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## Tenn. Code Ann. § 10-7-504

### Copy Citation

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[TN - Tennessee Code Annotated](#)   [Title 10 Public Libraries, Archives and Records](#)   [Chapter 7 Public Records](#)   [Part 5 Miscellaneous Provisions](#)

### 10-7-504. Confidential records — Exceptions.

**(a)**

**(1)**

**(A)** The medical records of patients in state, county, and municipal hospitals and medical facilities, and the medical records of persons receiving medical treatment, in whole or in part, at the expense of the state, county, or municipality, shall be treated as confidential and shall not be open for inspection by members of the public. Any records containing the source of body parts for transplantation or any information concerning persons donating body parts for transplantation shall be treated as confidential and shall not be open for inspection by members of the public. Individually identifiable health information collected, created, or prepared by the department of health shall be treated as confidential and shall not be open for inspection by members of the public; provided, however, that the department may disclose such information as authorized or required by law.

**(B)** As used in this subdivision (a)(1), "individually identifiable health information" means information related to the physical or mental health of an individual and that explicitly or by implication identifies the individual who is the subject of the information, including by name, address, birth date, death date, admission or discharge date, telephone number, facsimile number, electronic mail address, social security number, medical record number, health plan beneficiary number, account number, certificate or license number, biometric identifier, or any other identifying number, characteristic, or code.

**(2)**

**(A)** All investigative records of the Tennessee bureau of investigation, the office of inspector general, all criminal investigative files of the department of agriculture and the department of environment and conservation, all criminal investigative files of the motor vehicle enforcement division of the department of safety relating to stolen vehicles or parts, all criminal investigative files and records of the Tennessee alcoholic beverage commission, and all files of the handgun carry permit and driver license issuance divisions of the department of safety relating to bogus handgun carry permits and bogus driver licenses issued to undercover law enforcement agents shall be treated as confidential and shall not be open to inspection by members of the public. The information contained in such records shall be disclosed to the public only in compliance with a subpoena or an order of a court of record; provided, however, that such investigative records of the Tennessee bureau of investigation shall be open to inspection by elected



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vote of the entire membership or an ad hoc committee appointed specifically to study unsolved civil rights crimes that occurred between 1938 and 1975 and that is composed only of elected members of the general assembly. Any record inspected pursuant to this exception shall maintain its confidentiality throughout the inspection. Records shall not be available to any member of the executive branch except to the governor and to those directly involved in the investigation in the specified agencies.

**(B)** The records of the departments of agriculture and environment and conservation and the Tennessee alcoholic beverage commission referenced in subdivision (a)(2)(A) shall cease to be confidential when the investigation is closed by the department or commission or when the court in which a criminal prosecution is brought has entered an order concluding all proceedings and the opportunity for direct appeal has been exhausted; provided, however, that any identifying information about a confidential informant or undercover law enforcement agent shall remain confidential.

**(C)** The Tennessee bureau of investigation, upon written request by an authorized person of a state governmental agency, is authorized to furnish and disclose to the requesting agency the criminal history, records and data from its files, and the files of the federal government and other states to which it may have access, for the limited purpose of determining whether a license or permit should be issued to any person, corporation, partnership or other entity, to engage in an authorized activity affecting the rights, property or interests of the public or segments thereof.

**(3)** The records, documents and papers in the possession of the military department which involve the security of the United States and/or the state of Tennessee, including, but not restricted to, national guard personnel records, staff studies and investigations, shall be treated as confidential and shall not be open for inspection by members of the public.

**(4)**

**(A)** The records of students in public educational institutions shall be treated as confidential.

Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto, and except in consequence of due legal process or in cases when the safety of persons or property is involved. The governing board of the institution, the department of education, and the Tennessee higher education commission shall have access on a confidential basis to such records as are required to fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed.

**(B)** Notwithstanding subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), an institution of post-secondary education shall disclose to an alleged victim of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

**(C)** Notwithstanding subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an institution of post-secondary education shall disclose the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

**(D)** For the purpose of this section, the final results of any disciplinary proceeding:

**(i)** Shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student;



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**(iii)** Shall only apply to disciplinary hearings in which the final results were reached on or after October 7, 1998.

**(E)** Notwithstanding subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an educational institution shall disclose information provided to the institution under former § 40-39-106 [repealed], concerning registered sex offenders who are required to register under former § 40-39-103 [repealed].

**(F)** Notwithstanding subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an institution of higher education shall disclose to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol, a controlled substance or a controlled substance analogue, regardless of whether that information is contained in the student's education records, if:

**(i)** The student is under twenty-one (21) years of age;

**(ii)** The institution determines that the student has committed a disciplinary violation with respect to such use or possession; and

**(iii)** The final determination that the student committed such a disciplinary violation was reached on or after October 7, 1998.

**(G)** Notwithstanding subdivision (a)(4)(A), § 37-5-107 or § 37-1-612, the institution shall release records to the parent or guardian of a victim or alleged victim of child abuse or child sexual abuse pursuant to § 37-1-403(i)(3) or § 37-1-605(d)(2). Any person or entity that is provided access to records under this subdivision (a)(4)(G) shall be required to maintain the records in accordance with state and federal laws and regulations regarding confidentiality.

**(5)**

**(A)** The following books, records and other materials in the possession of the office of the attorney general and reporter which relate to any pending or contemplated legal or administrative proceeding in which the office of the attorney general and reporter may be involved shall not be open for public inspection:

**(i)** Books, records or other materials which are confidential or privileged by state law;

**(ii)** Books, records or other materials relating to investigations conducted by federal law enforcement or federal regulatory agencies, which are confidential or privileged under federal law;

**(iii)** The work product of the attorney general and reporter or any attorney working under the attorney general and reporter's supervision and control;

**(iv)** Communications made to or by the attorney general and reporter or any attorney working under the attorney general and reporter's supervision and control in the context of the attorney-client relationship; or

**(v)** Books, records and other materials in the possession of other departments and agencies which are available for public inspection and copying pursuant to §§ 10-7-503 and 10-7-506. It is the intent of this section to leave subject to public inspection and copying pursuant to §§ 10-7-503 and 10-7-506 such books, records and other materials in the possession of other departments even though copies of the same books, records and other materials which are also in the possession of the office of the attorney general and reporter are not subject to inspection or copying in the office of the attorney general and reporter; provided, that such records, books and materials are available for copying and inspection in such other departments.

**(B)** Books, records and other materials made confidential by this subsection (a) which are in the possession of the office of the attorney general and reporter shall be open to inspection by the elected members of the general assembly, if such inspection is directed by a duly adopted resolution of either house or of a standing or joint committee of either house and is required for the conduct of legislative business.

**(C)** Except for subdivision (a)(5)(B), the books, records and materials made confidential or privileged by this subdivision (a)(5) shall be disclosed to the public only in the discharge of the duties of the office of the attorney general and reporter.



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been finalized. This shall not prohibit any party to a condemnation action from making discovery relative to values pursuant to the Rules of Civil Procedure as prescribed by law.

**(7)** Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda, shall be available for public inspection only after the completion of evaluation of same by the state. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to same, shall be available for public inspection only after the completion of evaluation of same by the state.

**(8)** All investigative records and reports of the internal affairs division of the department of correction or of the department of children's services shall be treated as confidential and shall not be open to inspection by members of the public. However, an employee of the department of correction or of the department of children's services shall be allowed to inspect such investigative records and reports if the records or reports form the basis of an adverse action against the employee. An employee of the department of correction shall also be allowed to inspect such investigative records of the internal affairs division of the department of correction, or relevant portion thereof, prior to a due process hearing at which disciplinary action is considered or issued unless the commissioner of correction specifically denies in writing the employee's request to examine such records prior to the hearing. The release of reports and records shall be in accordance with the Tennessee Rules of Civil Procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. The information contained in such records and reports shall be disclosed to the public only in compliance with a subpoena or an order of a court of record.

**(9)**

**(A)** Official health certificates, collected and maintained by the state veterinarian pursuant to rule chapter 0080-2-1 of the department of agriculture, shall be treated as confidential and shall not be open for inspection by members of the public.

**(B)** Any data or records provided to or collected by the department of agriculture pursuant to the implementation and operation of premise identification or animal tracking programs shall be considered confidential and shall not be open for inspection by members of the public. Likewise, all contingency plans prepared concerning the department's response to agriculture-related homeland security events shall be considered confidential and shall not be open for inspection by members of the public. The department may disclose data or contingency plans to aid the law enforcement process or to protect human or animal health.

**(C)** Information received by the state that is required by federal law or regulation to be kept confidential shall be exempt from public disclosure and shall not be open for inspection by members of the public.

**(10)**

**(A)** The capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee venture capital network at Middle Tennessee State University shall be treated as confidential and shall not be open for inspection by members of the public.

**(B)** As used in this subdivision (a)(10), unless the context otherwise requires:

**(i)** "Capital plans" means plans, feasibility studies, and similar research and information that will contribute to the identification of future business sites and capital investments;

**(ii)** "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships;

**(iii)** "Proprietary information" means commercial or financial information which is used either directly or indirectly in the business of any person or company submitting information to the Tennessee venture capital network at Middle Tennessee State University, and which gives such person an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information;

**(iv)** "Trade secrets" means manufacturing processes, materials used therein, and costs associated with the manufacturing process of a person or company submitting information to the Tennessee venture



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public libraries, or libraries of a unit of the Tennessee board of regents of the University of Tennessee, when the owner or donor of such records wishes to place restrictions on access to the records shall be treated as confidential and shall not be open for inspection by members of the public. This exemption shall not apply to any records prepared or received in the course of the operation of state or local governments.

**(12)** Personal information contained in motor vehicle records shall be treated as confidential and shall only be open for inspection in accordance with title 55, chapter 25.

**(13)**

**(A)** All memoranda, work notes or products, case files and communications related to mental health intervention techniques conducted by mental health professionals in a group setting to provide job-related critical incident counseling and therapy to law enforcement officers, county and municipal correctional officers, dispatchers, emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and professional, are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless all parties waive such privilege. In order for such privilege to apply, the incident counseling and/or therapy shall be conducted by a qualified mental health professional as defined in § 33-1-101.

**(B)** For the purposes of this section, "group setting" means that more than one (1) person is present with the mental health professional when the incident counseling and/or therapy is being conducted.

**(C)** All memoranda, work notes or products, case files and communications pursuant to this section shall not be construed to be public records pursuant to this chapter.

**(D)** Nothing in this section shall be construed as limiting a licensed professional's obligation to report suspected child abuse or limiting such professional's duty to warn about dangerous individuals as provided under §§ 33-3-206 — 33-3-209, or other provisions relevant to the mental health professional's license.

**(E)** Nothing in this section shall be construed as limiting the ability of a patient or client, or such person's survivor, to discover under the Rules of Civil Procedure or to admit in evidence under the Rules of Evidence any memoranda, work notes or products, case files and communications which are privileged by this section and which are relevant to a health care liability action or any other action by a patient against a mental health professional arising out of the professional relationship. In such an action against a mental health professional, neither shall anything in this section be construed as limiting the ability of the mental health professional to so discover or admit in evidence such memoranda, work notes or products, case files and communications.

**(14)** All riot, escape and emergency transport plans which are incorporated in a policy and procedures manual of county jails and workhouses or prisons operated by the department of correction or under private contract shall be treated as confidential and shall not be open for inspection by members of the public.

**(15)**

**(A)** As used in this subdivision (a)(15), unless the context otherwise requires:

**(i)** "Identifying information" means the home and work addresses and telephone numbers, social security number, and any other information that could reasonably be used to locate the whereabouts of an individual;

**(ii)** "Protection document" means:

**(a)** An order of protection issued pursuant to title 36, chapter 3, part 6, that has been granted after proper notice and an opportunity to be heard;

**(b)** A similar order of protection issued by the court of another jurisdiction;

**(c)** An extension of an ex parte order of protection granted pursuant to § 36-3-605(a);

**(d)** A similar extension of an ex parte order of protection granted by a court of competent jurisdiction in another jurisdiction;

**(e)** A restraining order issued by a court of competent jurisdiction prohibiting violence against the person to whom it is issued;



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**(9)** An affidavit from the director of a rape crisis center, domestic violence shelter, or human trafficking service provider, as defined in § 36-3-623, certifying that an individual is a victim in need of protection; provided, that such affidavit is on a standardized form to be developed and distributed to such centers, shelters, and providers by the Tennessee task force against domestic violence; and

**(iii)** "Utility service provider" means any entity, whether public or private, that provides electricity, natural gas, water, or telephone service to customers on a subscription basis, whether or not regulated by the Tennessee public utility commission.

**(B)** If the procedure set out in this subdivision (a)(15) is followed, identifying information compiled and maintained by a utility service provider concerning a person who has obtained a valid protection document shall be treated as confidential and not open for inspection by the public.

**(C)** For subdivision (a)(15)(B) to be applicable, a copy of the protection document must be presented during regular business hours by the person to whom it was granted to the records custodian of the utility service provider whose records such person seeks to make confidential, and such person must request that all identifying information about such person be maintained as confidential.

**(D)** The protection document must at the time of presentation be in full force and effect. The records custodian may assume that a protection document is in full force and effect if it is on the proper form and if on its face it has not expired.

**(E)** Upon being presented with a valid protection document, the records custodian shall accept receipt of it and maintain it in a separate file containing in alphabetical order all protection documents presented to such records custodian pursuant to this subdivision (a)(15). Nothing in this subdivision (a)(15) shall be construed as prohibiting a records custodian from maintaining an electronic file of such protection documents provided the records custodian retains the original document presented.

**(F)** Identifying information concerning a person that is maintained as confidential pursuant to this subdivision (a)(15) shall remain confidential until the person who requested such confidentiality notifies in person the records custodian of the appropriate utility service provider that there is no longer a need for such information to remain confidential. A records custodian receiving such notification shall remove the protection document concerning such person from the file maintained pursuant to subdivision (a)(15)(E), and the identifying information about such person shall be treated in the same manner as the identifying information concerning any other customer of the utility. Before removing the protection document and releasing any identifying information, the records custodian of the utility service provider shall require that the person requesting release of the identifying information maintained as confidential produce sufficient identification to satisfy such custodian that that person is the same person as the person to whom the document was originally granted.

**(G)** After July 1, 1999, if information is requested from a utility service provider about a person other than the requestor and such request is for information that is in whole or in part identifying information, the records custodian of the utility service provider shall check the separate file containing all protection documents that have been presented to such utility. If the person about whom information is being requested has presented a valid protection document to the records custodian in accordance with the procedure set out in this subdivision (a)(15), and has requested that identifying information about such person be maintained as confidential, the records custodian shall redact or refuse to disclose to the requestor any identifying information about such person.

**(H)** Nothing in this subdivision (a)(15) shall prevent the district attorney general and counsel for the defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subdivision (a)(15).

**(16)**

**(A)** As used in this subdivision (a)(16), unless the context otherwise requires:

**(i)** "Governmental entity" means the state of Tennessee and any county, municipality, city or other political subdivision of the state of Tennessee;

**(ii)** "Identifying information" means the home and work addresses and telephone numbers, social security number, and any other information that could reasonably be used to locate the whereabouts of



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- (a) An order of protection issued pursuant to title 36, chapter 3, part 6, that has been granted after proper notice and an opportunity to be heard;
- (b) A similar order of protection issued by the court of another jurisdiction;
- (c) An extension of an ex parte order of protection granted pursuant to § 36-3-605(a);
- (d) A similar extension of an ex parte order of protection granted by a court of competent jurisdiction in another jurisdiction;
- (e) A restraining order issued by a court of competent jurisdiction prohibiting violence against the person to whom it is issued;
- (f) A court order protecting the confidentiality of certain information issued upon the request of a district attorney general to a victim or witness in a criminal case, whether pending or completed; and
- (g) An affidavit from the director of a rape crisis center or domestic violence shelter certifying that an individual is a victim in need of protection; provided, that such affidavit is on a standardized form to be developed and distributed to such centers and shelters by the Tennessee task force against domestic violence.
- (B) If the procedure set out in this subdivision (a)(16) is followed, identifying information compiled and maintained by a governmental entity concerning a person who has obtained a valid protection document may be treated as confidential and may not be open for inspection by the public.
- (C) For subdivision (a)(16)(B) to be applicable, a copy of the protection document must be presented during regular business hours by the person to whom it was granted to the records custodian of the governmental entity whose records such person seeks to make confidential, and such person must request that all identifying information about such person be maintained as confidential.
- (D) The protection document presented must at the time of presentation be in full force and effect. The records custodian may assume that a protection document is in full force and effect if it is on the proper form and if on its face it has not expired.
- (E) Upon being presented with a valid protection document, the record custodian may accept receipt of it. If the records custodian does not accept receipt of such document, the records custodian shall explain to the person presenting the document why receipt cannot be accepted and that the identifying information concerning such person will not be maintained as confidential. If the records custodian does accept receipt of the protection document, such records custodian shall maintain it in a separate file containing in alphabetical order all protection documents presented to such custodian pursuant to this subdivision (a)(16). Nothing in this subdivision (a)(16) shall be construed as prohibiting a records custodian from maintaining an electronic file of such protection documents; provided, that the custodian retains the original document presented.
- (F) Identifying information concerning a person that is maintained as confidential pursuant to this subdivision (a)(16) shall remain confidential until the person requesting such confidentiality notifies in person the appropriate records custodian of the governmental entity that there is no longer a need for such information to remain confidential. A records custodian receiving such notification shall remove the protection document concerning such person from the file maintained pursuant to subdivision (a)(16) (E), and the identifying information about such person shall be treated in the same manner as identifying information maintained by the governmental entity about other persons. Before removing the protection document and releasing any identifying information, the records custodian of the governmental entity shall require that the person requesting release of the identifying information maintained as confidential produce sufficient identification to satisfy such records custodian that that person is the same person as the person to whom the document was originally granted.
- (G)
- (i) After July 1, 1999, if:
- (a) Information is requested from a governmental entity about a person other than the person making the request;
- (b) Such request is for information that is in whole or in part identifying information; and
- (c) The records custodian of the governmental entity to whom the request was made accepts receipt of protection documents and maintains identifying information as confidential;



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presented a valid protection document to the records custodian in accordance with the procedure set out in this subdivision (a)(16), and has requested that identifying information about such person be maintained as confidential, the records custodian shall redact or refuse to disclose to the requestor any identifying information about such person.

**(H)** Nothing in this subdivision (a)(16) shall prevent the district attorney general and counsel for the defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subdivision (a)(16).

**(I)** In an order of protection case, any document required for filing, other than the forms promulgated by the supreme court pursuant to § 36-3-604(b), shall be treated as confidential and kept under seal except that the clerk may transmit any such document to the Tennessee bureau of investigation, 911 service or emergency response agency or other law enforcement agency.

**(17)** The telephone number, address, and any other information which could be used to locate the whereabouts of a domestic violence shelter, family safety center, rape crisis center, or human trafficking service provider, as defined in § 36-3-623, may be treated as confidential by a governmental entity, and shall be treated as confidential by a utility service provider, as defined in subdivision (a)(15), upon the director of the shelter, family safety center, crisis center, or human trafficking service provider giving written notice to the records custodian of the appropriate entity or utility that such shelter, family safety center, crisis center, or human trafficking service provider desires that such identifying information be maintained as confidential. The records of family safety centers shall be treated as confidential in the same manner as the records of domestic violence shelters pursuant to § 36-3-623.

**(18)** Computer programs, software, software manuals, and other types of information manufactured or marketed by persons or entities under legal right and sold, licensed, or donated to Tennessee state boards, agencies, political subdivisions, or higher education institutions shall not be open to public inspection; provided, that computer programs, software, software manuals, and other types of information produced by state or higher education employees at state expense shall be available for inspection as part of an audit or legislative review process.

**(19)** Credit card account numbers and any related personal identification numbers (PIN) or authorization codes in the possession of the state or a political subdivision thereof shall be maintained as confidential and shall not be open for inspection by members of the public.

**(20)**

**(A)** For the purposes of this subdivision (a)(20), the following terms shall have the following meaning:

**(i)** "Consumer" means any person, partnership, limited partnership, corporation, professional corporation, limited liability company, trust, or any other entity, or any user of a utility service;

**(ii)** "Municipal" and "municipality" means a county, metropolitan government, incorporated city, town of the state, or utility district as created in title 7, chapter 82;

**(iii)** "Private records" means a credit card number, social security number, tax identification number, financial institution account number, burglar alarm codes, security codes, access codes, and consumer-specific energy and water usage data except for aggregate monthly billing information; and

**(iv)** "Utility" includes any public electric generation system, electric distribution system, water storage or processing system, water distribution system, gas storage system or facilities related thereto, gas distribution system, wastewater system, telecommunications system, or any services similar to any of the foregoing.

**(B)** The private records of any utility shall be treated as confidential and shall not be open for inspection by members of the public.

**(C)** Information made confidential by this subsection (a) shall be redacted wherever possible and nothing in this subsection (a) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains confidential information. For purposes of this section only, it shall be presumed that redaction of such information is possible. The entity requesting the records shall pay all reasonable costs associated with redaction of materials.





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**(E)** Nothing in this subsection (a) shall be construed to limit access to information made confidential under this subsection (a), when the consumer expressly authorizes the release of such information.

**(21)**

**(A)** The following records shall be treated as confidential and shall not be open for public inspection:

**(i)** Records that would allow a person to identify areas of structural or operational vulnerability of a utility service provider or that would permit unlawful disruption to, or interference with, the services provided by a utility service provider;

**(ii)** All contingency plans of a governmental entity prepared to respond to or prevent any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat involving a weapon of mass destruction, or terrorist incident.

**(B)** Documents concerning the cost of governmental utility property, the cost of protecting governmental utility property, the cost of identifying areas of structural or operational vulnerability of a governmental utility, the cost of developing contingency plans for a governmental entity, and the identity of vendors providing goods or services to a governmental entity in connection with the foregoing shall not be confidential. However, any documents relating to these subjects shall not be made available to the public unless information that is confidential under this subsection (a) or any other provision of this chapter has been redacted or deleted from the documents.

**(C)** As used in this subdivision (a)(21):

**(i)** "Governmental entity" means the state of Tennessee or any county, municipality, city or other political subdivision of the state of Tennessee;

**(ii)** "Governmental utility" means a utility service provider that is also a governmental entity; and

**(iii)** "Utility service provider" means any entity, whether public or private, that provides electric, gas, water, sewer or telephone service, or any combination of the foregoing, to citizens of the state of Tennessee, whether or not regulated by the Tennessee public utility commission.

**(D)** Nothing in this subdivision (a)(21) shall be construed to limit access to these records by other governmental agencies performing official functions or to preclude any governmental agency from allowing public access to these records in the course of performing official functions.

**(22)** The following records shall be treated as confidential and shall not be open for public inspection:

**(A)** The audit working papers of the comptroller of the treasury and state, county and local government internal audit staffs conducting audits as authorized by § 4-3-304. For purposes of this subdivision (a) (22) "audit working papers" includes, but is not limited to, auditee records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and all other records relating to an audit or investigation;

**(B)** All information and records received or generated by the comptroller of the treasury containing allegations of unlawful conduct or fraud, waste or abuse;

**(C)** All examinations administered by the comptroller of the treasury as part of the assessment certification and education program, including, but not limited to, the total bank of questions from which the tests are developed, the answers, and the answer sheets of individual test takers; and

**(D)** Survey records, responses, data, identifying information as defined in subdivision (a)(15), intra-agency and interagency communications, and other records received to serve as input for any survey created, obtained, or compiled by the comptroller of the treasury; provided, however, this subdivision (a)(22)(D) shall not apply to any survey conducted by the office of open records counsel, created by § 8-4-601.

**(23)** All records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the state board of education under § 49-1-302 shall be treated as confidential and shall not be open to the public. Nothing in this subdivision (a)(23) shall be construed to prevent the LEA, public charter school, state board of education, or department of education from accessing and utilizing such records as required to fulfill their lawful functions. Lawful functions shall include the releasing of such records to parties conducting research in accordance with § 49-1-606(b).



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(a)(24), proprietary information means commercial or financial information which is used either directly or indirectly in the business of any person or company submitting information to the alcoholic beverage commission and which gives such person an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information.

**(25)** A voluntary association that establishes and enforces bylaws or rules for interscholastic sports competition for secondary schools in this state shall have access to records or information from public, charter, non-public, other schools, school officials and parents or guardians of school children as is required to fulfill its duties and functions. Records or information relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing, and personal family information in the possession of such association shall be confidential.

**(26)**

**(A)** Job performance evaluations of the following employees shall be treated as confidential and shall not be open for public inspection:

- (i)** Employees of the department of treasury;
- (ii)** Employees of the comptroller of the treasury;
- (iii)** Employees of the secretary of state's office; and
- (iv)** Employees of public institutions of higher education.

**(B)** For purposes of this subdivision (a)(26), "job performance evaluations" includes, but is not limited to, job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations.

**(C)** Nothing in this subdivision (a)(26) shall be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

**(27)** E-mail addresses collected by the department of state's division of business services, except those that may be contained on filings submitted pursuant to title 47, chapter 9, or § 55-3-126(f), shall be treated as confidential and shall not be open to inspection by members of the public.

**(28)** Proposals and statements of qualifications received by a local government entity in response to a personal service, professional service, or consultant service request for proposals or request for qualifications solicitation, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, shall not be open for public inspection until the intent to award the contract to a particular respondent is announced.

**(29)**

**(A)** No governmental entity shall publicly disclose personally identifying information of any citizen of the state unless:

- (i)** Permission is given by the citizen;
- (ii)** Distribution is authorized under state or federal law; or
- (iii)** Distribution is made:

**(a)** To a consumer reporting agency as defined by the federal Fair Credit Reporting Act (15 U.S.C. §§ 1681 et seq.);

**(b)** To a financial institution subject to the privacy provisions of the federal Gramm Leach Bliley Act (15 U.S.C. § 6802); or

**(c)** To a financial institution subject to the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (31 U.S.C. §§ 5311 et seq.).

**(B)**

**(i)** This subdivision (a)(29) does not prohibit the use of personally identifying information by a governmental entity in the performance of its functions or the disclosure of personally identifying information to another governmental entity, or an agency of the federal government, or a private person or entity that has been authorized to perform certain duties as a contractor of the governmental entity.

**(ii)** Any person or entity receiving personally identifying information from a governmental entity shall be subject to the same confidentiality provisions as the disclosing entity; provided, however, that the



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**(C)** For purposes of this subdivision (a)(29), personally identifying information means:

- (i)** Social security numbers;
- (ii)** Official state or government issued driver licenses or identification numbers;
- (iii)** Alien registration numbers or passport numbers;
- (iv)** Employer or taxpayer identification numbers;
- (v)** Unique biometric data, such as fingerprints, voice prints, retina or iris images, or other unique physical representations; or
- (vi)** Unique electronic identification numbers, routing codes or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data.

**(30)**

**(A)** Proprietary information, trade secrets, and marketing information submitted to any food-based business incubation service provider created by a municipality shall be treated as confidential and shall not be open for inspection by members of the public.

**(B)** As used in this subdivision (a)(30):

**(i)** "Proprietary information":

**(a)** Means commercial or financial information that is used either directly or indirectly in the business of any person or company submitting information to a food-based business incubation service provider, and that gives such person or company an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information; and

**(b)** Does not include lease agreements with the incubation service provider, the identity of businesses or persons using the incubation service provider's services, amounts paid to the incubation service provider by businesses or persons for use of facilities or for other services, or financial records of the incubation service provider;

**(ii)** "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships; and

**(iii)** "Trade secret" means a manufacturing process, materials used therein, and costs associated with the manufacturing process of any person or company submitting information to a food-based business incubation service provider.

**(31)**

**(A)** Except as provided in subdivisions (a)(31)(B)-(D), personally identifying information of any person named in any motor vehicle accident report is confidential and not open for public inspection.

**(B)** Notwithstanding subdivision (a)(31)(A) and upon written request, any person named in any motor vehicle accident report, or such person's agent, legal representative, or attorney, certifying that the person has permission from the person, persons, or entities authorized to obtain motor vehicle records information pursuant to § 55-25-107(b)(1), (b)(6) or (b)(9), is authorized to receive an accident report containing personally identifying information of persons involved in the accident.

**(C)** Notwithstanding subdivision (a)(31)(A), any federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency, may use personally identifying information in carrying out the agency's functions.

**(D)** Nothing in this subdivision (a)(31) prevents a law enforcement entity from releasing information about traffic accidents to the public, including the name, age, and county or city of residence of a person involved in an accident, when the law enforcement entity determines such release is in the best interest of the agency and for the public good.

**(E)** For purposes of this subdivision (a)(31), "personally identifying information" means:

- (i)** Street addresses and zip codes;
- (ii)** Telephone numbers;
- (iii)** Driver license numbers; and
- (iv)** Insurance information.

**(F)** This subdivision (a)(31) is repealed June 30, 2026.



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they cannot be read, interpreted or reconstructed. The destruction shall be in accordance with an approved records disposition authorization from the public records commission.

**(c)** Notwithstanding any law to the contrary, any confidential public record in existence more than seventy (70) years shall be open for public inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law or unless the record is a record of services for a person for mental illness or intellectual and developmental disabilities. This section does not apply to a record concerning an adoption or a record maintained by the office of vital records or by the Tennessee bureau of investigation. For the purpose of providing an orderly schedule of availability for access to such confidential public records for public inspection, all records created and designated as confidential prior to January 1, 1901, shall be open for public inspection on January 1, 1985. All other public records created and designated as confidential after January 1, 1901 and which are seventy (70) years of age on January 1, 1985, shall be open for public inspection on January 1, 1986; thereafter all such records shall be open for public inspection pursuant to this part after seventy (70) years from the creation date of such records.

**(d)** Records of any employee's identity, diagnosis, treatment, or referral for treatment that are maintained by any state or local government employee assistance program shall be confidential; provided, that any such records are maintained separately from personnel and other records regarding such employee that are open for inspection. For purposes of this subsection (d), "employee assistance program" means any program that provides counseling, problem identification, intervention, assessment, or referral for appropriate diagnosis and treatment, and follow-up services to assist employees of such state or local governmental entity who are impaired by personal concerns including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns which may adversely affect employee job performance.

**(e)** Unpublished telephone numbers in the possession of emergency communications districts created pursuant to title 7, chapter 86, or the emergency communications board created pursuant to § 7-86-302 or its designated agent shall be treated as confidential and shall not be open for inspection by members of the public until such time as any provision of the service contract between the telephone service provider and the consumer providing otherwise is effectuated; provided, that addresses held with such unpublished telephone numbers, or addresses otherwise collected or compiled, and in the possession of emergency communications districts created pursuant to title 7, part 86, or the emergency communications board created pursuant to § 7-86-302 or its designated agent shall be made available upon written request to any county election commission for the purpose of compiling a voter mailing list for a respective county.

**(f)**

**(1)** The following records or information of any state, county, municipal or other public employee or former employee, or applicant to such position, or of any law enforcement officer commissioned pursuant to § 49-7-118, in the possession of a governmental entity or any person in its capacity as an employer shall be treated as confidential and shall not be open for inspection by members of the public:

**(A)** Home telephone and personal cell phone numbers;

**(B)** Bank account and individual health savings account, retirement account and pension account information; provided, that nothing shall limit access to financial records of a governmental employer that show the amounts and sources of contributions to the accounts or the amount of pension or retirement benefits provided to the employee or former employee by the governmental employer;

**(C)** Social security number;

**(D)**

**(i)** Residential information, including the street address, city, state and zip code, for any state employee; and

**(ii)** Residential street address for any county, municipal or other public employee;

**(E)** Driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of the employee's job;



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**(G)** Emergency contact information, except for that information open to public inspection in accordance with subdivision (f)(1)(D)(ii); and

**(H)** Personal, nongovernment issued, email address.

**(2)** Information made confidential by this subsection (f) shall be redacted wherever possible and nothing in this subsection (f) shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.

**(3)** Nothing in this subsection (f) shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

**(4)** Nothing in this subsection (f) shall be construed to close any personnel records of public officers which are currently open under state law.

**(5)** Nothing in this subsection (f) shall be construed to limit access to information made confidential under this subsection (f), when the employee expressly authorizes the release of such information.

**(6)** Notwithstanding any provision to the contrary, the bank account information for any state, county, municipal, or other public employee, former employee or applicant to such position, or any law enforcement officer commissioned pursuant to § 49-7-118, that is received, compiled or maintained by the department of treasury, shall be confidential and not open for inspection by members of the public, regardless of whether the employee is employed by the department of treasury. The bank account information that shall be kept confidential shall include, but not be limited to bank account numbers, transit routing numbers and the name of the financial institutions.

**(7)** Notwithstanding any provision to the contrary, the following information that is received, compiled or maintained by the department of treasury relating to the department's investment division employees who are so designated in writing by the state treasurer shall be kept confidential and not open for inspection by members of the public: holdings reports, confirmations, transaction reports and account statements relative to securities, investments or other assets disclosed by the employee to the employer, or authorized by the employee to be released to the employer directly or otherwise.

**(8)**

**(A)** Any person required by law to treat information described in subdivision (f)(1)(D) as confidential commits an offense if such information pertains to a law enforcement officer or a county corrections officer and:

**(i)** The person acts with criminal negligence, as defined in § 39-11-106, in releasing the information to the public; or

**(ii)** The person knows the information is to be treated as confidential and intentionally releases the information to the public.

**(B)**

**(i)** A violation of subdivision (f)(8)(A)(i) is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500).

**(ii)** A violation of subdivision (f)(8)(A)(ii) is a Class A misdemeanor.

**(C)** Subdivision (f)(8)(A) shall not apply if:

**(i)** The law enforcement officer or county corrections officer whose information is treated as confidential under subdivision (f)(1)(D) expressly authorizes the release of such information; or

**(ii)** The information is released pursuant to court order.

**(g)**

**(1)**

**(A)**

**(i)** All law enforcement personnel information in the possession of any entity or agency in its capacity as an employer, including officers commissioned pursuant to § 49-7-118, shall be open for inspection as provided in § 10-7-503(a), except personal information shall be redacted where there is a reason not to disclose as determined by the chief law enforcement officer or the chief law enforcement officer's designee.

**(ii)** When a request to inspect includes personal information and the request is for a professional, business, or official purpose, the chief law enforcement officer or custodian shall consider the specific



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circumstances, the officer shall be notified prior to disclosure of the personal information and shall be given a reasonable opportunity to be heard and oppose the release of the information. Nothing in this subdivision (g)(1) shall be construed to limit the requestor's right to judicial review set out in § 10-7-505.

**(iii)** The chief law enforcement officer shall reserve the right to segregate information that could be used to identify or to locate an officer designated as working undercover.

**(B)** In addition to the requirements of § 10-7-503(c), the request for a professional, business, or official purpose shall include the person's business address, business telephone number and email address. The request may be made on official or business letterhead and the person making the request shall provide the name and contact number or email address for a supervisor for verification purposes.

**(C)** If the chief law enforcement official, the chief law enforcement official's designee, or the custodian of the information decides to withhold personal information, a specific reason shall be given to the requestor in writing within two (2) business days, and the file shall be released with the personal information redacted.

**(D)** For purposes of this subsection (g), personal information shall include the officer's residential address, home and personal cellular telephone number; place of employment; name, work address and telephone numbers of the officer's immediate family; name, location, and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled.

**(2)** Nothing in this subsection (g) shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains some information made confidential by subdivision (g) (1).

**(3)** Nothing in this subsection (g) shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

**(4)** Except as provided in subdivision (g)(1), nothing in this subsection (g) shall be construed to close personnel records of public officers, which are currently open under state law.

**(5)** Nothing in this subsection (g) shall be construed to limit access to information made confidential by subdivision (g)(1), when the employee expressly authorizes the release of such information.

**(h)**

**(1)** Notwithstanding any other law to the contrary, those parts of the record identifying an individual or entity as a person or entity who or that has been or may in the future be directly involved in the process of executing a sentence of death shall be treated as confidential and shall not be open to public inspection. For the purposes of this section "person or entity" includes, but is not limited to, an employee of the state who has training related to direct involvement in the process of executing a sentence of death, a contractor or employee of a contractor, a volunteer who has direct involvement in the process of executing a sentence of death, or a person or entity involved in the procurement or provision of chemicals, equipment, supplies and other items for use in carrying out a sentence of death. Records made confidential by this section include, but are not limited to, records related to remuneration to a person or entity in connection with such person's or entity's participation in or preparation for the execution of a sentence of death. Such payments shall be made in accordance with a memorandum of understanding between the commissioner of correction and the commissioner of finance and administration in a manner that will protect the public identity of the recipients; provided, that, if a contractor is employed to participate in or prepare for the execution of a sentence of death, the amount of the special payment made to such contractor pursuant to the contract shall be reported by the commissioner of correction to the comptroller of the treasury and such amount shall be a public record.

**(2)** Information made confidential by this subsection (h) shall be redacted wherever possible and nothing in this subsection (h) shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.

**(i)**

**(1)** Information that would allow a person to obtain unauthorized access to confidential information or to government property shall be maintained as confidential. For the purpose of this section,



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Under this section, governmental entity means the state of Tennessee and any county, municipality, city or other political subdivision of the state of Tennessee. Such records include:

- (A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;
- (B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and
- (C) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.

(2) Information made confidential by this subsection (i) shall be redacted wherever possible and nothing in this subsection (i) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains confidential information.

(3)

(A) Documents concerning the cost of protecting government property or electronic information shall not be confidential.

(B) The identity of a vendor that provides to the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information shall be confidential.

(C) The identity of a vendor that provides to a governmental entity other than the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information shall not be confidential; provided, that the identity of the vendor shall be confidential if the governing body of the governmental entity votes affirmatively to make such information confidential.

(D) Notwithstanding subdivisions (i)(3)(B) and (C), a governmental entity shall, upon request, provide the identity of a vendor to the comptroller of the treasury, the fiscal review committee of the general assembly, and any member of the general assembly. If the identity of the vendor is confidential under subdivision (i)(3)(B) or (i)(3)(C), the comptroller, fiscal review committee, or member shall exercise reasonable care in maintaining the confidentiality of the identity of the vendor obtained under this subdivision (i)(3)(D).

(j)

(1) Notwithstanding any other law to the contrary, identifying information compiled and maintained by the department of correction and the board of parole concerning any person shall be confidential when the person has been notified or requested that notification be provided to the person regarding the status of criminal proceedings or of a convicted felon incarcerated in a department of correction institution, county jail or workhouse or under state supervised probation or parole pursuant to § 40-28-505, § 40-38-103, § 40-38-110, § 40-38-111, § 41-21-240 or § 41-21-242.

(2) For purposes of subdivision (j)(1), "identifying information" means the name, home and work addresses, telephone numbers and social security number of the person being notified or requesting that notification be provided.

(k) The following information regarding victims who apply for compensation under the Criminal Injuries Compensation Act, compiled in title 29, chapter 13, shall be treated as confidential and shall not be open for inspection by members of the public:

- (1) Residential information, including the street address, city, state and zip code;
- (2) Home telephone and personal cell phone numbers;
- (3) Social security number; and
- (4) The criminal offense from which the victim is receiving compensation.

(l)

(1) All applications, certificates, records, reports, legal documents and petitions made or information received pursuant to title 37 that directly or indirectly identifies a child or family receiving services from the department of children's services or that identifies the person who made a report of harm pursuant to § 37-1-403 or § 37-1-605 shall be confidential and shall not be open for public inspection, except as provided by §§ 37-1-131, 37-1-409, 37-1-612, 37-5-107 and 49-6-3051.



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the department of children's services but any state or local agency, including, but not limited to, law enforcement and the department of education.

**(m)**

**(1)** Information and records that are directly related to the security of any government building shall be maintained as confidential and shall not be open to public inspection. For purposes of this subsection (m), "government building" means any building that is owned, leased or controlled, in whole or in part, by the state of Tennessee or any county, municipality, city or other political subdivision of the state of Tennessee. Such information and records include, but are not limited to:

**(A)** Information and records about alarm and security systems used at the government building, including codes, passwords, wiring diagrams, plans and security procedures and protocols related to the security systems;

**(B)** Security plans, including security-related contingency planning and emergency response plans;

**(C)** Assessments of security vulnerability;

**(D)** Information and records that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and

**(E)** Surveillance recordings, whether recorded to audio or visual format, or both, except segments of the recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity. In addition, if the recordings are relevant to a civil action or criminal prosecution, then the recordings may be released in compliance with a subpoena or an order of a court of record in accordance with the Tennessee rules of civil or criminal procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. Release of any segment or segments of the recordings shall not be construed as waiving the confidentiality of the remaining segments of the audio or visual tape.

**(2)** Information made confidential by this subsection (m) shall be redacted wherever possible and nothing in this subsection (m) shall be used to limit or deny access to otherwise public information because a file or document contains confidential information.

**(n)**

**(1)** Notwithstanding any law to the contrary, the following documents submitted to the state in response to a request for proposal or other procurement method shall remain confidential after completion of the evaluation period:

**(A)** Discount, rebate, pricing or other financial arrangements at the individual drug level between pharmaceutical manufacturers, pharmaceutical wholesalers/distributors, and pharmacy benefits managers, as defined in § 56-7-3102, that a proposer:

**(i)** Submits to the state in response to a request for proposals or other procurement methods for pharmacy-related benefits or services;

**(ii)** Includes in its cost or price proposal, or provides to the state after the notice of intended award of the contract is issued, where the proposer is the apparent contract awardee; and

**(iii)** Explicitly marks as confidential and proprietary; and

**(B)** Discount, rebate, pricing or other financial arrangements at the individual provider level between health care providers and health insurance entities, as defined in § 56-7-109, insurers, insurance arrangements and third party administrators that a proposer:

**(i)** Submits to the state in response to a request for proposals or other procurement method after the notice of intended award of the contract is issued, where the proposer is the apparent contract awardee, in response to a request by the state for additional information; and

**(ii)** Explicitly marks as confidential and proprietary.

**(2)**

**(A)** Information made confidential by subdivision (n)(1) shall be redacted wherever possible; and nothing contained in this subsection (n) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains confidential information. The confidentiality





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such information shall only be used to validate the accuracy of the apparent contract awardee's proposal and shall not be used to alter the scope of the information required by the state's procurement document requesting proposals. Any report produced by the state, or on the state's behalf, utilizing the information made confidential by subdivision (n)(1)(B) shall not be considered confidential hereunder so long as such report is disclosed in an aggregate or summary format without disclosing discount, rebate, pricing or other financial arrangements at the individual provider level.

**(B)** The comptroller of the treasury, for the purpose of conducting audits or program evaluations, shall have access to the discount, rebate, pricing and descriptions of other financial arrangements cited in this subsection (n) as submitted in a procurement or as a report to the contractor; provided, however, that no official, employee or agent of the state of Tennessee may release or provide for the release, in any form, of information subject to confidential custody under this subsection (n).

**(o)**

**(1)** Except as provided in subdivisions (o)(2)-(4), the following information and records are confidential, not open or available for public inspection and shall not be released in any manner:

**(A)** All information contained in any application for a handgun carry permit issued pursuant to § 39-17-1351, § 39-17-1365, or § 39-17-1366, a permit renewal application, or contained in any materials required to be submitted in order to obtain such a permit;

**(B)** All information provided to any state or federal agency, to any county, municipality, or other political subdivision, to any official, agent, or employee of any state or federal agency, or obtained by any state or federal agency in the course of its investigation of an applicant for a handgun carry permit; and

**(C)** Any and all records maintained relative to an application for a handgun carry permit issued pursuant to § 39-17-1351, § 39-17-1365, or § 39-17-1366, a permit renewal application, the issuance, renewal, expiration, suspension, or revocation of a handgun carry permit, or the result of any criminal history record check conducted under this part.

**(2)** Any information or other records regarding an applicant or permit holder may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution, or for determining the validity of a handgun carry permit, or to a child support enforcement agency for purposes of child support enforcement, but shall not be publicly disclosed except as evidence in a criminal or child support enforcement proceeding.

**(3)** Any person or entity may request the department of safety to search its handgun permit holder database to determine if a named person has a Tennessee handgun carry permit, as of the date of the request, if the person or entity presents with the request a judgment of conviction, criminal history report, order of protection, or other official government document or record that indicates the named person is not eligible to possess a handgun carry permit under the requirements of § 39-17-1351, § 39-17-1365, or § 39-17-1366.

**(4)** Nothing in this subsection (o) shall prohibit release of the handgun carry permit statistical reports authorized by § 39-17-1351(s).

**(p)** Information, records, and plans that are related to school security, the district-wide school safety plans or the building-level school safety plans shall not be open to public inspection. Nothing in this part shall be interpreted to prevent school administrators of an LEA from discussing or distributing information to parents or legal guardians of children attending the school regarding procedures for contacting or obtaining a child following a natural disaster.

**(q)**

**(1)** Where a defendant has pled guilty to, or has been convicted of, and has been sentenced for a sexual offense or violent sexual offense specified in § 40-39-202, the following information regarding the victim of the offense shall be treated as confidential and shall not be open for inspection by members of the public:

**(A)** Name, unless waived pursuant to subdivision (q)(2);

**(B)** Home, work and electronic mail addresses;

**(C)** Telephone numbers;

**(D)** Social security number; and



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**(A)** At any time after the defendant or defendants in a case have been sentenced for an offense specified in subdivision (q)(1), the victim of such offense whose name is made confidential pursuant to subdivision (q)(1)(A) may waive such provision and allow the victim's name to be obtained in the same manner as other public records.

**(B)** The district attorney general prosecuting the case shall notify the victim that the victim has the right to waive the confidentiality of the information set forth in subdivision (q)(1)(A).

**(C)** If the victim executes a written waiver provided by the district attorney general's office to waive confidentiality pursuant to subdivision (q)(2)(A), the waiver shall be filed in the defendant's case file in the office of the court of competent jurisdiction.

**(3)** Nothing in this subsection (q) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (q).

**(4)** Nothing in this subsection (q) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (q) (1); provided, that confidential information shall be redacted before any access is granted to a member of the public.

**(5)** Nothing in this subsection (q) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

**(r)** Notwithstanding any provision to the contrary, any bank account information that is received, compiled, or maintained by a state governmental agency, shall be confidential and shall not be an open record for inspection by members of the public. The bank account information that shall be kept confidential includes, but is not limited to, debit card numbers and any related personal identification numbers (PINs) or authorization codes, bank account numbers, and transit routing numbers.

**(s)** The records of the insurance verification program created pursuant to the James Lee Atwood Jr. Law, compiled in title 55, chapter 12, part 2, in the possession of the department of revenue or its agent, the department of safety, the department of commerce and insurance, law enforcement, and the judiciary pursuant to the James Lee Atwood Jr. Law, shall be treated as confidential and shall not be open for inspection by members of the public. Subsection (c) shall not apply to the records described in this subsection (s).

**(t)**

**(1)** The following information concerning the victim of a criminal offense who is a minor shall be treated as confidential and shall not be open for inspection by members of the public:

**(A)** Name, unless waived pursuant to subdivision (t)(2);

**(B)** Home, work, and electronic mail addresses;

**(C)** Telephone numbers;

**(D)** Social security number;

**(E)** Any photographic or video depiction of the minor victim; and

**(F)** Whether the defendant is related to the victim unless the relationship is an essential element of the offense.

**(2)** The custodial parent or legal guardian of the minor victim of an offense whose name is made confidential pursuant to subdivision (t)(1)(A) may petition a court of record to waive confidentiality and allow the minor victim's name to be obtained in the same manner as other public records. Upon finding good cause shown, the court shall enter the order granting the waiver.

**(3)** This subsection (t) shall not be construed to:

**(A)** Restrict the application of Rule 16 of the Tennessee Rules of Criminal Procedure in any court or the disclosure of information required of counsel by the state or federal constitution;

**(B)** Limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (t)(1); provided, that confidential information shall be redacted before any access is granted to a member of the public;



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**(d)** Limit or prevent law enforcement from releasing information included in this subsection (c) for the purposes of locating and identifying missing, exploited, or abducted minors.

**(u)**

**(1)** Video taken by a law enforcement body camera that depicts the following shall be treated as confidential and not subject to public inspection:

**(A)** Minors, when taken within a school that serves any grades from kindergarten through grade twelve (K-12);

**(B)** The interior of a facility licensed under title 33 or title 68; or

**(C)** The interior of a private residence that is not being investigated as a crime scene.

**(2)** Nothing in this subsection (u) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant charged with a criminal offense from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (u).

**(3)** Nothing in this subsection (u) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (u) (1); provided, that confidential information shall be redacted before any access is granted to a member of the public.

**(4)** Nothing in this subsection (u) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

**(5)** This subsection (u) is deleted on July 1, 2022, and shall no longer be effective on and after such date.

**(v)** Notwithstanding any law to the contrary, examination questions, answer sheets, scoring keys, and other examination data used for the purpose of licensure, certification, or registration of health professionals under title 63 or title 68 shall be treated as confidential and shall not be open for inspection by members of the public; provided, however, that:

**(1)** A person who has taken such an examination has the right to review the person's own completed examination; and

**(2)** Final examination scores of persons licensed, certified, or registered as health professionals under title 63 or title 68 shall be open for inspection by members of the public, upon request.

**(w)**

**(1)** Notwithstanding any law to the contrary, information that is reasonably likely to identify a student accused of committing an alleged sexual offense or alleged violent sexual offense as defined in § 40-39-202 or any information that is reasonably likely to identify the victim of an alleged sexual offense or alleged violent sexual offense as defined in § 40-39-202, must be treated as confidential and not be open for inspection by members of the public.

**(2)** Nothing in this subsection (w):

**(A)** Limits or denies access to otherwise public information because a file, document, or data file contains information that is reasonably likely to identify a student accused of committing a sexual offense or violent sexual offense or the victim of a sexual offense or violent sexual offense; however, all information that is reasonably likely to identify a student accused of committing a sexual offense or violent sexual offense, or the victim of a sexual offense or violent sexual offense must be redacted before any access is granted to a member of the public for inspection;

**(B)** Prevents the district attorney general, the attorney general and reporter, or counsel for a defendant from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information that otherwise may be held confidential under this subsection (w); or

**(C)** Limits access to records by law enforcement agencies, courts, or other governmental agencies or instrumentalities performing official functions.

**(x)**

**(1)** The following information regarding donors to the state museum is confidential and not open for inspection by members of the public, upon the donor's advance request; provided, however, that the museum may disclose such information as authorized or required by law:



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- (C) Social security number,
  - (D) Electronic mail address; and
  - (E) Taxpayer identification number.
- (2) This subsection (x) is repealed effective July 1, 2026.

## History

Acts 1957, ch. 285, § 2; 1970, ch. 531, §§ 1, 2; 1973, ch. 99, § 1; 1975, ch. 127, § 1; 1976, ch. 552, § 1; 1976, ch. 777, § 1; 1977, ch. 152, § 3; 1978, ch. 544, § 1; 1978, ch. 890, § 2; T.C.A., § 15-305; Acts 1983, ch. 211, § 1; 1984, ch. 947, § 2; 1985, ch. 421, §§ 1-4; 1985 (1st Ex. Sess.), ch. 5, § 29; 1987, ch. 118, § 2; 1987, ch. 337, § 20; 1988, ch. 783, § 1; 1988, ch. 894, § 2; 1989, ch. 75, § 1; 1989, ch. 278, § 27; 1990, ch. 888, § 1; 1991, ch. 129, § 1; 1992, ch. 823, § 1; 1996, ch. 724, § 1; 1996, ch. 745, § 16; 1996, ch. 1079, § 29; 1997, ch. 84, § 1; 1997, ch. 290, § 1; 1997, ch. 292, § 1; 1998, ch. 1075, § 1; 1999, ch. 176, §§ 1, 2; 1999, ch. 199, § 1; 1999, ch. 344, §§ 1, 2, 4; 1999, ch. 514, § 2; 2000, ch. 562, § 1; 2000, ch. 783, § 10; 2001, ch. 259, §§ 1, 2; 2002, ch. 730, § 53; 2002, ch. 769, § 1; 2002, ch. 819, § 1; 2002, ch. 849, § 12; 2003, ch. 105, § 1; 2003, ch. 201, § 1; 2003, ch. 295, § 1; 2004, ch. 434, § 1; 2004, ch. 673, § 21; 2005, ch. 47, § 1; 2005, ch. 474, § 6; 2006, ch. 665, § 1; 2007, ch. 178, § 1; 2007, ch. 425, §§ 2, 3; 2008, ch. 853, §§ 1-3; 2008, ch. 1011, § 3; 2009, ch. 176, § 1; 2009, ch. 310, §§ 1, 2; 2009, ch. 328, § 1; 2009, ch. 358, § 1; 2009, ch. 368, § 5; 2009, ch. 567, § 1; 2010, ch. 710, § 1; 2011, ch. 151, § 3; 2011, ch. 158, § 6; 2012, ch. 577, § 1; 2012, ch. 648, § 1; 2012, ch. 798, § 5; 2012, ch. 811, § 1; 2012, ch. 848, § 6; 2012, ch. 877, § 1; 2012, ch. 1082, § 1; 2013, ch. 15, § 1; 2013, ch. 229, §§ 1-5; 2013, ch. 284, § 1; 2013, ch. 314, § 1; 2014, ch. 569, § 1; 2014, ch. 717, § 1; 2014, ch. 804, § 1; 2014, ch. 841, §§ 1-3; 2015, ch. 50, §§ 1, 2; 2015, ch. 169, § 1; 2015, ch. 181, § 1; 2015, ch. 211, § 2; 2015, ch. 217, § 1; 2015, ch. 415, § 1; 2015, ch. 511, § 6; 2016, ch. 618, § 1; 2016, ch. 686, § 1; 2016, ch. 722, § 5; 2016, ch. 1009, § 1; 2017, ch. 94, §§ 30, 31; 2017, ch. 113, § 1; 2017, ch. 114, §§ 1-3; 2017, ch. 192, § 8; 2017, ch. 240, § 1; 2017, ch. 255, § 1; 2017, ch. 296, § 1; 2017, ch. 308, § 1; 2018, ch. 613, §§ 2, 3; 2018, ch. 633, § 1; 2018, ch. 676, §§ 1, 2; 2018, ch. 939, § 1; 2018, ch. 980, § 3; 2018, ch. 1060, § 1; 2019, ch. 81, § 2; 2019, ch. 111, § 1; 2019, ch. 479, § 1.

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**Part 18 — Non-Discrimination in Federally-Assisted Programs  
of the Department of Veterans Affairs:  
Effectuation of Title VI of the Civil Rights Act of 1964**

**Authority:** Sec. 602, 78 Stat. 252 (42 U.S.C. 2000d-1)  
and the laws referred to in Appendix A.

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**Part 18 — Non-Discrimination in Federally-Assisted Programs of the Department of Veterans Affairs: Effectuation of Title VI of the Civil Rights Act of 1964**

**Authority:** Sec. 602, 78 Stat. 252 (42 U.S.C. 2000d-1) and the laws referred to in Appendix A.

**Subpart A — General**

**§18.1 Purpose.**

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the *Act*) to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Veterans Affairs.

[29 FR 19301, Dec. 31, 1964. Designated subpart A at 45 FR 63268, Sept. 24, 1980]

**§18.2 Application of this part.**

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department of Veterans Affairs, the types of Federal financial assistance listed in appendix A to this subpart. It applies to money paid, property transferred, or other Federal financial assistance extended after the effective date of this part pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in §18.3. The fact that a type of Federal financial assistance is not listed in appendix A to this subpart shall not mean, if Title VI of the Act is otherwise applicable, that a program is not covered. Other types of Federal financial assistance under statutes now in force or hereinafter enacted may be added to appendix A to this subpart by notice published in the *Federal Register*.

[38 FR 17965, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference:** 58(1)

**§18.3 Discrimination prohibited.**

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.*

(1) A recipient to which this part applies may not, directly or through contractual or other arrangements, on grounds of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether is satisfied any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program.

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford an opportunity to do so which is different from that afforded others under the program.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies on the grounds of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

(c) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his or her death or serious impairment of his or her health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

(d) *Employment practices.*

(1) Whenever a primary objective of the Federal financial assistance to a program to which part 18 applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). The requirements applicable to construction employment under any such program shall be those specified in or pursuant to part III of Executive Order 11246 (3 CFR Chapter IV) or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (d)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the grounds of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (d)(1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

[29 FR 19301, Dec. 31, 1964, as amended at 38 FR 17965, July 5, 1973; 42 FR 60144, Nov. 25, 1977. Designated subpart A at 45 FR 63268, Sept. 24, 1980, and further amended at 51 FR 10384, Mar. 26, 1986; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference: 58(1)**  
**§18.4 Assurances required.**

(a) *General.*

(1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal

financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every award of Federal financial assistance shall require the submission of such an assurance. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which the recipient retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR subpart 101-6.2).

(b) *Continuing Federal financial assistance.* Every application by a State or a State agency for continuing Federal financial assistance to which this part applies (including the types of Federal financial assistance listed in appendix A to this subpart) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible agency official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part. In any case in which the recipient is claiming financial assistance pursuant to arrangements entered into prior to the effective date of this part, the assurances provided by this paragraph shall be included in the first application or claim for assistance on or after the effective date of this part.

(c) *Elementary and secondary schools.* The requirements of paragraph (a) or (b) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible agency official determines is adequate to accomplish the purposes of the Act and this part, at the earliest practicable time, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the responsible agency official may reserve the right to redetermine, after such period as may be specified by the official, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(d) *Extent of application to institution or facility.* In the case where any assurances are required from an academic, a medical care, or any other institution or facility, insofar as the assurances relate to the institution's practices with respect to the admission, care, or other treatment of persons by the institution or with respect to the opportunity of persons to participate in the receiving or providing of services, treatment, or benefits, such assurances shall be applicable to the entire institution or facility.

[38 FR 17965, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980 and amended at 51 FR 10384, Mar. 26, 1986; 68 FR 51369, Aug 26, 2003]

**Supplement *Highlights* reference:** 58(1)

### §18.6 Compliance information.

(a) *Cooperation and assistance.* Each responsible agency official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official or designee, timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official or designee may determine to be necessary to enable the official to ascertain whether the recipient has complied or is complying with this part. In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general, recipients should have available for the agency racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official or designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

[29 FR 19301, Dec. 31, 1964, as amended at 38 FR 17966, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980 and amended at 51 FR 10384, Mar. 26, 1986; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference:** 58(1)

### §18.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible agency official or designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person or any specific class of individuals who believe they have been subjected to discrimination prohibited by this part may themselves, or by a representative, file with the responsible agency official or

designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination unless the time for filing is extended by the responsible agency official or designee.

(c) *Investigations.* The responsible agency official or designee will initiate a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.*

(1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official or designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in §18.8.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section the responsible agency official or designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

[29 FR 19301, Dec. 31, 1964. Designated subpart A at 45 FR 63268, Sept. 24, 1980 and amended at 51 FR 10384, Mar. 26, 1986]

### **§18.8 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other

titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with §18.4.* If an applicant fails or refuses to furnish an assurance required under §18.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department of Veterans Affairs shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department of Veterans Affairs shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible agency official has advised the applicant or recipient of failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to §18.10(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken by the Department of Veterans Affairs until (1) the responsible agency official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

[29 FR 19301, Dec. 31, 1964, as amended at 38 FR 17966, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980, and amended at 51 FR 10384, Mar. 26, 1986]

### §18.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by §18.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and §18.8(c) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department of Veterans Affairs in Washington, D.C., at a time fixed by the responsible agency official unless the official determines that the convenience of the applicant or recipient or of the Department of Veterans Affairs requires that another place be selected. Hearings shall be held before the responsible agency official or, at the official's discretion, before an administrative law judge appointed in accordance with section 3105 of Title 5, U.S.C., or detailed under section 3344 of Title 5, U.S.C.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department of Veterans Affairs shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record*

(1) The hearing decision and any administrative review thereof shall be conducted in conformity with the procedures contained in 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department of Veterans Affairs and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal statutes, authorities, or other means by which Federal financial assistance is extended and to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such



hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with §18.10.

[29 FR 19301, Dec. 28, 1964, as amended at 38 FR 17966, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980, and amended at 51 FR 10384, Mar. 26, 1986; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference:** 58(1)

### §18.10 Decisions and notices.

(a) *Procedure on decisions by an administrative law judge.* If the hearing is held by an administrative law judge such administrative law judge shall either make an initial decision, if so authorized, or certify the entire record including recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the administrative law judge the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible agency official exceptions to the initial decision with reasons therefor. In the absence of exceptions, the responsible agency official may within 45 days after the initial decision serve on the applicant or recipient a notice that the decision will be reviewed. Upon the filing of such exceptions or of such notice of review the responsible agency official shall review the initial decision and issue a decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or the official reviews the decision of an administrative law judge pursuant to paragraph (a) of this section, or whenever the responsible agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with the official briefs or other written statements of its contentions, and a written copy of the final decision of the responsible agency official shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to §18.9(a) a decision shall be made by the responsible agency official on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of an administrative law judge or responsible agency official shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision by an administrative law judge which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part of the Act, shall promptly be transmitted to the Secretary personally, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to

this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible agency official that it will fully comply with this part.

(g) *Post termination proceedings.*

(1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this section and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible agency official determines that those requirements have been satisfied, the official shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible agency official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

[29 FR 19301, Dec. 31, 1964, as amended at 38 FR 17966, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980, and amended at 51 FR 10384, Mar. 26, 1986; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference:** 58(1)

### §18.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

[29 FR 19301, Dec. 31, 1964. Designated subpart A at 45 FR 63268, Sept. 24, 1980]

### §18.12 Effect on other regulations, forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Department of Veterans Affairs which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order,

instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof):

(1) Executive Orders 10925 (3 CFR, 1959-1963 Comp., p. 448), 11114 (3 CFR, 1959-1963, p. 774), and 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder, or

(2) Executive Order 11063 (3 CFR, 1959-1963 Comp., p. 652) and regulations issued thereunder, or any other orders, regulations or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the grounds of race, color or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible agency officials shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department of Veterans Affairs or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in §18.10) including the achievement of effective coordination and maximum uniformity within the Department of Veterans Affairs and within the executive branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action has been taken by the responsible official of this Agency.

[29 FR 19301, Dec. 31, 1964, as amended at 38 FR 17967, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference:** 58(1)

### §18.13 Definitions.

As used in this part:

(a) The term *agency* means the Department of Veterans Affairs, and includes each of its operating agencies and other organization units.

(b) The term *Secretary* means the Secretary of Veterans Affairs.

(c) The term *responsible agency official* with respect to any program receiving Federal financial assistance means the Secretary or other official of the Department of Veterans Affairs or an official of another department or agency to the extent the Secretary has delegated authority to such official.

(d) The term *United States* means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term *State* means any one of the foregoing.

(e) The term *Federal financial assistance* includes (1) grants of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any

interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The terms *program or activity* and *program* mean all of the operations of any entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1) (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2) (i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3) (i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship:

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (f)(1), (2), or (3) of this section.

(g) The term *facility* includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term *recipient* means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in the United States, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

(i) The term *applicant* means a person who submits an application, request, or plan required to be approved by the Secretary, or by a recipient, as a condition to eligibility for Federal financial assistance, and *application* means such an application, request, or plan.

[29 FR 19301, Dec. 31, 1964, as amended at 38 FR 17967, July 5, 1973. Designated subpart A at 45 FR 63268, Sept. 24, 1980, and amended at 51 FR 10385, Mar. 26, 1986; 68 FR 51369, Aug. 26, 2003]

**Supplement *Highlights* reference:** 58(1)

*Next Section is Appendix A to Subpart A*

## **Appendix A to Subpart A**

### **Statutory Provision to Which this Subpart Applies**

1. Payments to State homes (38 U.S.C. 1741–1743).
2. State home facilities for furnishing domiciliary, nursing home, and hospital care 38 U.S.C. 8131–8137).
3. Space and office facilities for representatives of recognized national organizations 38 U.S.C. 5902(a)(2)).
4. All-volunteer force educational assistance, vocational rehabilitation, post-Vietnam era veterans' educational assistance, survivors' and dependents' educational assistance, and administration of educational benefits (38 U.S.C. Chapters 30, 31, 32, 34, 35 and 36, respectively).
5. Sharing of medical facilities, equipment, and information (38 U.S.C. 8151–8157).
6. Approval of educational institutions (38 U.S.C. 104).
7. Space and office facilities for representatives of State employment services (38 U.S.C. 244(1)).
8. Medical care for survivors and dependents of certain veterans (38 U.S.C. 1713).
9. Transfers for nursing home care; adult day health care (38 U.S.C. 1720).
10. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities (38 U.S.C. 1720A).

11. Aid to States for establishment, expansion, and improvement of veterans cemeteries (38 U.S.C. 2408).

12. Assistance in establishing new medical schools; grants to affiliated medical schools; assistance to health manpower training institutions (38 U.S.C. Chapter 82).

13. Department of Veterans Affairs health professional scholarship program (38 U.S.C. 7451-7452).

14. Emergency veterans job training (Pub. L. 98-77, 97 Stat. 443-452).

[51 FR 10385, Mar. 26, 1986]

*Next Section is Appendix B to Subpart A*

Chapter 2  
MANAGING VA FOLDERS, FORMS, LETTERS, TESTING  
AND OCCUPATIONAL INFORMATION

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Appendix O. VA Forms

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Chapter 2  
MANAGING VA FOLDERS, FORMS, LETTERS, TESTING  
AND OCCUPATIONAL INFORMATION

### 2.01 Introduction

This chapter provides information on folders, letters and forms utilized by the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program. Procedural guidelines on the development, retention, transmission and destruction of Veteran information by VR&E staff and contractors is outlined to ensure that all Veteran records are maintained and disposed of in the proper manner.

### 2.02 References and Resources

Regulations: 38 Code of Federal Regulations (CFR) 1.500-1.527

Publications: Record Control Schedule (RCS) VB-1, Part I, Section 7  
MP-1, Part II, Chapter 4  
M21-1, Part II, Chapter 6  
M23-1, Part I, Chapter 18

VA Forms (VAF): VAF 20-8824e, Common Security Services Access Request Form  
VAF 22-1999b, Notice of Change in Student Status  
VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation  
VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status  
VAF 28-1910, Application and Public Voucher for Advancement from the Vocational Rehabilitation Revolving Fund Assistance

Websites: [www.benefits.va.gov/warms/](http://www.benefits.va.gov/warms/)  
<https://vaww.portal.va.gov/sites/VRWKM/pages/home.aspx>  
[www.va.gov/vaforms](http://www.va.gov/vaforms)

### 2.03 Folders Used by VR&E Division

The table below describes the types of folders used by the VR&E Division:

Type of Folder	Description	Contents	Responsibility for Creation and Maintenance
Claims folder for both living and deceased Veterans who have filed an initial claim for any type of benefit	Red-rope, three-flap folder with fasteners attached on the inside	Service data, dependency evidence, and information on the Veteran's disability	Veterans Service Center (VSC)
Counseling/ Evaluation/ Rehabilitation (CER) folder for Veterans receiving benefits under Chapter 31 and for children receiving benefits under Chapter 18	Kraft brown, three-flap folder with fasteners attached on the inside	Documentation related to the determination of Veteran's or dependent's entitlement, and the administration of VR&E services and assistance	VR&E Division
Educational/Vocational Counseling folders for Chapters 30, 32, 33, 35, 36, 1606, 1607	Manila, two-flap folder with fasteners attached on the inside	Counseling narratives, and educational or vocational plan	VR&E Division
Dependents Education and Assistance (DEA) folders for Chapter 35	Blue manila, two-flap folder with fasteners attached on the inside	Counseling and administrative documents for Chapter 35 eligible dependents	VR&E Division

#### 2.04 CER Folders

The VR&E Division uses three-flap folders to maintain all pertinent documentation related to a Veteran's or Servicemember's request for, and receipt of, VA vocational rehabilitation benefits and services.

##### a. Ordering CER Folders

Each Regional Office (RO) must order sufficient quantities of three-flap CER folders in order to create folders for Veterans receiving Chapter 31 benefits. The VR&E Officer (VREO) or designee is responsible for ordering CER folders. There is no centralized location for purchasing or distributing the three-flap

CER folder. Folders may be ordered through the RO's Support Services division.

b. Creating CER Folders

1. Preparing a CER Folder

A CER folder is established for a Veteran or Servicemember who applies for Chapter 31 benefits, and whose basic eligibility for Chapter 31 benefits has been established. The CER folder must be labeled with the Veteran's or Servicemember's information, to include full name and VA claim number.

A CER folder must not be established for a Veteran whose claim for Chapter 31 benefits does not meet the basic eligibility criteria. When a Veteran's claim for Chapter 31 benefits does not meet basic eligibility, the VAF 28-1900 and denial letter will be drop-filed in the Veteran's claims folder (C-file). If no C-file exists, then a CER folder will be established to store these records.

If a duplicate CER folder is inadvertently established, the case manager must ensure that the documents are consolidated into one folder, and the other folder is destroyed appropriately.

2. Reviewing the CER Folder Location

VR&E staff must first review the Beneficiary Identification and Records Locator Subsystem (BIRLS) before creating a new Veteran's CER folder to determine if any CER folders have already been created at another RO.

- If a CER folder record does not currently exist in BIRLS, create a CER folder and enter the RO number, e.g. 372, for folder location.
- If a CER folder record already exists in BIRLS and shows the record is located in another RO, request the CER file and update the record upon receipt of the Veteran's CER folder, to show the correct location of the CER folder.

For more information on using BIRLS, see M21-1, Part II, Chapter 6, which can be accessed on-line at the Web Automated Reference Material System (WARMS) site. The address for WARMS is [www.benefits.va.gov/warms/](http://www.benefits.va.gov/warms/)

### 3. Filing Documents in CER Folders

The documents contained in a CER folder must be organized in the following manner:

#### (a) Left Side of the CER Folder

The left side of the CER folder must include all supporting information related to eligibility, fiscal authorizations, and payments, such as:

- VAF 28-1900, Disabled Veterans Application for Vocational Rehabilitation.
- All Benefits Delivery Network (BDN) and Corporate WINRS (CWINRS) printouts including Generated Eligibility Determination (GED) processing, Disallowance processing, case status changes, folder location, etc.
- VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status.
- VAF 28-1910, Application and Public Voucher for Advancement from the Vocational Rehabilitation Revolving Fund Assistance.
- VAF 22-1999b, Notice of Change in Student Status.
- Subsistence allowance awards and related documents.
- Documentation related to the direct or indirect payment of other Chapter 31 benefits to, or on behalf of the Veteran.
- All documents related to change in the name or address of the Veteran.
- All documents related to adding or removing the Veteran's dependents.

See Appendix O, VA Forms, for information on how to access all forms referenced in this chapter.

#### (b) Center Portion of the CER Folder

The center portion of the CER folder must include all forms, form letters, and other documentation regarding case management activities related to monitoring the progress of the Veteran, such as:

- All forms in the VAF 28-1905 series, except VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status.
- All written and printed communication with the Veteran, such as letters and emails, concerning the Veteran's rehabilitation program.
- All written and printed communication with school officials, contract service providers, etc., regarding the Veteran's progress.
- The Veteran's report of grades and/or transcript of records.
- Closure statement and checklist for rehabilitation or discontinuance.

(c) Right Side of the CER Folder

The right side of the CER folder must include all documentation that supports determinations for the Veteran's entitlement to benefits and services, such as:

- Copies of rating decisions
- Medical information in hard copy, or from non-VA sources
- Counseling and evaluation forms
- Test results and reports of evaluative procedures
- Copies of correspondence concerning counseling issues
- Vocational Exploration narratives
- Rehabilitation plans
- All forms in the VAF 28-1902 series

(d) Electronic Documentation for VR&E Records

VA medical records available in the Compensation and Pension Records Interchange (CAPRI) are not to be printed and placed within CER folders. Therefore, when CAPRI medical notes support counseling or case management decisions, VR&E staff must reference the relevant CAPRI records within official CWINRS case notes and narrative reports. When citing CAPRI records, VR&E staff shall include the date(s) of the

particular Veterans Health Administration (VHA) service area (e.g., Prosthetics, Dental, Primary Care, etc.) for which services were provided, name and title of the VHA official identified within the particular CAPRI entry, and other relevant case notes in support of VR&E decisions. The citation should also explain how the CAPRI information was used in support of counseling determinations.

CWINRS notes, email messages, and school certifications received electronically through VA ON-line Certification of Enrollment (VA-Once) do not need to be printed and placed in the Veteran's CER folder. When composing a CWINRS note, VR&E staff will include the date(s) of the note, the subject matter, a synopsis of an action or conversation, next steps, and his/her name at the end of the note to identify the author. To capture an email message in a CWINRS note, cut and paste the information, making sure to include the "header" of the email, which captures the "envelope" information such as sender's name and email address and date the email was sent. Electronic certifications of enrollment or changes in enrollment submitted through VA-Once do not need to be printed for the CER file. However, certifications received in hard copy must continue to be filed in the left flap of the CER folder. VRCs should encourage training facilities to submit certifications electronically through VA-Once.

c. Assigning Jurisdiction for CER Folder

- CER folders are maintained under the jurisdiction of the RO that has geographical responsibility for the area in which the Veteran resides.
- A CER folder will be transferred and reassigned to another RO who has jurisdiction over the area in which the Veteran is receiving services under a rehabilitation plan.

d. Maintaining CER Folders

The case manager is responsible for maintaining, updating, and consolidating documents that are established locally in order to support provision of services. He/she must review the CER folder before filing documents to avoid duplication. It is imperative that the CER folder does not contain any documentation for another Veteran or any other individual.

All related development materials must be filed in reverse chronological order in the CER folder. The Veteran's most up-to-date rehabilitation plan is filed on top at the right flap of the CER folder at all times.

e. Maintaining Locked Files

Locked files are CER folders that contain records of a restricted nature. These folders must be maintained in a locked room or a locked cabinet. VA requires the maintenance of locked files in, or in close proximity to, the office of the VREO, or designee. The following identifies the Chapter 31 Veterans whose folders must be maintained in locked files:

- A Veteran-employee is a Veteran employed by the RO having jurisdiction over the area in which he/she resides.
- A service organization employee is a Veteran employed by a service organization within the RO having jurisdiction over the area in which the Veteran resides.
- An employee-relative is a Veteran who is a relative of an employee within the RO having jurisdiction over the area in which the Veteran resides.
- A work-study student is a Veteran participating in a work-study program and who is performing his/her work-study duties within the RO having jurisdiction over the area in which the Veteran resides.

The VREO or designee is the sole custodian and is responsible for the handling of all materials contained in the locked files. The responsibilities include recording when folders are charged in or out, releasing folders upon proper request, and safeguarding folders at all times. A charged-out CER folder must be returned to the locked files as soon as the necessary action(s) are completed.

f. Retiring CER Folders

CER folder retirement allows for storage of certain inactive folders at national archive centers. CER folders are generally kept at the RO for at least one year following closure of the case, to ensure availability of the folder in the event of an appeal or subsequent application, and to file correspondence that may arrive after the closure of the file. Folders of cases that have been inactive for over one year following assignment to Discontinued or Rehabilitated status may be retired.

1. Responsibility for Retiring a CER Folder

The VR&E Division is responsible for retiring CER folders. The guidelines for retiring CER folders are found in the Record Control Schedule (RCS) VB-1, Part I, Section VII, 07-630.010-07-630.016, dated January 31, 2014 and located at [www.benefits.va.gov/warms](http://www.benefits.va.gov/warms)

## 2. Locating a Retired CER Folder

To locate a retired CER folder, check the BIRLS inquiry (BINO) locator screen in BDN to find which US National Archives and Federal Information Center the folder has been sent for safe-keeping.

## g. Destroying CER Folders

CER folder destruction is necessary given the limited amount of storage space available at ROs and National Archives centers. CER folders are eligible for destruction 10 years after the date of last activity. CER folder destruction must be completed through pulping, macerating, shredding, or otherwise definitively destroying the information contained in the records.

### 1. Identifying CER Folders for Destruction

VA uses an Internet-based program to identify folders that are ready for destruction, the Web Automated Folder Processing System (WAFPS). To gain access to WAFPS, staff must complete VAF 20-8824e, Common Security Services Access Request Form, and submit it to their local Information Security Officer (ISO). Users of WAFPS are notified via email when destruction lists are available for review.

### 2. Responsibility for CER Folder Destruction

It is the responsibility of the VREO to ensure that the CER folders identified on the WAFPS list meet the criteria for destruction, which is defined as no activity over the past 10 years. The CER folders are then presented to the Records Management Technician (RMT) for destruction.

## 2.05 VA Forms (VAF)

### a. Types of VAFs

Standard forms are used government-wide for a variety of programs and benefits. VA uses standardized forms to ensure continuity and consistency of information. Case managers must use VAFs to document the process and outcome of counseling, evaluation, case management activities, and actions when providing benefits and services.

### b. Creating and Revising VAFs

VR&E Service has responsibility for creation of new forms and revising or retiring existing forms as necessary.



c. Maintaining and Accessing Existing VAFs

VAFs are maintained in CWINRS. They can also be found in the VR&E Knowledge Management Portal (KMP) at <https://vaww.portal.va.gov/sites/VRWKM/pages/home.aspx>, or online at [www.va.gov/vaforms](http://www.va.gov/vaforms)

d. Locally Developed Forms

MP-1, Part II, Chapter 4 and M23-1, Part I, Chapter 18 provide guidelines for the use of locally developed forms and overprinted VAFs. See [www.benefits.va.gov/warms/](http://www.benefits.va.gov/warms/) for information on these processes.

e. Local Reproduction of VAFs

ROs may reproduce VAFs locally using copiers or computers. Locally generated forms must be VA-authorized forms.

## 2.06 VA Form Letters

Generally, VR&E discourages the use of form letters to reply to individual inquiries. However, if they are used, VR&E Service develops and provides them to VR&E offices. A case manager must not use form letters when a person requires personalized assistance.

a. Types of VA Form Letters

1. Standard

Standard VA form letters are used by the VR&E case manager to communicate in writing with Veterans, and other eligible persons, about a wide range of situations that arise in the course of their Vocational Rehabilitation program.

2. Locally Generated

Locally generated form letters are developed by the RO for personalized situations that are not covered by a VA form letter.

b. Maintaining and Accessing Existing Form Letters

VA form letters may be accessed in CWINRS or on the Forms and Letters page of the KMP.

c. Modifying VA Letters Locally

VR&E offices may modify letters to improve the recipient's understanding of the content of the letter, or to meet local administrative needs. Letters may

be modified to include reasons for a decision, an office address, directions to reach an office, the name of a case manager, and allowable amounts for payment of travel expenses.

See Appendix AF, VA Letters, for information on the location of and access to VA letters.

## 2.07 Testing and Testing Supplies

### a. Responsibility for Testing Supplies

The VREO or a designee must ensure that sufficient quantities of test materials are available for counseling activities in the RO and its decentralized places of counseling. The VREO is not responsible for testing supplies used by contractors.

### b. Securing Test Materials and Used Booklets

The VREO or designee must ensure that all test materials and used booklets are safeguarded. This can be accomplished in many ways, such as keeping the material in a secured room or in a locked cabinet.

### c. Disposing of Worn or Unserviceable Test Materials

The VREO or designee must ensure that staff members follow VBA's policy regarding the disposal of Veterans' documents as outlined in M28R.II.A.5.

### d. Testing Policies

#### 1. Releasing Test Results

Test results for an identified Veteran must not be disclosed to a person other than one who normally uses the test results in connection with VR&E activities, such as a VA contract case manager or a mental health professional.

When necessary, VR&E staff must obtain a request in writing from the requesting party before releasing any test results.

Test results may be released when the release conforms to the provisions of Freedom of Information Act (FOIA) Regulations found in CFR 1.500-1.527, and one of the conditions listed below:

- Release has been authorized in connection with a research project or study.

- The counselee has given his/her written consent to release the information to individuals who may be expected to use such data in the counselee's best interest.
- The release of test results falls under one of the routine uses of records permitted under the Privacy Act of 1974 and described in 58 VA 21, 22, 28, Compensation, Pension, Education and Rehabilitation Records-VA published in The Federal Register.
- The release of test results falls under the agreement for the exchange of information with state and federal vocational rehabilitation agencies and state employment services.

## 2. Authorizing Test Administration by Other Agencies

If a case manager determines that the Veteran needs testing that is administered by another agency, necessary arrangements will be made for testing. VA and any other institutions concerned should receive copies of the results. Other institutions may include colleges or universities that require test results to determine granting advanced credit or admission to a program. These tests include the following:

### (a) GED Test High School Level

Each RO and guidance center should have a copy of the current edition of official GED centers.

### (b) College Level Tests

On college level tests, such as College Level Examination Program (CLEP), only colleges and universities may award credit, and the decisions to grant credit based on CLEP are made by the individual institutions. Case managers must be familiar with the policies of the institutions of higher learning in their areas concerning granting of such advanced credit. Information regarding the institutions participating in CLEP in a particular geographic area may be obtained from one of the College Entrance Examination Board (CEEB) regional offices.

### (c) Special Admissions Tests

Special admissions tests may be paid for on behalf of the Veteran if the tests are necessary for the Veteran to gain admission to or determine placement into a program of study. When possible, the testing facility should invoice VR&E directly for the cost of special admission tests. However, reimbursement for test administration by

other agencies can be made after the Veteran provides evidence of the date the examination was taken and evidence of payment of expenses, such as receipts for testing and fees.

### 3. Obtaining Prior Test Information from Outside Sources

Use of pertinent test results from other sources is desirable when there is reasonable assurance of their reliability. CEEB and American College Testing (ACT) scores can usually be secured from the high school transcript or from the counselee. Otherwise, scores may be requested from CEEB or ACT.

## 2.08 Occupational and Educational Information

### a. Types of Information

The list below describes the materials that must be made available to VR&E personnel:

#### 1. Occupational Information Reference File

This file should include the Dictionary of Occupational Titles (DOT), the Occupational Information Network (O\*NET), Occupational Outlook Handbook (OOH), and any other electronic resources for the purpose of career exploration, labor market trends, transferable skills analysis, and other career planning activities.

#### 2. Professional Publications

Professional publications provide current information on the philosophy, theory, ethics, techniques, and developments in counseling, rehabilitation, and related areas, and may be used as source material for staff development.

#### 3. Comprehensive Educational Information File

This file consists of educational directories and guides, financial aid publications, and school and college catalogs, especially from schools located in the area serviced by the RO. Most of these materials are available via the Internet.

### b. Selecting Materials

VREOs must regularly and systematically select and procure publications that are required to meet local needs for counseling and rehabilitation training services, and the professional information needs of the VR&E staff. Selection

of materials must be based on usefulness, authoritativeness, appropriateness, comprehensiveness, and currency.

c. Ordering Materials

The guidelines for ordering various types of occupational and educational materials include:

1. Free Materials

Free materials, particularly occupational materials, may be ordered by submitting a request to the appropriate sources.

2. For Purchase Materials

Materials that are not free, such as professional journals, books, and occupational information may be ordered through the Contracting Officer, or using a purchase card if the vendor accepts purchase cards, with the RO Director's approval.

2.09 CWINRS Notes

While CWINRS notes were not initially intended to document case decisions, the VBA Paperless initiative has led VR&E Service in that direction. As such, CWINRS notes are part of the Veteran's claims/benefit permanent record and can be examined by VR&E Central Office, the Government Accountability Office (GAO), the Office of General Counsel (OGC), the Inspector General (IG), courts and congressional entities, if requested.

Additionally, CWINRS notes can be viewed by the Veteran upon request. Although potentially harmful notes can be removed prior to the Veteran reviewing his/her case, it is important that the VRC make only necessary and required documentation in the CWINRS notes section. As such, CWINRS notes:

- Should be used to document the Veteran's progress and problems in achieving the goals of the rehabilitation plan, in addition to actions VA is taking to assist the Veteran in achieving the rehabilitation goal.
- Should not be used by supervisors or managers to document edits or other requested changes to an employee's workload.
- May not be edited after the date of entry. CWINRS notes are locked for editing or deletion with the system back-up that occurs overnight. If corrections are needed, a supplementary note should be added that identifies the note that is being corrected, by date and type, and the changes being made.

- May not contain reference to personnel issues. Conduct issues and performance of the VR&E employment should never be discussed in a CWINRS note. Similarly, contractor performance issues should be documented separately in the contracting file, not in CWINRS notes.



**Department of  
Veterans Affairs**

# Records Control Schedule VB-1, Part II, Central Office

**Veterans Benefits Administration  
Washington, DC 20420**

**January 31, 2014**

**<http://www.warms.vba.va.gov/>**

## Records Control Schedule VB-1, Part II, Central Office

1. Attached is a revision of Part II, Central Office, Veterans Benefits Administration Records Control Schedule (RCS) VB-1.
2. RESCISSION: RCS VB-1, Part II, dated November 4, 1997.
3. The following Item number has been added:

<u>Item Number</u>	<u>Description</u>
2-35	Ad-Hoc Data Requests.

4. The following Item numbers have been deleted:

Item Number	Description
1-3	Diary card or similar mediums (original and copies) prepared and used solely as suspense notice for future date action (includes cards, forms, books, logs, etc.)
1-4	Index files. Card files of all types prepared, in addition to index card files required by directives, maintained and used solely for the convenience of operations and reference purposes.
1-11	Reading files.
1-22	Microfilm of Master Index File.
1-37	Sensitive File Microfiche.
1-47.3	Records documenting routine activities containing no substantive information.
1-59	Finding Aids (or indexes) including indexes, lists, registers, and other finding aids in hard copy or electronic form used only to provide access to records authorized for destruction by the GRS or a NARA approved SF-115, Request for Records Disposition Authority, excluding records containing abstracts or other information that can be used as an information source apart from the related records.
2-9.42	Other reports.
2-19.62	Microfiche format.
2-23	Loan guaranty correspondence and other material pertaining to loan guaranty procedures relative to specially adapted houses which document routine, repetitive activities, or which serve as reference for answers to similar inquiries, communicates current construction requirements or credit restrictions, and reiterates existing policy, procedures, or requirements.
2-25	GIL (Guaranteed and Insured Loan) System Records.



- 2-25.1 GIL Semiannual Numerical Listing Microfiche (COIN GIL 50-02) and Semiannual Alphabetical Listing Microfiche (COINS GIL 50-03A and 5003B).
- 2-25.2 GIL Monthly Supplemental Numerical Listing Microfiche (COIN GIL 10-01-N) and GIL Supplemental Alphabetical Listing Microfiche (COINS GIL 10-01A and 10-01B).
- 2-25.3 GIL Rejects Listings (COINS GIL 04-01, 09-02, 10-06, and 03-05).
- 2-25.4 GIL Monthly Application Status Report (COIN GIL 09-01).
- 2-25.5 Printout of Deleted GIL Records (COIN GIL 10-02) and GIL Record Printouts (COIN GIL 10-03).
- 2-26 Elapsed Processing Time Reports.
- 2-26.1 Elapsed Processing Time Acceptance of Offers and Sales Closings, (COIN PMS 01-04).
- 2-26.2 Elapsed Processing Time Summary (COIN PMS 01-05).
- 2-28 Property Management System Reports.
- 2-28.1 Report on Analysis of Properties Sold Totals, (COIN PMS 01-01).
- 2-28.2 Report on Analysis of Properties Sold Totals, Sales on Terms (COIN PMS 01-02).
- 2-28.3 Report on Analysis of Properties Sold Totals, Sales for Cash, (COIN PMS 01-03).
- 2-33 Emergency Veterans Job Training Act Employer Folders maintained in Central Office.
- 2-33.1 Approval Folders on employers who hired a Veteran within the prescribed time period.
- 2-33.2 Approval Folders on employers who did not hire a Veteran within the prescribed time period.
- 2-33.3 Employer Job Training Disapproval Folders.

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## **INTRODUCTION**

### **A. PURPOSE AND INSTRUCTIONS FOR USE**

1. The purpose of the VBA Records Control Schedule is to provide authority for prompt and orderly disposition of records, when appropriate, and to provide for the retention of records of permanent value. The records control schedule is required by Federal statute and the instructions contained in it are mandatory. The VBA Supplement to MP-1, Part 11, Chapter 1, provides procedures for requesting deviation from instructions when local conditions so warrant.

2. The VBA Records Control Schedule is the sole authority for final disposition of records under the jurisdiction of the Veterans Benefits Administration. Part II, which covers Central Office records, is separated into two sections. Section I contains General and Administrative Records which are generally common to more than one service and Section II contains records maintained in accordance with the subject-numeric classification guide (OI-1, Pt. I, Ch. 4, App. B) and records unique to the various program elements.

a. The title and/or description column contains the qualifying and restrictive description of material identified under each item number. When a description includes the term "or equivalent," the disposition authority applies to predecessor and successor records and records used in the same manner and for the same purpose as the records described.

b. The disposition column contains instructions applicable to material described in the title and/or description column. Instructions may be for permanent retention, transfer, retirement, or destruction.

c. The authority column includes the source of the disposition instructions. This is for Central Office use. The column also includes the identification of non-record material. All material not specifically identified as non-record in this column is categorized as record material.

3. Definitions applicable to this schedule:

a. Disposal-Removal of records by destruction, sale as wastepaper or other forms of salvage.

b. Disposal Authority-Legal authorization to dispose of records.

c. Disposition-Determination whether records shall be retained, transferred, image reproduced, disposed of, or the action taken upon making such determination.

d. Retention-Continued keeping of records, the positive aspect of disposition.

e. Retention Period-The period of time records must be kept before they may be disposed of, usually stated in terms of months or years, but sometimes contingent upon occurrence of an event.

f. Retirement-Transfer of less or inactive records to storage at a FRC (Federal Records Center) or an archival agency.

### **B. DISPOSITION OF PERSONAL PAPERS AND OFFICIAL RECORDS**

1. Federal law and related regulations require that agency officials and personnel be made aware of established procedures for maintaining personal papers and ensuring the security and integrity of official records.

2. The definition of official records, as cited in 44 U.S.C. 3301, covers materials made or received either in pursuance of Federal law or in connection with the transaction of public business, and includes "...all books, papers, maps, photographs, machine readable materials, or other documentary materials,

regardless of physical form or characteristics ...." The definition of personal papers covers materials pertaining solely to an individual's private affairs. When material of this nature is kept in the office of a Federal employee, it will be clearly designated as nonofficial and filed separately from official records. In instances when matters involving the transaction of official business are included in private personal correspondence, that portion pertaining to official business will be extracted and made a part of the official files.

3. The definition of records, as cited in 44 U.S.C. 3301, excludes "...extra copies of documents preserved only for personal convenience of reference." Such copies are considered as nonrecord material and are disposable without reference to Federal law. They may be retained in personal files provided such retention does not decrease official agency record holdings, violate national security, privacy or other confidentiality aspects protected by law, nor detract from normal administrative economies.

4. Unlawful removal and/or destruction of records in agency custody is governed by specific provisions of 44 U.S.C. Ch. 33 with criminal penalties provided for under 18 U.S.C. 2071. Unlawful disclosure of certain information pertaining to national security carries penalties under 18 U.S.C. 793, 794, and 798. Employees are legally responsible for reporting to Records Management Officers any actual or threatened unlawful loss or removal of official records.

5. Records Management Officers are responsible for monitoring compliance, on a regular basis, with the requirement for identifying and maintaining personal papers separately from official records as well as the requirement for ensuring the security and integrity of official records.

## **C. CONVENIENCE FILES**

### **1. POLICY**

a. A convenience file is a temporary file of informational papers, such as printed or duplicated copies of publications, extra copies of correspondence, completed forms, reports used as reading files, and other material considered as working papers, which are kept conveniently near the user(s) for immediate reference.

b. Convenience files will be maintained in minimum numbers, in minimum volumes and physically separated from official files in order to serve as ready reference and to be easily disposed of.

c. Convenience files are identified under a variety of names. The most common are:

(1) Reading Files. Reading files contain copies of correspondence and other documents prepared in addition to official file copies and are maintained or circulated for information purposes. Most often, reading file material is arranged by date only. However, reading files are also known as alphabetical, subject, station, division, history, precedent, general and/or miscellaneous files; the material is arranged by date under the title assigned. The term "history," should not be used in connection with reading files since directives require the keeping of certain history files of official papers.

(2) Suspense Files. These consist of copies of papers, arranged by due date of pending action, and are used as ticklers for follow-up purposes.

(3) Working Files. Working files contain originals, record of nonrecord copies, printed or duplicated materials, etc., accumulated on a current project or study and kept at action level. These are all papers which may be kept together for ready reference until completion of an assignment or job. Record materials in this type of convenience file will ultimately become part of official files.

(4) Control and Index Files. These may consist of copies of papers but usually are cards which are maintained for administrative control or index purposes.

(5) Handout Files. These consist of copies of material, usually printed or otherwise reproduced, which are in excess of immediate needs and kept in volume for handing out when requested or for forwarding with other material as informational attachments. There must be a valid need for every file. Since convenience files have only limited reference and administrative uses, costs and value should be seriously considered before the decision is made to start a file or to continue one already begun.

2. MAINTENANCE. Convenience files will be arranged to provide quick reference, simple maintenance operations and easy disposal.

a. Convenience files, except working files, will contain nothing of an official nature and nothing which properly belongs in the official files. Record material kept with nonrecord material in working files will be sent to the official files when the accumulation is ready for filing.

b. Convenience files, other than reading and suspense files, will be arranged by subject.

c. The files should be kept in an orderly and uniform manner, folders and drawers labeled as to contents, papers neatly filed within folders, etc.

d. Chronological cutoffs of the files will be established and observed.

e. Any folders, guides, labels, etc., may be used in the maintenance of convenience files except those specified for mandatory use in official files. However, convenience files are not intended for lengthy preservation and the least expensive supplies will serve every purpose.

f. Convenience files will be housed in less expensive or less desirable filing equipment. They may be filed in any standard filing equipment of proper size except fire-resistant, locked, and the like, which will be reserved for records needing special protection.

### 3. DISPOSITION

a. Convenience files will be disposed of in accordance with the authorities in Records Control Schedule VB-1.

b. Piecemeal disposal of individual papers upon completion of an action such as transmittal, receipt of superseding information, etc., may be done by the office having custody of the files. When the action occurs, the paper is immediately withdrawn from file and discarded. This keeps the filed information current and the volume of the files fairly constant.

c. Convenience files will be kept in the office having their custody until eligible for bulk or piecemeal destruction. Under no circumstances will they be stored.

## RCS VB-1 Part II, CENTRAL OFFICE

### SECTION I – GENERAL AND ADMINISTRATIVE RECORDS

Item No.	Title and/or Description	Disposition	Authority
1-1	Charge and recharge mediums. Single and multiple entries, consisting of cards, slips, sheets, lists and other mediums used to show organizational elements in possession of folders or material removed from filing equipment.	Destroy when records for which the charge was originally made have been returned to file and no further entries can be made on the charge. Destroy recharge mediums after appropriate charge records have been changed to indicate organizational elements currently in possession of the records.	VBA approved as non-record
1-2	Control files:		
1-2.1	Control files. Single and multiple entries. Cards of all types, lists and logs, used solely for convenience of control operations and reference, and prepared when local control is required by directives, or operational needs over such activities as the distribution, release and return of certain papers and forms; the progress of work from assignment to completion; follow-up on actions due within specific periods of time; and similar local control activities. INCLUDES discontinued control files. EXCLUDES control files used for fiscal and accounting purposes.	Destroy after control is no longer needed over the related document or action and/or no further entries can be made on the control medium. Destroy discontinued file immediately after discontinuance.	VBA approved as non-record
1-2.2	Control Files. Continuing and discontinued. Cards, recharge slips used for control purposes, lists and logs showing the receipt and release of correspondence, Veterans' folders and miscellaneous material and folders maintained solely for convenience of operations. EXCLUDES Classified Material Receipt (Classified Document Accountability Record, VA Form 4245) File.	Destroy 30 days after related material or cases are charged out, dispatched, or after last item listed on logs and lists has been charged out or dispatched. Destroy discontinued file immediately after discontinuance.	VBA approved as non-record
1-5	Individual job requirements prepared by supervisors in operating offices.	Review annually and destroy superseded or obsolete documents; or destroy file relating to an employee within	GRS 1, Item 18a

		1 year after separation or transfer.	
1-6	Material that will not be filed in, or may be removed from, Veterans' folders and from general administrative files.		
1-6.1	Duplicate material. Copies that duplicate the record copy; originals when the duplicates are the official record copies. INCLUDES courtesy, suspense, control, and other duplicate copies of letters, memoranda and forms; copies or photocopies of documents, except those to be returned to sender. EXCLUDES material specifically required to be filed by VA directives.	Destroy after determining that the official record copy or original is in file.	VBA approved as non-record
NOTE: Duplicate copies are carbon copies made at the same time as the originals and photocopies or other reproductions which have no additional notations of record value.			
1-6.2	Originals and copies of redundant material with no administrative, legal, fiscal, or historical reference value after they have served the transmittal and/or control purpose for which they were created, such as suspense and control copies of forms, correspondence, and memoranda prepared solely for purpose of suspense, pending, or follow-up, and which do not contain notations of record value, flashes, diary cards, envelopes, transmittal mediums, including those returned as acknowledgments or receipts and which do not contain notations of record value. EXCLUDES material specifically required to be filed by VA directives.	Destroy after transmittal and/or control purpose has been served.	VBA approved as non-record
1-6.3	Non-record sensitive material extracted from the files, claims folders, and other systems of storage (includes but not limited to records pertaining to treatment for Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), alcohol abuse, drug abuse and Sickle Cell Anemia) which is compromised of more than a Veteran's name and file number.	Deposit in designated receptacles daily. Destroy by shredding or mutilation. (See VA Directive 6300)	VBA approved as non-record
1-6.4	Computer system printouts/reports not authorized to be filed in Veterans' folders or official files (paper or microfiche).	Destroy by shredding or mutilation after control purpose has been served or upon receipt of succeeding printout/report. (See VA Directive 6300)	VBA approved as non-record
1-6.5	Copies of documents maintained outside of the Office of Personnel and Labor Relations which are duplicated in the Official Personnel Folder.	Destroy when 6 months old.	GRS 1, Item 18b

1-8	Preliminary and intermediate drafts, worksheets, interim reports, and related papers which contain data that do not reflect significant steps in the development of policy or procedure. EXCLUDES project working papers.	Destroy after data are transcribed to more finished documents or permanent records, or after end product for which material was prepared has been abandoned.	VBA approved as non-record
1-9	Project working papers, including background material, studies, analyses, notes, rough drafts, interim reports, and related papers pertaining to the project (originals and copies). EXCLUDING final manuscript and related history file documenting the inception, scope, procedure, accomplishment, and coordination, such as initialed copies of manuals, technical bulletins, and other issues and memoranda.	Destroy 6 months after final action or 3 years after completion of report if no final action is taken.	VBA approved as non-record
1-10	Reference Publications:		
1-10.1	VA publications and directives, such as bulletins, circulars, catalogs, manuals, VA Regulations, all station letters, interim issues, pamphlets, bound volumes, and similar publications issued for regulatory or informational purposes; and publications from other government or state agencies, private concerns, or other sources. EXCLUDES publications concerning VA program for emergency planning and records and publications filed in the Administrative Issues History Files.	Destroy obsolete copies when replaced by current directives and/or when no longer required in daily operations. Destroy current copies which are in excess of reference needs.	VBA approved as non-record
1-10.2	Departmental directives concerning the VA program for emergency planning such as VA manuals and changes thereto, letters, memorandums, and similar mediums including classified material. EXCLUDES the Administrative Issues History Files.	Destroy by shredding when suspended or obsolete	VBA approved as non-record
1-10.3	Occupational information reference file. Compendia in which occupations are defined, coded, and classified, occupational descriptive literature and periodicals; legislation and related information affecting labor and employment; catalogs, bulletins, and publications from educational institutions and trade and technical schools; reports of occupational surveys; indices of employment opportunities and employers and of agencies cooperating in employment placement; reference books and bibliographies.	Destroy when replaced, rescinded, or rendered obsolete.	VBA approved as non-record



1-12	Recording mediums used for recording dictation, conferences, interviews, depositions and hearings. INCLUDES stenographers' notebooks, stenotype tapes, discs, tapes, belts, cylinders, cassettes and similar mediums. EXCLUDES recordings of personal counseling interviews, Vocational Rehabilitation & Employment Service.	Destroy stenographers' notebooks and stenotype tapes after transcribing notes. Remove discs, tapes, belts, cylinders, and cassettes from file for reuse after transcribing to paper records and after verification for accuracy and necessary certification. If no transcription is required, remove from file for reuse when no longer needed for purpose for which created. Destroy when no longer usable.	VBA approved as non-record
1-13	Correspondence on matters which are general and routine in nature, and replies thereto which involve no administrative action beyond the simple reply to the inquiry, no policy decisions, and no special compilations or research; requests for information, publications, rates, files, and operating details; notifications of visits and cancellations of visits and correspondence pertaining to hotel reservations, courtesy replies and letters of acknowledgment and referral.	Destroy after no longer needed for reference or 1 year after close of year in which prepared, whichever is earlier.	National Archives Job NN 166-41
1-14	Veterans General Name File (also known as 801 File). Unnumbered, unidentified portion of Veterans' files containing records which would be of no value in establishing or documenting an individual's claim or application for benefits or insurance.	Destroy 1 year after calendar year in which received or in which reply, if any, is made.	National Archives Job II NNA 2637
1-15	Consolidated Memorandum Receipt File. Contains Consolidated Memorandum Receipts, Adjustment Vouchers, and inventory lists in hard copy or electronic form.	Destroy 2 years from date of list.	GRS 3, Item 9a
1-16	Custody Receipt File. Consists of signed receipts for portable, Government-owned nonexpendable property (computer printouts or equivalent).	Destroy when employee has been cleared of responsibility.	National Archives Job NNA2566.
1-17	Inventory Requisition File. Contains copies of VA Form 2237, Request, Turn-in, and/or Receipt for Property or Services or equivalent.	Destroy when 6 months old.	GRS 3, Item 8b
1-18	Report of survey files and other papers used as evidence for adjustment of inventory records.	Destroy 2 years after date of survey action or date of posting medium.	GRS 3, Item 9c

1-19	General administrative correspondence files pertaining to internal procurement operations and administration matters and related papers not covered elsewhere in this schedule.	Destroy when 2 years old.	GRS 3, Item 2
1-20	Open Market File, Consists of VA Form 125, Request for Office Machine Repairs, SF 18, Exception to Request for Quotation, Rejection and Delinquency Reports, or equivalent, and related correspondence.	Destroy after 3 fiscal years and after survey by Supply Representative.	National Archives Job II NNA 3005.
1-21	Requests for building and equipment maintenance services EXCLUDING fiscal copies.	Destroy 3 months after work is performed or requisition is cancelled.	GRS 11, Item 5
1-23	Requests for forms or publications made by form (VA Form , Forms or Publications Requisition and Shipping Document, or equivalent), Letter or memorandum including acknowledgements, replies, and related papers:		
1-23.1	Request for accountable forms.	Destroy when 3 months old.	National Archives Job 351-S340
1-23.2	Requests for non-accountable forms EXCLUDING all requests from Veterans, service organizations, etc., which may be considered informal claims.	Destroy when 3 months old.	National Archives Job 349-S172
1-23.3	Requests for publications.	Destroy when 3 months old.	GRS 14, Item 1
1-24	Administrative Reports File. Contains copies of all personnel reports showing progress, projecting future personnel requirements, providing budgetary information, and providing data necessary for the preparation of reports required by VA or other Government agencies.	Destroy when 2 years old.	National Archives Job II-NNA-2413
1-24.1	Personnel Correspondence Files. Correspondence reports, and other records relating to the general administration and operation of personnel functions, but excluding records specifically described elsewhere in this schedule and records maintained at department staff planning levels.	Destroy when 3 years old.	GRS 1, Item 3
1-25	Applications for Federal Employment File and supporting papers and correspondence relative thereto, INCLUDES SF's 171 and 171a, Application for Federal Employment, and SF 172, Amendment to Personal Qualifications Statement. EXCLUDES records relating to appointments requiring Congressional or Presidential attention and applications resulting in appointment files in the official personnel folder.	Destroy upon receipt of OPM inspection report or when 2 years old, whichever is earlier, provided the requirements of the Federal Personnel Manual, chapter 333, section A-4 are observed.	GRS 1, Item 33(b)
1-26	Employee individual management potential		

	development plans, including data used in plan development, such as: personal employment data, employee self analysis of development needs, committee appraisal records and related records:		
1-26.1	Individual development plan of training program activities.	Destroy after becoming obsolete or after preparation of new plan and after documentation of personnel folders with pertinent data.	National Archives Job NN 168-21
1-26.2	Records used in preparing individual development plans.	Destroy after the development plan has been formulated.	National Archives Job NN 168-21
1-27	Optional Form 8, Position Description or equivalent. Files describing established positions including information on title, series, grade, duties and responsibilities:		
1-27.1	Record copy.	Destroy 2 years after position is abolished or description superseded.	GRS 1, Item 7b
1-27.2	All other copies.	Review annually and destroy superseded or obsolete documents; or destroy file relating to an employee within 1 year after separation or transfer	GRS 1, Item 18a
1-28	Service Record Card, VA Form 4644-2 or equivalent.	Destroy obsolete cards after replacement with current cards; destroy cards on separated employees after separation and after determination is made to abolish the position.	National Archives Job NN 167-12
1-29	Statement of employment and financial interests and related papers.	Destroy when 6 years old; EXCEPT documents needed in an on-going investigation will be retained until no longer needed in the investigation.	GRS 1, Item 24b
1-30	Employee Record Cards. Cards used for informational purposes outside personnel offices.	Destroy on separation or transfer of employee.	GRS 1, Item 6

1-31	Training Records:		
1-31.1	General files of agency-sponsored training:		
1-31.11	Correspondence, memoranda, agreements, authorizations, reports, requirement reviews, plans, and objectives relating to the establishment and operation of training, courses and conferences.	Destroy when 5 years old or 5 years after completion of a specific training program.	GRS 1, Item 29a(l)
1-31.12	Background and work papers.	Destroy when 3 years old.	GRS 1, Item 29a(2)
1-31.2	Employee Training. Correspondence, memoranda, reports and other records relating to the availability of training and employee participation in training programs sponsored by other government agencies or non-government institutions.	Destroy when 5 years old or when superseded or obsolete, whichever is sooner.	GRS 1, Item 29b
1-31.3	Course Announcements Files. Reference file of pamphlets, notices, catalogs and other records which provide information on courses or programs offered by government or non-government organizations.	Destroy when superseded or obsolete.	VBA approved as non-record
1-33	VA Form 1098, Request for and Authorization of Overtime Work, or equivalent:		
1-33.1	Originating office approved request, compensation will be paid or compensatory time granted (copies).	Destroy 6 months after the end of the pay period.	GRS 2, Item 3a(2)
1-33.2	Originating office disapproved requests, originals and copies.	Destroy after receipt by requesting official.	National Archives Job NN 166-99
1-34	Security Violations Logs/Reports, Security Data Logs, Sensitive File Data Logs, Security Activity Lists, INCLUDES computer generated reports No. D601, COIN INS-0001, COIN INS-DOIO, COIN INS-DOII and COIN CARS 0109.	Destroy by mutilation or shredding when 2 years old.	National Archives Job NCI-15-84-2
1-35	Consolidated Security File Listings.	Destroy by mutilation or shredding when 2 years old.	National Archives Job NCI-15-84-2
1-36	Combined Sensitive File Update Informational Log (Monthly and Yearly Listings).	Destroy by mutilation or shredding when 2 years old.	National Archives Job NCI-15-82-10
1-38	Sensitive File Suspense Data Report.	Destroy by mutilation or shredding when 1 year old.	National Archives Job NCI-15-84-8
1-39	Journal Extracts.	Destroy by mutilation or shredding when 1 year old.	National Archives Job NCI-15-84-8
1-40	Target System Transaction Reports (printouts) INCLUDES D-660, Total Transaction Listing (daily) and D-665, Total Transaction Listing (weekly).	Destroy by shredding when 3 months old.	National Archives Job NCI-15-83-4
1-41	Terminal Access Request, VA Form 20-8824, or equivalent.	Destroy 90 days after deletion of employees name from the system or immediately after a	National Archives Job NCI-15-84-2

		new request has been issued for that employee.	
1-42	Request for reproduction services files consisting of copies of VA Form 7700, Request for Reproduction Services, VA Form 7700c, Stock Replenishment Request or equivalent EXCLUDING Finance Division copies that are needed for audit purposes and copies maintained in the official history file.	Destroy 2 months after receipt of stock.	National Archives Job NN 169-11
1-43	Control registers pertaining to requisitions and work orders.	Destroy 1 year after close of fiscal year in which compiled or 1 year after filling of register, whichever is applicable.	GRS 13, Item 3
1-45	Systematic Analyses of Operations Report (copies received from field stations).	Maintain in open file until out-of-line situation is corrected. Transfer to closed file. Destroy when 3 years old.	National Archives Job NI-15-86-1
1-46	VA Form 4535, Notice of Employment, Transfer or Separation of Veteran.	Destroy by shredding after information has been entered or deleted as appropriate, from the Target Sensitive File.	Department approved as non-record
1-47	Calendars, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other activities by Federal employees while serving in an official capacity created and maintained in hard copy or electronic form. Materials determined to be "personal records" are not covered by this item:		
1-47.1	Records containing substantive information relating to official activities, the substance of which has not been incorporated into memoranda, reports, correspondence, or other records included in the official files. EXCLUDING records relating to the official activities of high government officials (see note below).	Destroy or delete when 2 years old.	GRS 23, Item 5a
	NOTE: High level officials include the heads of departments and independent agencies, their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal		

	employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions:		
1-47.2	Records documenting routine activities containing no substantive information and records containing substantive information, the substance of which has been incorporated into official files.	Retain or delete when no longer needed.	GRS 23, Item 5b
1-48	Personal Injury Files. Forms, reports, correspondence, and related medical and investigatory records relating to on-the-job injuries, whether or not a claim for compensation was made, EXCLUDING copies filed in the Employee Medical Folder and copies submitted to the Department of Labor.	Cut off on termination of compensation or when deadline for filing a claim has passed. Destroy 3 years after cut-off.	GRS 1, Item 31
1-49	Audiovisual Records:		
1-49.1	Photographs of routine award ceremonies, social events and activities not related to the mission of the department.	Destroy when 1 year old or when no longer needed.	GRS 21, Item 1
1-49.2	Video recordings acquired from outside sources for personnel and management training.	Destroy one year after completion of training program.	GRS 21, Item 14
1-49.3	Video recordings (rehearsal) of "role play" sessions with Veterans concerning job interview situations.	Destroy one year after completion of training program.	GRS 21, Item 17
1-50	Application for Leave, SF 71 or equivalent, and supporting papers relating to requests for and approval of taking leave EXCLUDING application for leave taken immediately prior to separation:		
1-50.1	If the timecard has been initialed by the employee.	Destroy after GAO audit or when 6 years old, whichever is sooner	GRS 2, Item 8
1-50.2	If the timecard has not been initialed by the employee.	Destroy after GAO audit or when 6 years old, whichever is sooner.	GRS 2, Item 8
1-51	Flextime Attendance Records. Supplemental time and attendance records, such as VA Form 4-5283, Weekly Attendance Records (flextime), or equivalent and work reports, used for time accounting under the flextime system.	Destroy after GAO audit or when 6 years old, whichever is sooner.	GRS 2, Item 8
1-52	Word Processing Files. Documents such as letters, messages, memoranda, reports, handbooks, directives, and manuals recorded on electronic media such as hard disks or floppy diskettes:		
1-52.1	When used to produce hard copy that is maintained in organized files.	Delete when no longer needed to create a hard copy.	GRS 20, Item 13 and 14
1-52.2	When maintained only in electronic form, and duplicate the information in, and take the place of records that would otherwise be maintained in hard copy that have been authorized for	Delete after the expiration of the retention period authorized for the	GRS 20, Item 3b

	destruction.	hard copy by this schedule.	
1-53	Administrative databases that support administrative or housekeeping functions, containing information derived from hard copy records authorized for destruction, if the hard copy records are maintained in official files.	Delete information in the data base when no longer needed.	GRS 20, Item 3b
1-54	Electronic Spreadsheets. Spreadsheets that are recorded on electronic media such as hard disks or floppy diskettes:		
1-54.1	When used to produce hard copy that is maintained in organized files.	Delete when no longer needed to update or produce hard copy.	GRS 20, Item 15a
1-54.2	When maintained only in electronic form.	Delete after the expiration of the retention period authorized for the hard copy by the GRS or this schedule. If the electronic version replaces hard copy records with differing retention periods, and agency software does not readily permit selective deletion, delete after the longest retention period has expired.	GRS 20, Item 15b
1-55	Reports File. Narrative and summary statistical recurring and nonrecurring reports required for reporting to higher echelon; feeder reports required for compiling reports for internal management; sampling reports; computer-generated reports and related papers, including those transmitted electronically:		
1-55.1	Copies of reports submitted to higher echelon.	Destroy 1 year after the close of year report is submitted to requesting office.	VBA approved as non-record
1-55.2	Original and copies of reports received from field stations; e.g., VA Form 23-8898, Mailing Cost Report.	Destroy 1 year from date the report is prepared.	VBA approved as non-record
1-56	Tracking and Control Records including logs, registers, and other records in hard copy or electronic form used to control or document the status of correspondence, reports, or other records.	Destroy or delete when 2 years old or 2 years after the date of the latest entry, whichever is applicable.	GRS 23, Item 8
1-57	Diskettes used for backup of glossary documents.	Retain diskettes until glossary document is replaced or no longer useful.	VBA approved as non-record

1-58	Transitory records including electronic mail on the WANG System.	Delete when the identical records have been deleted, or when replaced by a subsequent security backup file.	VBA approved as non-record
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## SECTION II – SUBJECT - NUMERIC AND DISTINCTIVE PROGRAM RECORDS

<b>Item No.</b>	<b>Title and/or Description</b>	<b>Disposition</b>	<b>Authority</b>
2-1	APPEALS. Records regarding appeals for benefits administered by VA with appellate jurisdiction in the Board of Veterans Appeals.	PERMANENT. Transfer to NARA in 5 year blocks when 20 years old.	N1-015-90-1
2-2	AUTHORIZATIONS. Records relating to authorizations and delegations of authority pertaining to broad, general activities and functions. (Records that pertain to specific programs or functions are authorized for disposition under the pertinent subject.):		
2-2.1	Delegations of authority issued by memorandum, letter, or other formal medium.	Destroy 5 years after cancellation.	National Archives Job NN 164-4
2-2.2	Identification slip, delegation of authority (VA Form 4505 series) authorizing the making of investigations, taking affidavits, etc.	Destroy after cancellation and after posting cancellation data to list.	National Archives Job II NNA34
2-3	BENEFITS. Correspondence, memoranda, reports, studies, reviews, and related material pertaining to Veterans' benefits, including waivers of overpayment, adjusted compensation, burial, Compensation and Pension, Loan Guaranty, special vehicle and housing, special monthly benefits for certain disabled Veterans, Vocational Rehabilitation and Employment, Veterans' assistance, and forfeiture of benefits:		
2-3.1	Material documenting significant policy and precedent actions.	PERMANENT. Transfer to NARA in 5 year blocks when 20 years old.	N1-015-90-1
2-3.2	Material documenting specific and general questions received from VA elements, other agencies, Veterans' service organizations, congressional sources, and the general public.	Destroy when 2 years old.	National Archives Job NN 163-4
2-4	BENEFITS-MEDICAL. Correspondence, memoranda, and other papers relating to medical and dental care and treatment and hospitalization programs for Veterans:		
2-4.1	Records documenting significant accomplishments, exceptions, decisions, establishment or revision of policy, procedures and directives.	PERMANENT. Transfer to NARA in 5 year blocks when 20 years old.	N1-015-90-1
2-4.2	Records documenting routine, repetitive activities conducted in accordance with the Department's and Agency's policies and procedures and routine inquiries for information.	Destroy when 5 years old.	National Archives Job NN 163-4 and NN 164-4
2-5	BOARDS-COMMITTEES. Records pertaining to meetings, minutes, and reports of boards, committees, panels, societies, associations, councils, and similar organized bodies,		

	EXCLUDING records similar organized bodies, EXCLUDING records pertaining to organization of VA Board of Veterans Appeals or Board of Waivers:		
2-5.1	Material documenting inception, scope, objectives, and accomplishments affecting policy or establishing precedent in operations and administration.	PERMANENT. Transfer to NARA on termination of the Commission	GRS 26, Item 2a
2-5.2	Material pertaining to organization, objectives, programs, and meetings of informal, internal committees and routine non-policy activities, operations or administration.	Delete when no longer needed for administrative purposes.	GRS 26, Item 1a
2-6	CONFERENCES. Correspondence, memoranda, minutes, reports, and related material pertaining to conferences and meetings in which departmental personnel participate or in which matters of interest to the Department are considered. (Records pertaining to conferences and meetings of associations, boards, etc., are authorized for disposition under Boards-Committees.)	Destroy when 5 years old or 5 years after completion of a specific training program.	GRS 1, Item 29a(1)
2-6.1	Material pertaining to the organization, objectives, agenda, and accomplishments of formal or official conferences or meetings.	Destroy when 3 years old.	GRS 26, Item 3
2-6.2	Material relating to invitations to conferences, acceptances or regrets, inquiries, courtesy correspondence, and similar material of a transitory nature.	Destroy/Delete when no longer needed for administrative purposes.	GRS 26, Item 1a
2-7	DEFENSE AND DISASTER. Records pertaining to national and civil defense, and protection of life and property:		
2-7.1	Material that establishes Departmental policy and procedures and documents departmental plans and operations in administering VA programs for continuity of operations in the event of serious disaster and for protection of life and property.	Destroy 3 years after issuance of a new plan or directive.	GRS 18, Item 27
2-7.2	Material which reflects routine day-to-day departmental operations in administering VA programs for continuity of operations in the event of serious disaster and for protection of life and property.	Destroy when 2 years old.	GRS 18, Item 26
2-7.3	Emergency Planning Case Files. Files accumulated by offices responsible for preparation and issuance of plans and directives. Contents include a copy of each plan or directive issued with related background papers.	Destroy when 2 years old.	GRS 18, Item 26
2-7.31	Record copy of each plan or directive issued, if not included in the department's permanent set of master directives files.	Destroy 3 years after issuance of a new plan or directive.	GRS 18, Item 27
2-7.32	Case file copy of plan or directive, if Department record copy is maintained in a master directives file, and all related background materials.	Destroy 3 years after issuance of a new plan or directive.	GRS 18, Item 27
2-7.4	Emergency Operations Tests Files. Files accumulated from tests conducted under department emergency plans, such as instructions	Destroy when 3 years old.	GRS 18, Item 28

	to members participating in the test, staffing assignments, messages, tests of communications and facilities, and reports, EXCLUDING consolidated and comprehensive reports.		
2-7.5	Classified material receipt and log sheets, EXCLUDING top secret.	Destroy when 2 years old.	GRS 18, Items 2 and 4
2-7.6	Top secret classified material, receipts and log sheets.	Destroy 5 years after documents shown on forms are downgraded, transferred, or destroyed.	GRS 18, Item 5a
2-8	FOREIGN AFFAIRS. Records pertaining to arrangements for providing Veterans' services to Veterans and their dependents residing in foreign countries and U.S. possessions not having regional office activity; international agreements and relations requiring VA-State Department cooperation:		
2-8.1	Material that documents policy or procedure, or that furnishes the basis for changes thereto, including copies of statistical information obtained from attached summaries and reports.	Destroy when superseded.	GRS 16, Item 14a.
2-8.2	Material that contains questions and answers to specific or general inquiries of a one-time nature, received within VA or from Department of State, other Government agencies, Veterans' organizations, foreign beneficiaries or correspondents.	Destroy when 2 years old.	National Archives Job NN 163-4
2-9	FOIA (Freedom of Information Act) RECORDS. Correspondence and other material pertaining to policy, programs, procedures, etc., related to implementation and administration of the Freedom of Information Act:		
2-9.1	FOIA Requests Files. Files created in response to requests for information under the Freedom of Information Act consisting of the original requests, a copy of the reply thereto, and all related supporting files that may include the official file copy of the requested record, or copy thereof:		
2-9.11	Correspondence and supporting documents, EXCLUDING the official file copy of the records requested, if filed therein:		
2-9.111	Granting access to all requested records.	Destroy 2 years after date of reply.	GRS 14, Item 11a (1)
2-9.112	Responding to requests for nonexistent records, to requestors who provide inadequate descriptions, and to those who fail to pay department reproduction fees.	Destroy 2 years after date of reply, if not appealed.	GRS 14, Item 11a (2)(a)
2-9.113	Denying access to all or part of the records requested.	Destroy 6 years after date of reply.	GRS 14, Item 11a (3)(a)
2-9.12	Official file copies of requested records.	Destroy in accordance with approved disposition instructions for the related	GRS 14, Item 11b

		records or with the related FOIA request, whichever is later.	
2-9.2	FOIA Control Files. Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature and purpose of request and name and address of requester.		
2-9.21	Registers or listings.	Destroy 5 years after date of last entry.	GRS 14, Item 13a
2-9.22	Other files.	Destroy 5 years after final action by VA or after final adjudication by courts, whichever is later.	GRS 14, Item 13b
2-9.3	FOIA Administrative Files. Records relating to the general departmental implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.	Destroy when 2 years old.	GRS 14, Item 15
2-9.4	FOIA Reports Files. Recurring reports and one-time information requirements relating to the Departmental implementation of FOIA:		
2-9.41	Annual reports at Departmental or Agency level.	Destroy when 2 years old.	GRS 14, Item 14
2-9.5	FOIA Appeals Files. Files created in responding to administrative appeals under the FOIA for release of information denied by the Department, consisting of the appellant's letter, a copy of the reply thereto and related supporting documents which may include the official file copy of records under appeal or copy thereof:		
2-9.51	Correspondence and supporting documents EXCLUDING the file copy of the records under appeal if filed herein.	Destroy 6 years after final determination by VA or 6 years after the time at which a requester could file suit, or 3 years after adjudication by courts, whichever is later.	GRS 14, Item 12a
2-9.52	Official file copy of records under appeal.	Dispose of in accordance with approved Department disposition instructions for the related record, or with the related FOIA request, whichever is later.	GRS 14, Item 12b
2-10	HOUSEKEEPING. Records pertaining to cleanliness in offices, arrangement of furniture and furnishings, cleaning and janitorial service and related activities conducive to orderly and appropriate appearance of the workplace:		
2-10.1	Material that documents policy, precedent, exceptions and deviations from policy.	Destroy when 2 years old.	GRS 1, Item 1
2-10.2	Material that reflects answers to general inquiries of a one-time nature, and annual program promotional material.	Destroy when 5 years old.	National Archives Job NN 164-4
2-11	INVESTIGATION. Records relating to broad or		

	general investigations. (Records that pertain to investigation on specific matters are authorized for disposition under the pertinent subject; i.e., for personnel investigations, see Personnel item; for loan guaranty investigations, see Benefits item.):		
2-11.1	Investigations on fires, accidents, or similar incidents involving Government property or employees.	Destroy when 2 years old.	GRS 18, Item 11
2-11.2	Investigations on matters of minor nature.	Destroy when 2 years old.	GRS 18, Item 11
2-12	LEGAL. Records relating to legal activities of VA. (Records which pertain to legal matters concerning specific programs or functions are authorized for disposition under the pertinent subject.):		
2-13	LEGISLATION. Records relating to proposed legislation, executive orders, and proclamations affecting or of interest to the department:		
2-13.1	Analyses and studies on cost and statistical data; copies of the Under Secretary for Benefits' recommendations to the Office of the General Counsel; printed copies of hearings, bills, etc., and related correspondence.	Destroy 10 years after inactivity.	National Archives Job NN 164-4
2-13.2	Correspondence pertaining to routine information or requests.	Destroy when 2 years old.	National Archives Job NN 164-4
2-14	MANAGEMENT AND ORGANIZATION. Records relating to general management, management techniques, management reviews and evaluations, organization, and establishment of standards for improving procedures, operations, and performance. (Records pertaining to such specialized management programs as forms, records, reports and statistics, etc., are authorized for disposition under the related items.):		
2-14.1	Material documenting establishment or changes to policy, procedures, or organization.	Destroy when 2 years old.	GRS 23, Item 1
2-14.2	Material documenting routine or repetitive operations such as field station surveys, self-audits, top to bottom evaluations, statistical quality control, work measurement, manpower utilization, and related and similar material EXCLUDING internal audit reports.	Destroy when 5 years old.	National Archives Job NN 164-4
2-14.3	Internal Audit Reports. Official copies with related comments, papers and material filed therewith.	Destroy when 10 years old.	National Archives Job II-NN-3481
2-15	OFFICE SYSTEMS AND METHODS. Correspondence, memoranda, studies and other material relating to automated data processing, office equipment and systems, mechanical research and development, electronic computers, wire and wireless communications, printing and duplicating systems, and related methods and		

	techniques:		
2-15.1	Material documenting the development, analysis, installation, and evaluation of the office systems.	Destroy/delete 1 year after termination of system.	GRS 23, Item 3b(1)
2-15.2	Material documenting routine activities conducted in accordance with policy and directive issuances, routine inquiries, requests for additional guidance, and routine observation reports which are consolidated into a final evaluation or summary.	Destroy when 2 years old.	GRS 12, Item 2a
2-16	PERSONNEL. Records that pertain to the administration of personnel activities and relate to performance awards, career development, ceiling and staffing, employee relations and activities, employee training and development, position classification and evaluation, employment, salary and wage administration, promotions, demotions, and personnel actions:		
2-16.1	Material that documents significant accomplishments, exceptions, and decisions.	Destroy when 3 years old.	GRS 1, Item 3
2-16.2	Material that reflects routine, repetitive activities such as inquiries and replies thereto that involve no administrative action beyond the simple reply, no policy decision, and no special compilation or research; correspondence that is duplicated in or not needed for filing in the employee's Management Development, Official, Dummy, or Fee Personnel folder; and reports.	Destroy when 5 years old.	National Archives Job NN 164-4
2-17	PA (Privacy Act) RECORDS. Correspondence and related material pertaining to policy, programs, procedures, etc., related to the implementation and administration of the Privacy Act:		
2-17.1	Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 D.S.C. 552a(d)(l). Files contain original request, copy of reply thereto, and all related supporting documents, EXCLUDING requests for information contained in a system of records; e.g., claims, insurance, or loan guaranty folders:		
2-17.11	Responses granting access to all requested records.	Destroy 2 years after date of reply.	GRS 14, Item 21a(1)
2-17.12	Response to requests for nonexistent records; to requestors who provide inadequate descriptions; and to those who fail to pay agency reproduction fees. REQUESTS NOT APPEALED.	Destroy 2 years after date of reply.	GRS 14, Item 21a(2)(a)
2-17.13	Responses denying access to all or part of the records requested. REQUESTS NOT APPEALED.	Destroy 5 years after date of reply.	GRS 14, Item 21a(3)(a)
2-17.14	Official file copy of requested records.	Dispose of in accordance with approved Department disposition instructions for the related records, or with	GRS 14, Item 21b

		the related Privacy Act request, whichever is later.	
2-17.2	Privacy Act Amendment Case Files relating to an individual's request to amend a record pertaining to that individual; to the individual's request for a review of VA's refusal of the individual's request to amend a record; and to any civil action brought by the individual against VA as provided under 5 D.S.C. 552a(g):		
2-17.21	Requests to amend agreed to by VA. INCLUDES individual's request to amend and/or review refusal to amend, copies of VA's replies thereto, and related materials.	Dispose of in accordance with the approved disposition instructions for the related subject individual's record or 4 years after VA's agreement to amend, whichever is later.	GRS 14, Item 22a
2-17.22	Requests to amend refused by VA. INCLUDES individual's request to amend and to review refusal to amend, copies of Department's replies thereto, statement of disagreement. Departmental justification for refusal to amend a record, and related materials.	Dispose of in accordance with the approved disposition instructions for the related subject individual's record, 4 years after final determination by VA or 3 years after final adjudication by the courts, whichever is later.	GRS 14, Item 22b
2-17.23	Appealed requests to amend. INCLUDES all files created in responding to appeals under the Privacy Act for refusal by VA to amend a record.	Dispose of in accordance with the approved disposition instructions for the related subject individual's record or 3 years after final adjudication by the courts, whichever is later.	GRS 14, Item 22c
2-17.3	Privacy Act Accountings of Disclosure Files. Files maintained under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency, including forms showing the subject individual's name, requestor's name and address, purpose and date of disclosure, and proof of subject individual's consent, when applicable.	Dispose of in accordance with the approved disposition instructions for the related subject individual's records, or 5 years after the disclosure for which the accountability was made, whichever is later.	GRS 14, Item 23
2-17.4	Privacy Act Control Files. Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request and name and address of requestor:		
2-17.41	Registers or listings.	Destroy 5 years after date of last entry.	GRS 14, Item 24a
2-17.42	Other files.	Destroy 5 years after final action by VA or final adjudication by courts, whichever is later.	GRS 14, Item 24b
2-17.5	Privacy Act General Administrative Files. Records	Destroy when 2 years old.	GRS 14,

	relating to the general departmental implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.	.	Item 26
2-17.6	Privacy Act Reports Files. Recurring reports and one-time information requirement relating to Departmental implementation, including annual reports to the Congress of the United States, the Office of Management and Budget, and the Report on New Systems:		
2-17.61	Annual reports at Departmental or Agency level.	Destroy when 2 years old.	GRS 14, Item 25
2-17.62	Other reports.	Destroy when 2 years old.	GRS 14, Item 25b
2-18	PUBLIC INFORMATION AND PUBLICITY. Records relating to public releases through press, radio and other mediums.		
2-18.1	Correspondence with the public, organizations, Congress, or others expressing satisfaction or dissatisfaction with operations or activities; copies of material prepared for speeches, radio and television releases, newspaper and magazine clippings, and other work papers used in developing press or other releases and for reference in making replies to inquiries.	Destroy when 4 years old.	National Archives Job NN 164-4
2-18.2	Routine requests for information and copies of replies; feeder information submitted by VBA to other Central Office elements or for special reports, and informational copies of releases, news digests, and other publications.	Destroy when 2 years old.	National Archives Job NN 164-4
2-19	RECORDS AND INFORMATION MANAGEMENT. Records pertaining to written communications in information management activities, including mail, messenger, publications, library, micrographics, correspondence, printing and procurement, and form and form letter management and control:		
2-19.1	Original incoming and record copies of outgoing communications, record copies of forms and reports and related material which documents policy and significant accomplishments.	Destroy when 6 years old.	GRS 16, Item 7
2-19.2	Original incoming and record copies of outgoing communications, record copies of forms and reports and related material which documents routine, repetitive, non-policy and non-precedent activities.	Destroy when 6 years old.	GRS 16, Item 7
2-19.3	Form and Form Letter History Files containing original and supplemental requests for Departmental standardized and local forms and form letters; printed copies of the forms and form letters; documents showing their inception, scope, program and/or administrative purposes served; related procedures instituted, superseded or cancelled.	Destroy 5 years after related form is discontinued, superseded, or canceled.	GRS 16, Item 3a



2-19.4	Supply controls including specifications and processing data, final type copy of form, issue and stock records, and related correspondence.	Destroy when related form is discontinued, superseded, or cancelled.	GRS 16, Item 3b
2-19.5	Records Management Files. Original records appraisals, record copies of Congressional disposal authorizations, original incoming and record copies of outgoing communications, record copies of forms and reports, and related materials which pertain to borrowing, disposition, documentation, inventory, loan, maintenance, microfilming, transfer and reconciliation of records, and release of information from records:		
2-19.51	Material that documents policy and significant accomplishments including records appraisal history files.	Destroy 2 years after supersession.	GRS 16, Item 2a(1)
2-19.52	Material that reflects routine, repetitive activities such as non-policy and non-precedent correspondence and reports.	Destroy when 6 years old.	GRS 16, Item 7
2-19.53	Copies of basic documentation of records description and disposition INCLUDES SF 115, Request for Records Disposition Authority, SF 135, Records Transmittal and Receipt, SF 258, Request to Transfer, Approval and Receipt of Records to National Archives of United States, VA Form 70-7468, Request for Disposition of Records, and related documentation.	Destroy 6 years after the related records are destroyed or after the related records are transferred to the National Archives of the United States, whichever is applicable.	GRS 16, Item 2a
2-19.54	Indispensable Records Control File, comprised of VA Form 3787, Notice of Shipment, VA Vital Records, and predecessor or equivalent forms and supporting papers.	Destroy 1 year from date of shipment to security depository and after disposition of related records.	National Archives Job NN 3292
2-19.6	Administrative Issues History Files. Copies of Departmental directives with supporting papers showing justification for issue, coordination, comments, concurrences:		
2-19.61	Paper format.	PERMANENT. Retire to Washington National Records Center in 5 year blocks when latest record is 20 years old.	National Archives Job N1-15-88-2
2-19.7	Mail Control Files:		
2-19.71	Statistical reports of postage used on outgoing mail and fees paid for private deliveries (special delivery, foreign, registered, certified, and parcel post).	Destroy when 6 months old.	GRS 12, Item 6b
2-19.72	Statistical reports and data relating to handling of mail and volume of work performed.	Destroy when 1 year old.	GRS 12, Item 6d
2-20	STRUCTURES AND LANDS. Correspondence, memoranda, and other material relating to land and acquisition, space utilization, development, management, and disposition of property.		
2-20.1	Material documenting policy, precedents, exceptions to and deviations from policy.	Destroy when 5 years old.	National Archives Job NC1-

			15-76-19
2-20.2	Material reflecting specific and general questions and replies of a repetitive or one-time nature.	Destroy when 5 years old.	National Archives Job NCI 15-76-19
2-20.3	Statement of assurance and compliance, certifying compliance with Title VII of the Civil Rights Act of 1964 (P.L. 88-352) and submitted by Veterans' service organizations to whom office space and facilities are furnished.	Destroy upon receipt of a new statement, providing there is no complaint pending against the service organization.	National Archives Job NN 167-112
2-20.4	Department Space Files. Records relating to the allocation, utilization, and release of space under department control, and related reports to the General Services Administration.		
2-20.41	Building plan files and related agency records utilized in space planning, assignment, and adjustment.	Destroy 2 years after termination of assignment, or when lease is canceled, or when plans are superseded or obsolete.	GRS 11, Item 2a
2-20.42	Correspondence with and reports to staff agencies relating to Department space holdings and requirements.		
2-20.43	Department reports to the General Services Administration regarding space occupied in "Metropolitan Washington" and "Outside the District of Columbia," and related papers.	Destroy when 2 years old.	GRS 11, Item 2b(1)
2-20.44	Copies in subordinate reporting units and related work papers.	Destroy when 1 year old.	GRS 11, Item 2b(2)
2-21	SUPPLIES, SERVICES AND EQUIPMENT. Correspondence, memoranda, and other material relating to the procurement, use, management, and disposal of equipment, supplies, and materials; requests or requisitions for work or repair service:		
2-21.1	Material documenting policy, precedents, exceptions to and deviations from policy.	Retain 3 years in active file, 2 years in inactive file, then transfer to a Federal Records Center for indefinite retention.	National Archives Job No NN 164-4
2-21.2	Material pertaining to repetitive operations and routine replies to inquiries.	Destroy when 5 years old.	National Archives Job NN 164-4
2-22	TRAVEL. Correspondence, memoranda, special studies and other material relating to travel or transportation of employees at Government expense, private individuals rendering service to VA when their travel is on official business, and authorized travel of VA beneficiaries and their attendants:		
2-22.1	Documentation of significant actions in the conduct of the travel program of VBA which relates to establishment of VBA policy in implementing basic VA procedure INCLUDING records such as VBA evaluation of changes in organizational	Destroy when 10 years old.	National Archives Job NN 164-4

	responsibility for travel functions; establishment of policy in situations peculiar to VBA operations; increase in per diem rates; and similar aspects of administration of the VBA travel program.		
2-22.2	Material that pertains to routine and repetitive, day-to-day conduct of the travel activity, INCLUDING material such as explanations and interpretations of procedures as applicable to particular situations, e.g., transportation of household goods, reimbursement of parking fees, authority to travel outside the United States, consolidated travel authorizations, individual travel authorizations, correspondence relating to individual employees.	Destroy when 3 years old.	GRS 9, Item 3a
2-22.3	Benefit Inquiry File. Inquiries on the status of individual cases, including inquiries from Veterans, questioning mostly the non-receipt or amounts of checks, and replies thereto; related benefit payment inquiry forms, and inquiries to the DPC and replies (originals and copies).	Destroy 90 days after end of month in which reply is sent.	National Archives Job NN 163-14
2-24	Loan guaranty records relating to routine, repetitive activities in day-to-day conduct of the program involving field station operations routinely requiring Central Office decisions and/or approval, such as authorization to terminate a loan, authorization for repairs exceeding a designated amount in cost on acquired properties (individual cases), approval of direct loans to VA employees, inquiries concerning applications for direct loans, and similar material.	Destroy when 10 years old.	National Archives Job NN 163-4
2-27	Specially Adapted Housing Records:		
2-27.1	Specially Adapted Housing Grant Card File (3 x 5 cards arranged by claim number).	Retain until imaged.	VBA approved as non-record
2-27.2	Specially Adapted Housing Grant Record Card File (3 x 5 cards arranged alphabetically by name).	Retain until imaged.	VBA approved as non-record
2-27.3	Specially Adapted Housing Grant Record Card, VA Form 26-1836 (arranged numerically by PH or AH no.)	Retain until imaged.	National Archives Job NI-15-86-7
2-27.4	Specially Adapted Housing Grant Case Number Register.	Retain until imaged.	VBA approved as non-record
2-29	Paralegic Housing Folders:		
2-29.1	Paralegic Housing Grant Folders documenting the Veteran's application for grant of assistance in securing specially adapted housing under 38 V.S.C., ch. 21 and related VA action INCLUDING some or all of the following: Veteran's	Retain until imaged.	National Archives Job II NN 3491

	supple- mental application; VA. report of medical feasibility; VA determination of basic legal eligibility or ineligibility; VA commitment to advance funds, plans, specifications, appraisal and inspection reports, and other pertinent material relating to the proposed dwelling and land; evidence of disbursement of grant of assistance and final accounting and related material and correspondence.		
2-29.2	Paraplegic Housing Folders. Deceased Veterans. Case folders on Veterans determined to be eligible for specially adapted housing program benefits under 38 U.S.C., ch. 21, who die before issue of VA commitment or fulfillment of any other conditions of the statute and 38 CFR 36.4400 through 36.4410 under which full grants are possible:		
2-29.21	Folders on cases of deceased Veterans in which it is determined that no claim will be filed by Veterans' estates and others for housing acquisition expense incurred by Veterans in anticipation of grants. Contents also include: certificates of Veterans' basic eligibility and medical feasibility of specially adapted housing, copies of basic eligibility notices to Veterans and servicing regional offices, correspondence with regional offices on case status and confirmation of death.	Destroy 1 year after receipt of regional office confirmation that no estate claim will be filed.	National Archives Job NN 165-140
2-29.22	Folders on cases in which 'claims of Veterans' estates and others for expenses incurred by Veterans in anticipation of grants are paid or denied wholly or in part. Contents also include record copies of documentation on claims settlement.	Destroy 1 year after claim for reimbursement has been paid or denied or 10 years after Veteran's death if no reimbursable claim has been filed.	National Archives Job NCI-15- 77-6
2-30	Educational Institution and Training Establishment Files. All records affecting approval, amendment, revision, withdrawal or disapproval of educational institutions, apprenticeship and other job training establishments for training eligible persons under laws administered by VA. INCLUDES all supporting papers and correspondence submitted by State Approving Agencies, VA Federal and State agencies, Veterans, educational and training establishments and institutions; notice of changes in programs, courses and schedules; reports of supervision for approval purposes; etc.		
2-30.1	Approved Institutions/Establishments.	Retain in the VBA Central Office VR&E Service, Operations Division, as an active file. Purge files during routine processing and/or at least once a year and destroy non-current material that is 7 years old.	National Archives Job NCI-15- 85-8

2-30.2	Institutions/Establishments Not Currently Approved.	Relocate to inactive storage area 1 year after the date the approval was withdrawn. Destroy after 6 years.	National Archives Job NCI-15-85-8
2-30.3	Disapproved Institutions/Establishments.	Destroy 1 year from the date the application was disapproved.	National Archives Job NCI-15-85-8
2-30.4	Institutions/Establishments Involved in Litigation or Investigation by VA or other agency.	Destroy 3 years after date of final action on the litigation or investigation.	National Archives Job NCI-15-85-8
2-30.5	Approved Institution and Establishment Reports File. Includes listings and statistical summaries of institutions and establishments approved for training under Title 38, U.S.C., Chapters 32, 34, and/or 35:		
2-30.51	Paper copies when a microfiche copy exists.	Maintain by fiscal year. Destroy when 1 year old.	National Archives Job NC1-15-83-6
2-30.52	Microfiche or paper copies.	Maintain by fiscal year. Destroy 3 years after termination of education programs and exhaustion of all educational entitlements.	National Archives Job NC1-15-83-6
2-31	Contract Files (VR&E In Residence). Copies of contracts for education and training of Veterans under the provisions of laws administered by VA and the related correspondence and supporting documents, including catalogs, statements of charges, and letters of authorization.		
2-31.1	Files relating to cases under litigation or on appeal, or transferred for possible action to the Department of Justice or General Accounting Office.	Destroy 11 years after termination of contract and after completion of all action.	National Archives Job II NN 3449
2-31.2	All others.	Destroy 11 years after termination of contract.	National Archives Job II NN 3449
2-32	State Approving Agency Records:		
2-32.1	State Approving Agency Report and Voucher Files. Reports on the number of inspections, approvals, and supervisory visits to schools furnishing courses of education and training, and to establishments furnishing on-the-job training courses of Veterans under Pub. L. 89-358; extra copies of vouchers and related papers filed therein:	Destroy 3 years after close of contract year.	National Archives Job II NNA 2019
2-32.2	State Approving Agencies Contract Files. Copies of agreements for reimbursement to State	Destroy 11 years after termination of the contract.	National Archives

	agencies for inspection, approval and supervision of proprietary schools and on-the-job training establishments under Pub. L. 89-358; related correspondence and supporting documents filed therein.		Job II NN 2150
2-34	Application for Certified Rehabilitation Counselor Maintenance, VA Form 28-0521.	Destroy 1 year from the end of the calendar year in which the training took place.	National Archives Job NI-15-89-2
2-35	Ad-Hoc data requests provided to internal and external requestors to fulfill business needs.	Destroy when no longer needed.	GRS 23, Item 7