved by the Director and/or Assistant/Deputy Director.

(2) Review paper documents placed in the red envelope and/or box to determine ifdisposal is appropriate.

(3) Sign and date if concur with destruction.

(4) Notify supervisor in writing and return all documents inappropriately submitted for disposal for proper action.

(5) Update the local incident log if appropriate.

(6) Conduct appropriate training when an incident or violation has occurred.

(7) Notify the VBA Records Officer of any repeat incidents within five business daysof repeat offense.

Note: The Director or designee may assign additional duties to existing FTE to include supervisors, on a temporary or permanent basis to assist with the role defined in number two above. This may be particularly necessary when the RMO/RMT has a high number of employees/records to review.

If the RMO/RMT/Director Designee returns documents determined as inappropriately submitted for destruction and the supervisor/coach disagrees with the finding, the supervisor/coach shall draft a justification/explanation letter addressed to the Assistant Director, via the SSD Chief, explaining his/her decision. The explanation letter and document(s) in question shall be endorsed by the Assistant Director reflecting his/her concurrence or nonconcurrence and be returned to the RMO/RMT for further research. Further research may require consultation with the VBA Records Officer. Otherwise, documents shall be returned to employee(s) for proper disposition.

Note: Due to the United States Court of Appeals decision, Robinson v. McDonald, no Compensation benefit-related records may be destroyed. All Compensation benefit-related records must be maintained in hardcopy form.

e. **Disposition of Records.**

(1) All permanent records and VA sensitive information are to follow an approved record disposition plan, see GRS and RCS VB-1, PART I & PART II, to include: retaining; transferring to a records center for temporary storage; transferring to an archival agency; donating to an eligible repository; and transferring to anapproved image reproduction vendor.

(2) Never place permanent records, sensitive information, and temporary recordscontaining PII with trash, recycling, or other refuse.

(3) Each business line should follow its program-specific handling instructions as shown in the respective appendix. Where conflicting procedures occur, procedures set forth in section five “Hardcopy Records Disposition Procedures” shall take precedence.

f. **Roles for Hard Copy Record Disposal:**

(1) Employee Role:

a. Bundle paper documents (staple multiple pages) by beneficiary or claimant’s name, sign, date, and annotate the top page with the reason for disposal (e.g.,printed in error, printed from VBMS, etc.) and the system that houses the document(s).

b. Place bundles too thick to be stapled in envelope(s) or fasten by rubber band(s). Please note: Each employee shall receive at least one red envelope into which they can place records for disposal. To support business requirements within theRO, Directors maintain discretion to provide additional red envelops and/or shredboxes to employees, as necessary, based on shred volume.

c. Place documents requiring second review into red envelopes and/or shred boxes(separate from documents that do not require further review/signature). When housing the two types of correspondence together, place documents requiring review/second signature on the top of other document types and separate with a blank sheet of paper.

d. Place all records into red envelopes or shred boxes after they are returned bythe supervisor.

(2) Supervisor Role:

a. If the RMO/RMT/Director Designee returns documents determined as inappropriately submitted for destruction and the supervisor disagrees with thefinding, the supervisor shall draft a justification/explanation letter addressed tothe Assistant Director, via the SSD Chief, explaining their decision.

b. The explanation letter and documents in question shall be returned to the RMO/RMT for further research. Further research may require consultation with the VBA Records Officer. Otherwise, return documents to employee(s) for proper disposition.

(3) RMO/RMT role:

a. Retrieve red envelopes and boxes per designated schedule approved by the Director or Assistant/ Deputy Director.

b. Review records to ensure they comply with this policy.

c. Update the records violation tracking log.

d. Notify supervisor and return all records inappropriately submitted for disposal to supervisor.

e. Conduct appropriate training when a records violation has occurred.

f. Notify the VBA Records Officer of records violations immediately upon knowledge of the violation via encrypted e-mail.

g. Keep a log of all records series approved for disposal. This log is not meant to include individual documents, but rather boxes of records within a records series (such as financial records, loan guarantee records, etc.) that have reached their final disposition date and are accompanied by a SF-135, NA 13001, VA Form 7468 etc.

6. ELECTRONIC RECORDS DISPOSITION PROCEDURES

a. **Disposal of Records:**

(1) Delete only temporary records, non-records, or records approved for disposal according to the GRS and RCS VB-1, PART I & PART II.

(2) Once a record is uploaded or created in an electronic system of records, it cannot be deleted without requesting assistance from a program-designated Service Desk or authorized Administrator. No employee shall be able to delete arecord directly.

(3) If a record is identified as being misfiled in an electronic system, the employee shall take immediate action to relocate the document to the correct record location and follow approved procedures to have the misfiled record deleted from the incorrect location. The local Privacy Officer shall be notified before the document in question is moved, to determine if the misfiled document created a privacy violation.

(4) Safeguard documents containing Federal Tax Information (FTI) by following IRSPublication 1075.

(5) Electronic unidentifiable mail shall be processed in the Centralized Mail Portal (CM Portal) as outlined in M21-1, Part III, Subpart ii, Chapter 1, Section B-Mail Management. Packets approved as unidentifiable mail in the UM FIRST AUTHqueue shall be routed to the UM FINAL AUTH queue for review by the RMO orauthorized designee.

(6) The RMO shall review all unidentifiable mail in the UM FINAL AUTH queue toensure that both the user and IPC supervisor or RMC Supervisory Program Support Assistant have provided the note indicating the steps taken to identifythe Veteran. Until additional guidance and/or policy is implemented, UM that reaches SSD offices do not require the notes that are specified in the M21-1. IPC shall classify unidentified SSD Mail as UM in the CM Portal and input the appropriate notes and route to the RMO for final authorization for destruction.

(7) Note: Each program office shall be responsible for developing its own procedure policy on managing the deletion of records within their electronic systems of record (e.g., M21-1, Part III, Subpart ii, Chapter 4, Section G-Folder Maintenance).

b. **Disposition of Records:**

(1) All electronic permanent records and VA sensitive information records are treated the same as hardcopy records and should follow an approved record disposition plan, see RCS VB-1, PART I & PART II, to include (1) retaining, (2) transferring to a records center for temporary storage, (3) transferring to an archival agency, (4) donating to an eligible repository, and (5) transferring to anapproved image reproduction vendor.

(2) Note: Never delete permanent records or VA sensitive information.

7. HANDLING OF UNIDENTIFIABLE MAIL

a. **Disposal of Hardcopy Unidentifiable Mail Records:**

(1) All unidentifiable mail should be turned in to the RMO/RMT.

(2) Unidentifiable mail shall be maintained in a folder marked as “Unidentifiable Mail”in alphabetical order by calendar year.

(3) At the end of the calendar year, mark the folder as closed with the date.

(4) After eighteen months follow proper disposition procedures.

b. **Disposal of Electronic Unidentifiable Mail Records.** Each program office shall be responsible for developing its own procedure policy on managing deletion of unidentifiable mail records within their electronic systems of record (e.g., M21-1, Part III, Subpart ii, Chapter 1, Section B- Mail Management).

8. ELECTRONIC MAIL RECORDS

a. All VBA employees shall use .gov email addresses to conduct government business. Exceptions include man-made or natural emergencies that limit or block the VBA employee from having email network access. When this happens, employees shall copy their government email accounts when using private accounts or move the email into a folder on a network drive and maintain it as a government record as required by VB-1, PARTS 1&2 or GRS. NOTE: If personal email is used during emergent events, care must be taken not to place PII or protected health information (PHI) in employees' personal email accounts.

b. Auto-forwarding of government email messages to personal email accounts is strictly prohibited.

c. All VBA employee emails must be maintained as records based on the content of the email itself (subject driven). The employee must apply the records schedule to emails based on their subjects found in VB1, PARTS 1&2 or GRS. Additionally, due to NARA requirements, if an email is kept for record purposes, it shall be kept in its original electronic format.

d. Instant Messaging (IM) via Outlook is a Federal record when it is used to conduct government business. Instant Messaging "records" are to be managed using the Outlook conversation history folder and maintained the same as email records, with retention per VB-1 PARTS 1&2 and GRS. NOTE: Additional information on this subject can be found in VA Directive 6301, Electronic Mail Records, VA Handbook 6301, Procedures for Handling Electronic Mail Records and VA Handbook 6500, VA Information Security Program.

9. HANDLING OF CONGRESSIONAL CORRESPONDENCE

a. OMS is updating the VBA RCS pertaining to disposition procedures for Congressional correspondence. Until the update is approved, all VBA stations shall follow the VBA RCS VB-1 Part II Item Number 2-3.2 for disposition of Congressional correspondence.

b. Congressional correspondence pertaining to benefit related issues should be treated as evidentiary and be placed in the Veterans hardcopy folder if one already exists, as well as uploaded into the eFolder.

10. HANDLING OF CLASSIFIED MATERIAL

VBA does not accept classified materials for Comp & Pen claims processing. VBA only accepts, handles, and processes “Sensitive” or “Unclassified” Veterans Comp & Pen claims related document materials. VBA is not equipped, nor permitted to receive, handle, copy, store, maintain, or process classified documents. This is due to not having

the appropriate level Sensitive Compartmented Information Facility (SCIF) or the appropriate level classification safes associated with maintenance and storage of classified documents that these classified security levels require.

11. MAINTAINING AND HANDLING OF NON-WORK-RELATED RECORDS:

a. Employees are permitted, at their own risk, to maintain their own PII at their assigned workstations. However, employees are strongly encouraged to securethis information at home.

b. Employees shall not keep copies of VA Form 20-0344/20-0344a containing family member PII at their desks.

c. The depositing of employee personal non-work-related items within the shredboxes for disposal is not authorized. This is a violation of policy due to shredding services being a contracted government service.

12. ITEMS ACCEPTABLE FOR DISPOSAL IN EMPLOYEE TRASH CANS

a. The following are items that may be placed in employee trash cans if the itemsdo not contain any PII or protected information.

b. Food-related waste (food wrappers, containers, paper plates/cups).

c. Packaging materials, including shred cardboard, bubble or plastic wrap.

d. Other plastic items, including file tabs, colored document flags, envelopes, andclear plastic packing tape.

e. Pasteboard food, medication boxes, and cardboard backs of paper tablets.

f. Napkins/facial tissue.

g. Personal magazines and newspapers.

13. HANDLING DISPOSITION OF EMPLOYEE SENSITIVE MATERIAL

Employee sensitive documents (e.g., duplicates of employee documents, corrective actions, and awards) are usually maintained by supervisors, managers, or human resources officials. These documents should be delivered directly to the RMO/RMT in a sealed envelope(s) with the source and type of record clearly identified and signed on the outside of the envelope by the appropriate senior official.

14. SPECIAL INSTRUCTIONS FOR DNA SPECIMENS.

The Department of Defense retained DNA specimens in Service members' health treatment records from 1992 until 1996. In June 1996, the Assistant Secretary of Defense directed the removal of the specimen samples from the health records. Refer DNA specimens found in VA Comp & Pen claims folders to the nearest VA Medical Center for disposition. ROs are encouraged to enter into a memorandum of agreement (MOA) with their respective VA medical campus for disposition of DNA specimens. Disposition of medical x-rays shall follow the proper disposition outlined in VBA RCS, VB-1, Part I, Field, Section XIII, Item 13-061.100 RCS VB-1, PART I & PART II dated January 31, 2014.

15. OUT-BASED LOCATIONS AND TELEWORK EMPLOYEES

a. Out-based locations are VBA facilities that are resident outside of the Regional Office. Typical examples include Military Service Coordinators located on military bases; VR&E offices located in other GSA operated buildings etc.

b. Work-at-home employees are individuals whose assigned duty station is their home and virtually never, if ever, work in the RO. Typical examples include Fiduciary Field Examiners, some VACO staff, etc.

c. Telework employees are individuals whose assigned duty station is the RO, and they come into the RO on a regularly scheduled basis. Typical examples include VSR/RVSRs that are in the office 1 day per week but telework the other days.

d. Out-based locations and work-at-home employees are not authorized to dispose of documents regardless of if documents are Comp & Pen claims related or not. After signing and annotating in accordance with the above guidance (signing and annotating may not be required based on guidance outline above), out-based locations must physically deliver or send documents to the station via UPS or other approved carrier on a regular schedule for RMO/RMT/Director designee second signature, if appropriate, and final destruction. The schedule shall be approved by the Director or designee.

e. Disposition of Temporary Records: RMO/RMT shall maintain documentation, inaccordance with the Records Control Schedule of all Temporary Records approved for disposal. Temporary Records that have met retention as per the Records Control Schedule(s) shall be submitted through the Division Chief or designee with an attached Request for Disposition of Records, VA Form 7468, for final disposition to the RMO.

f. Out-based facilities staffed only by non-supervisory employees and work-at-home employees located nearer to a station other than their assigned station should send their records to the station that is nearest and/or most cost-efficient.In these cases, the station having jurisdiction of the employees and the station that will handle record disposition and disposal shall create a Memorandum of Understanding or similar document that will establish and clarify the records disposal procedures in accordance with this VBA Letter. For purposes of meeting requirements identified in Section 5. sub section b paragraph (3), subparagraph b, number (3), of this VBA Letter, the receiving RMO/RMT or Director's designee shall sign items requiring second signature. Exceptions maybe granted on a case-by-case basis and shall be submitted in writing to the Assistant Director for Administration, OMS via OFO.

g. Telework employees shall not print anything at home, create hard copy notes ortake documents from the RO to their home. If notes are needed, they shall be taken using one of the supplied software programs (Word, One Note, Notepad etc.) and stored on a network drive.

h. FTI records, which have specific requirements for destruction, shall continue tofollow procedures outlined in existing FTI destruction guidance.

16. ESSENTIAL (VITAL) RECORDS

a. Essential records are records essential for maintaining the continuity of VA activities during and following a national security emergency or a natural disaster. These records are categorized as either Emergency Operating Records or Legal and Financial Rights Records as described in VA Handbook 6300.2.

b. Examples of essential records (not all inclusive) are: COOP/OEP plans, COOP/OEP checklists, decision trees, COOP/OEP call rosters, external emergency contacts, orders of succession, delegations of authority, staff contactand assignment information, Standard Operating Procedures (SOPs), RO circulars, list of government purchase card holders, accounts receivable, payroll, accounting, contracts, building plans and building systems operations manual forall agency facilities, and essential records inventory. Consultation with COOP manager may be required for questionable documents.

17. HANDLING SHREDDING REQUESTS FROM TENANTS HOUSED IN VBA FACILITIES

VSOs and other VA organizations (e.g., Office of Information and Technology, Office of General Counsel) housed in VBA facilities who use station disposal services shall clearly identify the source(s) and type(s) of records on the outside of the record before delivering them directly to the RMO/RMT. The senior leader, or designee, for each of the organizations shall sign the record with the name of the official clearly identified. The RMO/RMT shall dispose of the material without further review. Preferably, the RMO/RMT should keep this material separate from the normal disposal record(s) he/she reviews.

18. MAINTAINING GOVERNMENT RECORDS IN EMPLOYEE WORKSTATIONS

a. All official claims folders, FTI, and claims-related records shall be stored in open areas on employee desks, in clearly marked claims file banks, or unlocked desk or file drawers specifically used to store assigned cases.

b. Operations reports, lists, and related workload management records may be stored on employee's desks or in labeled drawers. Training records containing unredacted PII must be kept in an area clearly marked as "training records" and may not be removed from employees' workstations. Redacted training materials shall be stored in open areas on employee desks, in unlocked desk or file cabinets, drawers, overhead bins etc. Supervisors and RMOs/RMTs are responsible for ensuring compliance with all aspects of this policy, to include inspection of employee workstations.

c. The policy on storing records in open and unlocked areas does not apply to functions performed by the Agent Cashier. Storage procedures for conveniencechecks and other negotiable documents remain unchanged.

19. WORKSTATION COMPLIANCE INSPECTIONS

a. The purpose of workstation inspections is to monitor compliance with the provisions of this policy and undertake the appropriate education, training, additional monitoring, or other necessary actions.

b. Quarterly, RMOs/RMTs and team supervisors/coaches, individually or collectively, shall conduct unannounced inspections of workstations of 25 percent of station non-supervisory employees to ensure compliance with this VBA Letter. Since the intent of the unannounced inspections is to obtain an unobstructed vision of the state of the station's records management program, employee presence at the workstation during the inspection is not required per MEMORANDUM OF UNDERSTANDING, VBA POLICY ON MANAGEMENT OFVETERANS' AND OTHER GOVERNMENTAL PAPER RECORDS, dated February 4, 2009.

c. RMO/RMTs and team supervisors shall randomly conduct spot-checks ofemployees' trash cans and recycling bins for PII.

d. RMO/RMTs and team supervisors shall report completed workstation inspections to the RMO/RMTs using enclosure (6), "Workstation Inspection Master Summary" by the 5th of each month.

e. Out-based employees who transport and/or store paper records at their out- based facility shall receive an annual inspection by a supervisor, RMO/RMT,Privacy Officer, team supervisor, or another Director designee.

f. Work at home employees who transport and/or store claims-related paper records at their alternate worksite shall be subject to annual inspections by a supervisor, RMO/RMT, Privacy Officer, or another Director designee. However, telework employees who do not transport and store claims-related paper records at their alternate worksite shall not be subject to these annual inspections.

g. RMO shall compile data received by the team supervisor using enclosure (6) "Workstation Inspection Master Summary" and submit to the SSD Chief or designee by the 6th of each month for review.

h. Each time an employee vacates a workstation due to retirement, move to another location in the building, transfer, or termination, the team supervisor or RMO/RMTshall perform a workstation inspection to appropriately secure PII. Use enclosure (7) "Departing Employee Records Procedures" to ensure departing employees records are managed appropriately.

20. SHREDDING SERVICE CONTRACTS

a. The use of shredding service contracts is the preferred disposal method, unless a contract is not available in the area or it is not cost effective. On-site shredding by a shredding service, and witnessed and certified by the RMO/RMT, is the preferred method of verifying the shred process. The shredding service provider/contractor and the RMO/RMT shall certify each shredding event.

b. Taking material off-site for shredding may be the only option in some locations. When using off-site shredding, the contractor shall certify in writing that the process meets VBA standards for not easily reconstructable or readable as outlined in this VBA Letter. The RMO/RMT shall physically observe and certifythe initial off-site shredding process, and at least once per year make an in- person visit to recertify the contactor's compliance with VBA requirements. Records disposal certification both on and off-site shall be kept on file for 12 months.

c. Contractors who fail to provide service in compliance with these requirements shall be reported immediately to the station's SSD Chief, Contracting Officer's Representative (COR), or designated official in the Director's Office, who shall report the noncompliance to the Director. The station shall take corrective actionto rectify any violations to bring the complete record disposal process into compliance.

d. Shred contractors shall comply with industry standards for cross-cut or double- cut shredding. The final product, if not recycled, shall be disposed of by pulping, macerating, shredding, burning, or otherwise definitively destroying the information contained in the material. Interim shred shall be of such size as to not be easily reconstructable or readable prior to leaving the VBA facility.

e. A physical chain of custody shall never be broken while conducting shredding services. The shred bins and vendor shall always be escorted in VBA facilities bya government employee until the shred collection process is complete. No empty shred bins shall be left unsecured or unattended in the hallways of any VBA facility. Certificates of Destruction reflecting the total number of bins shall be provided by the contracted vendor upon completion.

21. ACCESS TO SHREDDERS WITHIN VBA

a. VBA shall strictly control access to shredders, shred bins, or other methods of record disposal. RMOs/RMTs shall secure all shred bins with locks or locate allshred bins in locked rooms. Only District Directors or the Director for Office of Mission Support shall grant exemptions if dedicated rooms for securing shred bins are not available. If an exemption is granted, the record stating the exemption shall be maintained on file with the RMO/RMT.

b. VBA shall limit the use of personal shredders to individuals who handle sensitive employee information but do not process Comp & Pen claims. These individuals should be limited to senior management, specific operations staff Chiefs, and RMOs/RMTs, as designated in writing by the Director. Directors may also authorize in writing, specific individuals who have demonstrated the need to access shredders and the types of documents they may dispose of without RMO/RMT review.

   These authorizations shall demonstrate no inherent or perceived conflict of interest (e.g., Veterans Service Center and Veteran Readiness and Employment employees are prohibited from accessing VBA station shredders).

c. Union officials may continue to use VA-compliant shredders maintained in lockedunion offices to destroy only documents pertaining to official union business.

d. Shredders used within VBA facilities shall be compliant with VA Directive 6371 Appendix A, dated April 8, 2014, on shred size. Non-VBA organizations (e.g., VSOs) who choose not to use station shredding processes shall obtain a separate shredding service contract or purchase/use VA Directive 6371 compliant shredders at their own expense. This paragraph is only applicable toshredders located within VBA spaces and does not apply to overall shred program requirements."

22. DEFINITIONS

a. Records. Records are all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Governmentunder Federal law or in connection with the transaction of public business. Records are preserved, or appropriate for preservation, by that agency, or its legitimate successor, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government orbecause of the informational value of its data.

b. Permanent Records. As defined in 36 CFR 1220.18, General Definitions, NARAhas determined that permanent records (e.g., original hardcopy documents for research and development projects) have enough value to warrant their preservation in the National Archives of the United States.

c. Temporary Records. Temporary records are records approved by NARA fordisposal, either on an immediate basis or after a specified retention period.

d. VA Sensitive Information. All Department information and/or data on any storage media or in any form or format, which requires protection due to the risk of harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information. The term includes not only information that identifies an individual but also other information where improper use or disclosure could adversely affect the ability of an agency to accomplish its mission; proprietary information; and records about individuals requiring protection under applicable confidentiality provisions (e.g., individually- identifiable medical, benefits, or personnel information).

e. Controlled Unclassified Information (CUI). CUI is information that is to be protected from public disclosure, requiring safeguarding or dissemination controls pursuant to and consistent with applicable laws, regulations, and government-wide policies but is not classified under Executive Order 13526 orthe Atomic Energy Act, as amended. The CUI designation replaces "sensitive but unclassified" and other similar control markings.

f. Disposal. Disposal means the removal of records from VA control and authority by their sale, donation, or assignment of legal custody or title to others (Federal or non-Federal entities), or by their physical destruction, sale as waste material, or other forms of salvage or transfer (includes erasure of information captured ormaintained on electronic media).

g. Disposition. Disposition means maintaining records or recorded information inapproved proper place following their appraisal.

h. Unidentifiable Mail. Mail lacking identifying attributes or adequate information necessary to conclusively identify an individual, associate the correspondence with an existing VBMS claims folder, or create a new electronic claim folder (eFolder).

i. Personally, Identifiable Information (PII). Any information one might use to distinguish or trace an individual's identity (e.g., name, social security number), alone or when combined with other personal or identifying information that is linked or linkable to a specific individual (e.g., date and place of birth, mother's maiden name).

j. Electronic Records. Electronic records are a category of machine-readable records in which the information is represented by electronic impulses on a magnetic medium, such as magnetic tape, disk, or diskette, and which requires the use of specialized equipment to convert the information to human-readable form.

k. Compensation and Pension Benefit-Related Record. Compensation and Pension benefit-related records are defined as any record, in whole or in part, which is associated with documents facilitating the compensation adjudication process.

23. REFERENCES

a. Title 36 CFR, Chapter XII, Subchapter B

b. General Records Schedule

c. VA Directive 6300

d. VA Directive 6371

e. RCS VB-1, PART I & PART II

24. ENCLOSURES

a. Encl 1. Sample RMO/RMT Appointment Letters

b. Encl 2. Sample File Plan Certification Memorandum

c. Encl 3. Sample FSA Certification Memorandum

d. Encl 4. RMO/RMT Records Incident Log

e. Encl 5. Sample File Plan Template

f. Encl 6. Workstation Inspection Master Summary

g. Encl 7. Departing Employee Records Procedures

25. APPENDICES

a. VBA Letter Appendix A. Compensation Service Records Handling Procedures

b. VBA Letter Appendix B. Insurance Service Records Handling Procedures

c. VBA Letter Appendix C. Education Service Records Handling Procedures

d. VBA Letter Appendix D. Veteran Readiness and Employment (VR&E) Service Records Handling Procedures

e. VBA Letter Appendix E. Loan Guaranty Service (LGY) Records Handling Procedures

f. VBA Letter Appendix F. Veterans Benefits Administration (VBA) Electronic Handling Procedures

26. QUESTIONS

Questions regarding this VBA Letter, Records and Information Management, may be directed to VBA's Office of Mission Support (20M3), Records Officer's Centralized Mailbox at RecordsManagement.VBAVACO@va.gov.

Murphy, Thomas, VBASTL

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Date: 2021.09.10 16:01:14 -05'00'

Thomas J. Murphy
Acting Under Secretary for Benefits

Enclosure(s)

- Enclosure 1 – Sample RMO/RMT Appointment Letters
- Enclosure 2 – Sample File Plan Certification Memorandum
- Enclosure 3 – Sample FSA Certification Memorandum
- Enclosure 4 – RMO/RMT Records Incident Log
- Enclosure 5 – Sample File Plan Template
- Enclosure 6 – Workstation Inspection Master Summary
- Enclosure 7 – Departing Employee Records Procedures