55VA26

SYSTEM NAME:

Loan Guaranty Home, Condominium and Manufactured Home Loan Applicant Records, Specially Adapted Housing Applicant Records, and Vendee Loan Applicant Records--VA.

SYSTEM LOCATION:

Records are maintained at the VA Central Office, the regional offices, medical and regional office centers, VA offices and VA data processing centers. These records generally will be maintained by the regional office, medical and regional office center or VA office having jurisdiction over the geographic area in which the property securing a VA guaranteed, insured or direct loan or on which a specially adapted housing grant has been issued is located and at the Servicing Data Processing Centers at Hines, Illinois; Austin, Texas; and St. Paul, Minnesota. Records may be temporarily transferred between fields stations or to VA Central Office for necessary appeals, reviews, or quality control reviews. Address locations are listed in VA Appendix I. Records provided to the Department of Housing and Urban Development (HUD) for inclusion on its Credit Alert Interactive Voice Response System (CAIVRS) are located at a data processing center under contract to HUD at Reston, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by this system: (1) Disabled veterans who have applied for and received specially adapted housing assistance under title 38, United States Code, chapter 21; (2) veterans, their spouses or unmarried surviving spouses who have applied for and received VA housing credit assistance
under title 38, United States Code, chapter 37; (3) person(s) applying to purchase VA owned properties (vendee loans); (4) transferee owners of properties encumbered by a VA-guaranteed, insured, direct or vendee loan (e.g., individuals who have assumed a VA-guaranteed loan and those who have purchased property directly from the VA); and (5) individuals other than those identified above who may have applied for loan guaranty benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records (or information contained in records) may include the following: (1) Military service information from a veteran’s discharge certificate (DD Form 214, 215) which specifies name, service number, date of birth, rank, period of service, length of service, branch of service, pay grade, and other information relating to a veteran’s military service (e.g., character of service, assigned separation reason code, whether a veteran is out of the service); (2) medical records containing specific information regarding a veteran’s physical disability (e.g., blindness, paraplegic condition, loss of limbs) which is used to determine eligibility and need for specially adapted housing. Adjudication records relating to: (a) Medical determinations by the VA that a veteran is eligible and needs specially adapted housing; or (b) VA determinations on whether a veteran who has received an other than honorable discharge should be eligible for VA credit assistance benefits; (3) applications for certificates of eligibility (these applications generally contain information from a veteran’s military service records except for character of discharge); (4) applications for FHA veterans’ low-down payment loans (these applications generally contain information from a veteran’s military service records including whether or not a veteran is in the service); (5) applications for a guaranteed or direct loan, applications for release of liability, applications for substitutions of VA entitlement and applications for specially adapted housing (these applications generally contain information relating to employment, income, credit, personal data; e.g., social security number, marital status, number and identity of dependents; assets and liabilities at financial institutions, profitability data concerning business of self-employed individuals, information relating to an individual veteran’s loan account and payment history on a VA-guaranteed, direct, or vendee loan on an acquired property, medical information when specially adapted housing is sought, and information regarding whether a veteran owes a debt to the United States) and may be accompanied by other supporting documents which contain the above information; (6) applications for the purchase of a VA acquired property (e.g., vendee loans—these applications generally contain personal and business information on a prospective purchaser such as social security number, credit, income, employment history, payment history, business references, personal information and other financial obligations and may be accompanied by other supporting documents which contain the above information); (7) loan instruments including deeds, notes, installment sales contracts, and mortgages; (8) property management information; e.g., condition and value of property, inspection reports, certificates of reasonable value, correspondence and other information regarding the condition of the property (occupied, vandalized), and a legal description of the property; (9) information regarding VA loan servicing activities regarding default, repossession and foreclosure procedures, assumability of loans,
payment of taxes and insurance, filing of judgments (liens) with State or local authorities and other related matters in connection with active and/or foreclosed loans; and (10) information regarding the status of a loan (i.e., approved, pending or rejected by the VA).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, chapter 3, section 210(c)(1); title 38, United States Code, chapters 21 and 37.

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

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 request of that individual.
2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency 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.
3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.
4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local government agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.
5. Any information in this system, such as the name and address of a veteran or the veteran’s spouse, and the property address may be disclosed to credit reporting agencies, companies extending credit, depository institutions, utility companies, investors, insurance companies, governmental agencies, lenders, and employers to enable such parties to provide the VA with information regarding income, credit, assets and liabilities information on applicants, mortgagors, or obligors and to provide the VA with information regarding the status of obligations, payment records, employment histories, assets for closing fees and other assets and liabilities.
6. Information on the application for a guaranteed or direct loan, and on the certificate of reasonable value and information verifying an applicant’s employment and/or amount of deposit in a financial institution, may be disclosed to a prospective mortgagee proposing to make a guaranteed loan on the veteran applicant’s behalf.

7. Information regarding the status (i.e., approved, pending, or rejected) or an application for VA loan benefits or for a loan account and the reasons for rejection may be disclosed to a prospective lender. When the VA has rejected a loan application, the information disclosed may include information from another VA record such as a debt which the veteran owes to the United States or information from a claims file relating to a veteran’s ability to discharge an obligation.

8. Only the fact that the loan has been approved, rejected, or is pending may be disclosed to a seller, a spouse of a seller, or the spouse of the veteran-applicant who is an actual party in interest to the guaranteed, insured or direct loan transaction in order to inform such party of the status of the loan application. However, a statement of the reason for rejection of the loan may also be provided to the spouse of the veteran-applicant, if the spouse is a joint applicant for the loan or would be jointly liable on the loan.

9. Any information on the application for a VA-acquired property (vendee loan) concerning a prospective purchaser may be disclosed to a broker aiding in the sale of a VA-acquired property in order that the broker may assist the prospective purchaser in completing his or her application. Such information may include an explanation of specific loan document discrepancies or specific information on income or credit.

10. Information on the status (i.e., the payment record), of a guaranteed, insured, direct, or VA-acquired property (vendee) loan account(s) may be disclosed to persons or organizations extending credit or providing services or other benefits to the obligor, or persons or organizations considering the extension of credit, services or other benefits to the potential obligor provided the name, address, or other information necessary to identify the obligor is given beforehand by the requester.

11. The name and address of an obligor (e.g., an individual who has obtained a VA-guaranteed loan or purchased a VA property), and the account number (insurance, tax number) may be disclosed to hazard insurance companies and real estate taxing authorities to obtain billings and to authorize payments of such obligations as they become due from the direct and vendee (portfolio) loan escrow accounts.

12. Information as to the acceptability or nonacceptability of a prospective purchaser preparing to assume liability to VA under a mortgage contract or of a prospective purchaser preparing to substitute loan guaranty entitlement for the party presently obligated may be disclosed to parties presently liable on a VA loan, loan guaranty or loan insurance agreement. In addition, the acceptability or nonacceptability of a transferee owner may be disclosed to parties presently liable on a VA loan, loan guaranty or loan insurance agreement, for the purpose of releasing the original veteran borrower, or a veteran who substituted loan guaranty entitlement for the original veteran borrower, from liability. The reason(s) for nonacceptability of the prospective loan assumption or transferee or of a purchaser/transferee (e.g. poor credit history, insufficient income and/or debts owed the U.S.) may also be disclosed to parties presently liable on a VA loan, loan guaranty or loan insurance agreement in order to inform the parties presently liable of the reasons for the nonacceptability.
13. Information on the default status of a delinquent loan account (e.g., amount of payments in arrears, number of months in arrears, what efforts the VA has taken to service the loan, condition of the property, repayment schedule, and total amount of debt) may be disclosed to prior owners remaining contingently liable for indebtedness to permit prior owners to take necessary action(s) to protect their interest where loan liquidation is indicated and to prevent a possible debt to the Government which may be placed against the prior owner.

14. Any information in this system such as current obligor, prior obligors, debt outstanding, current credit reports containing an obligor’s name and address and date(s) and cause of the default, and loan account information (e.g., loan account number, property condition, legal description, date loan issued, amount of loan and amount in arrears) may be disclosed to the U.S. Department of Justice or United States Attorneys in order for the Department of Justice of U.S. Attorneys to liquidate a defaulted loan by judicial process, and take title on the foreclosed property in accordance with State law. Any information in this system may also be disclosed to the Department of Justice or U.S. Attorneys in order for the foregoing parties to prosecute or defend litigation involving or pertaining to the United States. Any relevant information in this system may also be disclosed to other Federal agencies upon their request in connection with review of administrative tort claims and potential tort claims filed under the Federal Tort Claims Act, 28 U.S.C. 2672, the Military Claims Act, 10 U.S.C. 2733, and other similar claims statutes.

15. Loan account information (e.g., loan account number, property condition, legal description of property, date loan issued, amount of loan and amount in arrears), current credit reports containing name and address of an obligor and the cause and date(s) of default may be disclosed to the General Accounting Office (GAO) to enable the GAO to pursue necessary collection activities and obtain a judgment against the obligor(s).

16. Any information in a direct or vendee loan account record may be disclosed to active investors purchasing or considering the purchase of VA direct or vendee loans from VA or from a previous investor. Such information will be furnished to active prospective investors to provide a basis for their submitting an offer to purchase loans and to actual investors in order that they may establish loan accounts on purchased loans. Such information may also be disclosed to financial advisors to assist VA in developing strategies for marketing these loans, and to investment bankers, bond rating agencies, other government agencies, private mortgage insurance companies, bonding companies, master servicers, and others involved in the marketing or sale of vendee loans, including legal counsel, accountants and auditors for such entities.

17. Any information in this system, including the nature and amount of a financial obligation, may be disclosed to a debtor’s Federal employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer and to assist in the collection of unpaid financial obligations owed the U.S. This purpose is consistent with 5 U.S.C 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

18. Any information in this system may be disclosed to a guardian ad litem in relation to the guardian’s representation of a veteran in any legal or administrative proceeding so long as the disclosure is for the benefit of the veteran.
19. Any information in this system such as available identifying information regarding the debtor(s), name of debtor(s) spouse, social security account number of debtor(s), VA insurance number(s), VA loan number(s), VA claim number(s), place(s) of birth and date(s) of birth of debtor(s), name(s) and address(es) of debtor(s) employer(s), and dates of employment may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus in order for the VA to obtain current name, address, locator and credit report assistance in the collection of unpaid financial obligations owed to the United States. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89-508, 31 U.S.C. 951-953 and 4 CFR parts 101-105), and the disclosure is authorized by 38 U.S.C. 3301(b)(6).

20. Any information in this system, such as a loan applicant’s or a defaulted obligor’s (i.e., a defaulted obligor is an individual that has not performed one or more of the required obligations under the terms of the loan instruments) name and address, property address, balance of debt, amount of debt owed per month, loan account number, credit reports and reasons for notice to quit, may be disclosed to fee attorneys, fee appraisers, management brokers, process servers, subordinate lien holders, title companies, and abstractors for the purposes of loan approval or loan termination of direct or vendee loans by judicial or nonjudicial means, to obtain possession of VA property in cases of default or Foreclosure to issue and post Demands for Possession or Notices to Quit, to file judgments (liens) in accordance with State and local law and to carry out all other necessary VA program responsibilities. VA fee attorneys may disclose record information contained therein to title insurance companies and title agents, for Trustee’s sale advertisements, and to subordinate lien holders. This disclosure authority by VA fee attorneys is consistent with 38 U.S.C. 3301 (e) and (h).

21. An obligor’s social security number and other information regarding the filing of judgments (liens) may be disclosed to appropriate State and local authorities in order to conform to State and local law requirements and to assist the VA and State and local authorities in identifying VA judgment debtors on State and local judgment records. This disclosure is consistent with 38 U.S.C. 3301(b)(6).

22. Any information in this system relating to the adjudication of incompetency of a veteran either by a court of competent jurisdiction or by the VA may be disclosed to a lender or prospective lender extending credit or proposing to extend credit on behalf of a veteran in order for the VA to protect incompetent veterans from entering into unsound financial transactions which might deplete the resources of the veteran and to protect the interests of the Government giving credit assistance to a veteran.

23. Any information in this system may be disclosed to a Federal Grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

24. Any information in this system may be disclosed to a State or municipal court or a party in litigation; or to a State or municipal grand jury, a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant
information made under this routine use must comply with the provisions of 38 CFR 1.511.

25. Any information concerning the veteran’s indebtedness to the United States by virtue of a person’s participation in a benefits program administered by the VA, including personal information obtained from other Federal agencies through computer matching programs, may be disclosed to any third party, except consumer reporting agencies, in connection with any proceeding for the collection of any amount owed to the United States. Purposes of these disclosures may be (a) to assist the VA in collection of title 38 benefit overpayments, overdue indebtedness, and/or costs of services provided individuals not entitled to such services, and (b) to initiate legal actions for prosecuting individuals who willfully or fraudulently obtained title 38 benefits without entitlement. This disclosure is consistent with 38 U.S.C. 3301(b)(6).

26. The name and address of an obligor, other information as is reasonably necessary to identify such person, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning such person’s delinquency or default on a loan made or guaranteed by the VA may be disclosed to a consumer reporting agency for purposes of reporting delinquencies, defaults and indebtedness and assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met.

27. Any information in this system, except for the name and address of a veteran, may be disclosed to a Federal agency in order for the VA to obtain information relevant to the making, insuring, or guaranteeing of a loan under chapter 37 of title 38 U.S.C. The name and address of a veteran may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

28. The name of a veteran, or other beneficiary, other information as is reasonably necessary to identify such individual, and any other information concerning the individual’s indebtedness by virtue of a person’s participation in a benefits program administered by the VA, may be disclosed to the Treasury Department, Internal Revenue Service, for the collection of Title 38, U.S.C. benefit overpayments, overdue indebtedness, and/or costs of services provided to an individual not entitled to such services, by the withholding of all or a portion of the person’s Federal income tax refund.

29. Any information in the system may be disclosed to the Department of the Treasury, Internal Revenue Service, where required by law, including the borrower’s name, address, social security or taxpayer identification number, amount of interest paid, and information relating to any abandonment or foreclosure of a property.

30. Any information on a property which has been acquired by VA such as loan number, property address, property survey, title limitations/policy, termite inspections, existing warranties, repairs made by VA and items still requiring repair, and dues payable to and services provided by homeowner or condominium associations may be disclosed to prospective purchasers and their representatives in order to assist VA in the timely disposal of its acquired properties. Such information may include the name of the purchaser and purchaser’s sales agent, price and terms of the successful offeror’s, along with the reason(s) for selecting such offer over any other competing offer.

31. Any information in the system may be disclosed to the lender or holder of a VA guaranteed loan, or their attorneys, in support of a decision by VA to reject a claim under guaranty, demand reimbursement for a claim previously paid, or in the course of
settlement negotiations. When a demand for reimbursement will be made against a party other than the lender or holder, such as the real estate broker, fee appraiser or seller of the property, the information may be disclosed to the party and its attorneys.

32. The social security number and loan account number of all persons with VA-guaranteed and portfolio loans which fall under one of the following categories: (a) The accounts are not current; (b) there has been a foreclosure; or © the Department has paid a claim, may be provided to the Department of Housing and Urban Development for inclusion in its Credit Alert Interactive Voice Response System (CAIVRS). Information included in this system may be disclosed to all participating agencies and lenders who participate in the agencies’ programs to enable them to verify information provided by new loan applicants and evaluate the creditworthiness of applicants. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

33. Relevant loan guaranty record information may be disclosed to any individual, organization, or other entity with whom VA has a contract or agreement under which that entity will perform services to assist VA in the administration of the Loan Guaranty Program. The information that may be disclosed under this routine use is limited to that which is necessary to permit the contractor to perform the services required under the contract or agreement.

34. Any information in this system may be disclosed to an active VA lender, lender's agent, mortgage broker, or other program participant in response to a request from that individual or entity if that information is necessary in connection with the origination of a VA-guaranteed Interest Rate Reduction Refinancing Loan (IRRRL). In order to obtain information under this routine use, the party requesting the information must establish the fact that it is a participant in the VA home loan program through the use of a VA lender identification number. The requester must also provide the veteran's name and social security number and the month and year of the loan being refinanced or the 12-digit VA loan number.

35. Any information in this system may be disclosed to a service member's commanding officer or designee if VA determines that sharing this information is necessary in order to reach a service member who has otherwise not responded to VA to attempt to assist in curing a default or resolving a foreclosure or eviction of a VA-guaranteed or direct loan.

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

STORAGE:

VA-guaranteed, insured, direct and vendee loan records are maintained in individual folders on paper documents and on automated storage media (i.e., microfilm, microfiche, magnetic tape and magnetic disks.)
RETRIEVABILITY:

All VA loan applications and loan records are indexed by name and VA loan file number in the local VA office having jurisdiction over the geographic area in which the property is located. Automated records are indexed for statistical purposes by a file number, field station and county code number and lender identification number. However, an individual loan record in automated format may only be retrieved by name or loan number. Records in CAIVRS may only be retrieved by social security number.

SAFEGUARDS:

Access to VA working spaces and record file storage areas is restricted to VA employees on a “need to know” basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service or other VA security personnel. Loan and property security instruments are stored in separate fire resistant locked files. VA employee loan file records and other files which, in the opinion of VA, are, or may become, sensitive are stored in separate locked files. Information in the system may be accessed from authorized terminals in the VA telecommunications network. Terminal locations include VA Central Office and regional offices. Access to terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violations logs, information logs and control of password and badge readers and audible alarms. Electronic keyboard locks are activated on security errors. Also, beginning in 1986, sensitive files were established using the social security numbers of the VA Veterans Benefits Administration employees and other prominent individuals to prevent indiscriminate access to their automated records.

At the data processing centers, identification of magnetic tape 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 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. Access to the data processing center where HUD maintains CAIVRS is generally restricted to center employees, authorized HUD employees and authorized subcontractors. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted. Access to the data processing center where HUD maintains CAIVRS is generally restricted to center employees, authorized HUD employees and authorized subcontractors. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted. Files in CAIVRS use social security numbers as identifiers. Access to information in 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 touchtone telephone by authorized agency and lender employees on a “need to know” basis.
A VA-approved, active VA lender, lender's agent, mortgage broker, or other program participant may obtain access to the computerized VA system maintaining this system of records for the purpose of learning whether an applicant for a VA-guaranteed IRRRL has a current VA-guaranteed loan under the following circumstances. The lender must log on to the system using the unique 10-digit lender identification number assigned by VA and a unique password. The lender also must enter information identifying the specific veteran for whom the IRRRL lender seeks information, including the veteran's name, social security number and other identifying information, such as the 12-digit loan number for the veteran's current VA-guaranteed loan or the month and year of the loan.

VA-guaranteed, insured, direct and vendee loan records are maintained in individual folders on paper documents, on automated storage media (i.e., microfilm, microfiche, magnetic tape and magnetic disks), and on electronically scanned documents.

RETENTION AND DISPOSAL

Records in individualized case folder concerning active VA guaranteed or insured loans are retained at the VA servicing facility for up to three years and forwarded to the Federal Archives and Records Center (FARC) where they are retained up to thirty-three years and then destroyed. Active direct loan case folders are retained at the VA servicing facility until the case becomes inactive, e.g., existing loan balance is paid in full. Inactive guaranteed and direct loan folders are forwarded to the FARC annually, retained for five years and then destroyed. Vendee loan records being maintained in case folders are kept at the VA servicing facility until five years after the case becomes inactive and are then destroyed. Specially adapted housing (SAH) records are maintained either at VA Central Office (VACO) and/or the VA servicing facility. Once SAH records are closed, SAH records at VACO are maintained for one year and then sent to the FARC where they are retained for thirty years and then destroyed. Closed SAH records maintained at regional offices are maintained for ten years and then destroyed. Generally, automated records (e.g., computer lists, discs, and microfiche) are maintained for up to five years and then destroyed. Destruction of records is accomplished by shredding, burning, and/or erasure. File information for CAIVRS is provided to HUD by VA on magnetic tape. After information from the tape has been read into the computer the tape is returned to VA for updating. HUD does not keep separate copies of the tape.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Loan Guaranty Service (26), VA Central Office, Washington, DC 20420.

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
nearest Veterans Administration regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved, i.e.; Loan Guaranty. Inquiries should include the individual’s full name, VA file number or loan number. If the VA file or loan number is not available, then as much of the following information as possible should be forwarded: Address of the property secured by a VA-guaranteed, insured or portfolio loan, owner or former owners of the property, name of lender and lender’s loan number, branch of service, service number or social security number. Some of the records in this system are exempt from the notification requirement under 5 U.S.C. 552a(k). To the extent that records in this system of records are not subject to exemption, they are subject to notification. A determination as to whether an exemption applies shall be made at the time a request for notification is received.

RECORD ACCESS PROCEDURES:

An individual who seeks access to or wishes to contest records maintained under his or her name in this system may write, call or visit the nearest Veterans Administration regional office or center. Address locations are listed in VA Appendix 1 at the end of this document. However, some of the records in this system are exempt from the record access and contesting requirements under 5 U.S.C. 552a(k). To the extent that records in this system of records are not subject to exemption, they are subject to access and contest. A determination as to whether an exemption applies shall be made at the time a request for access or contest is received.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

The VA records in this system are obtained from the applicant, lenders, brokers and builder/sellers, an applicant’s credit sources, depository institutions and employers, hazard insurance companies, taxing authorities, title companies, fee personnel, other VA records, other Federal, State and local agencies, and other parties of interest involving VA-guaranteed, insured, vendee or direct loans or specially adapted housing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Administrator of Veterans Affairs has exempted this system of records from the following provisions of the Privacy Act of 1974, as permitted by 5 U.S.C. 552a(k)(2).

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)
5 U.S.C. 552a(e)(1)
5 U.S.C. 552a(e)(4)(G), (H) and (I)

5 U.S.C. 552a(f)

Reasons for exemptions: The exemption of information and material in this system of records is necessary in order to accomplish the law enforcement functions of the Loan Guaranty Service to prevent subjects of internal audit investigations for potential fraud and abuse in the VA Loan Guaranty Program from frustrating the investigatory process, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information and to avoid endangering these sources.