

COLLECTIONS OF INFORMATION

1. **REASON FOR ISSUE.** This directive revises the Department of Veterans Affairs (VA) policy for collections of information, under the Paperwork Reduction Act (PRA) of 1995, (44 U.S.C. Chapter 35).
2. **SUMMARY OF CONTENTS/MAJOR CHANGES.** This directive sets forth policy and responsibilities for VA's Collections of Information Program.
3. **RESPONSIBLE OFFICE.** Office of the Assistant Secretary for Information and Technology (005), Office of Information Protection & Risk Management (005R), Office of Privacy and Records Management (005R1), Enterprise Records Service (005R1B).
4. **RELATED HANDBOOK.** VA Handbook 6309, Collections of Information Procedures.
5. **RESCISSION.** This directive rescinds policy on Collections of Information contained in VA Directive 6310, Forms, Collections of Information, and Reports Management dated December 18, 2001.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Roger W. Baker
Assistant Secretary for
Information and Technology

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COLLECTIONS OF INFORMATION

1. PURPOSE

(a) To provide policy and responsibilities for collections of information used within the Department of Veterans Affairs (VA).

(b) This directive provides policy for the clearance of all collections of information through the Office of Management and Budget (OMB) and submitting VA's information collection budget to OMB.

2. POLICY

a. Forms used in the collection of information will be electronically designed, whenever possible, to comply with the Rehabilitation Act of 1973 and the 1998 Amendment of Section 508 of the Rehabilitation Act, as amended by the Workforce Investment Act of 1998, for ease of interpretation, completion, transmittal, processing, and retrieval by persons with disabilities.

b. Use of electronic transmission of data, automated systems, and electronic forms and form letters should be used, when appropriate, to reduce and control the paperwork burden. This burden includes collections of information from individuals, businesses, other private entities, and state, local, and tribal governments. Electronic technology should be used to reduce VA's administrative and program operating costs.

c. VA will establish and maintain a Collections of Information Program as required by the PRA of 1995.

d. Only information essential to the implementation, conduct or management of VA programs will be collected.

e. A collection of information will not become effective until OMB has assigned a control number. A valid OMB control number will be displayed on the information collection instrument unless OMB determines it to be inappropriate.

f. Continued use of any collection of information is not authorized or enforceable after an approved OMB number expiration date has expired. Respondents receiving benefits will not be subject to any penalty for failure to comply with any collection of information that has expired.

g. Collections of information will be evaluated annually to achieve burden hour reductions.

h. When evaluating existing collections of information and considering new collections for approval, VA will support the goals established by 44 U.S.C., Section 3505(a)(1).

i. VA will conduct a series of qualitative and quantitative surveys to determine the kind of services its customers need, as well as to determine customer levels of satisfaction with existing services in accordance with Executive Order 12862, Setting Customer Service Standards.

j. All electronic forms must be cleared through the appropriate forms officer for adherence to current public laws and Department forms standards before being placed on the World Wide Web (www), Local Area Network (LAN), or any other electronic medium with the ability to disseminate to one or more people with the intentions to provide or collect data.

k. Data already available in electronic files or other format will be used as extensively as practical, rather than imposing an additional reporting burden on others. A report should never be required merely as a device to verify the accuracy of another report.

3. RESPONSIBILITIES

a. **Assistant Secretary for Information and Technology (AS/IT).** Administers the Department-wide Collections of Information Program that includes:

- (1) Developing and recommending to the Secretary policies and directives concerning Collections of Information Program in VA;
- (2) Serving as the senior official and the primary coordinator in the implementation and accomplishment of goals under the PRA.

b. **Deputy Assistant Secretary for Office of Information Protection and Risk Management** shall:

- (1) Perform all Collections of Information Program responsibilities as designated by the AS/IT;
- (2) Ensure Department-wide implementation of Collections of Information Program;
- (3) Designate an individual to serve as VA Clearance Officer.

c. **Associate Deputy Assistant Secretary for Privacy and Records Management** shall carry out the Department-wide policy, plan, procedure and directive pertaining to Collections of Information Program that include:

(1) Ensuring compliance with the PRA and OMB Circular A-129 on information collections for Federal financial assistance;

(2) Designating the **Director, Enterprise Records Service** to:

(a) Serve as the principal VA liaison with OMB on the Collections of Information Program;

(b) Prepare *Federal Register* notices announcing VA's intention to collect information;

(c) Obtain OMB approval for all collections of information and reporting or recordkeeping requirements;

(d) Serve as VA's Clearance Officer who will certify requests for OMB review under the PRA;

(e) Provide advice and assistance on the Collections of Information Program to program officials and coordinators within the Department; and

(f) Ensure the submission of VA's Information Collection Budget (ICB) to OMB.

d. **Under Secretaries, Assistant Secretaries, and Other Key Officials.** Establish and administer the Collections of Information Program in the offices and field facilities under their jurisdiction. The responsibilities are:

(1) Developing and issuing internal policies and procedures to implement provisions and policies of this directive;

(2) Reviewing collections of information within their respective organizations and ensuring all related activities are in compliance with the provisions of the laws, regulations, policies, and processes in this directive;

(3) Coordinating activities relating to clearance of collections of information; and preparation of data for the annual ICB with the Director, Enterprise Records Service;

(4) Ensuring all collections of information have OMB approval and display all information required by 5 CFR 1320.8(b3) in the respondent burden statement;

(5) Ensuring the required notice is given with requests for Social Security numbers, and that a Privacy Act statement appears on each applicable form or accompanying instruction sheet collecting information that will be included in a Privacy Act system of records (see 5 U.S.C. 552a(e)(3));

(6) Ensuring that all information collections for Federal assistance include a statement as to the applicant's delinquency status on Federal debts and include examples of debts, definitions of delinquency, and defaults in accordance with OMB Circular A-129;

(7) Evaluating their respective programs for economy and effectiveness;

(8) Designating an official and alternate to serve as the Information Collection Coordinator. Report the names, mail routing symbols, and telephone numbers of the designated coordinators to the Director, Enterprise Records Service. Notify that office of all additions, changes, and deletions in a timely manner; and

(9) Ensuring officials are designated in each VA field facility to serve as the facility Information Collection Coordinator. These individuals are responsible for assisting the facility director in ensuring that the facility is in compliance with the provisions of this directive.

e. **Office of the General Counsel** shall notify the Director, Enterprise Records Service of collections of information contained in proposed rules and of any changes or pending modifications to existing collections contained in current rules.

4. REFERENCES

The relevant authorities and requirements governing Collections of Information are:

- (1) E-Government Act 2002;
- (2) Executive Order 12291, Federal Regulation;
- (3) Executive Order 12862, Setting Customer Service Standards;
- (4) Executive Order 13011, Information Technology Management Reform Act of 1996;
- (5) OMB Circular A-129, Managing Federal Credit Programs (nonstatutory guidance);
- (6) Paperwork Reduction Act (PRA) of 1995, as amended (44 U.S.C. Chapter 35);
- (7) Public Law 103-283, Section 207a, Legislative Appropriations Act;
- (8) Public Law 104-106, Division E, Information Technology Management Reform;
- (9) Public Law 100-527, Section 4(d), Department of Veterans Affairs Act;

(10) Public Law 111-5, Section 1512, American Recovery and Reinvestment Act of 2009, (Grant, Cooperative Agreements and Loans);

(11) Rehabilitation Act of 1973, Section 508 of the Workforce Investment Act of 1998;

(12) Title 5, CFR, Part 1320, Controlling Paperwork Burdens on the Public;

(13) Title 5, U.S.C. Section 552, Freedom of Information Act;

(14) Title 5, U.S.C. Section 552a, Privacy Act of 1974, as amended; and

(15) Title 38 U.S.C. Sections 310, 5701, 5705, and 7332, Veterans Benefits.

5. DEFINITIONS

a. **Burden.** The total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide information to or for a Federal agency (see 5 CFR 1320.3(b)).

b. **Collection of Information.**

(1) Except as provided in 5 CFR 1320.4, collection of information means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on 10 or more members of the public or "persons" (individuals, partnerships, associations, corporations, business trusts, legal representatives, organized groups of individuals, and states, U.S. territories, and local governments or their components), whether such collection of information is mandatory, voluntary, or required to obtain a benefit (see 5 CFR 1320.3(c));

(2) Ten or more persons refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period, including independent state, territorial, tribal or local entities and separately incorporated subsidiaries or affiliates;

(3) Ten or more persons does not include employees of the respondent acting within the scope of their employment, contractors engaged by a respondent for the purpose of complying with the collection of information, or current employees of the Federal Government (including military reservists and members of the National Guard while on active duty) when acting within the scope of their employment, but it does include retired and other former Federal employees. However, if the collection of information includes questions posed to agencies, instrumentalities, or employees of the United States, if the

results are to be used for general statistical purposes, that is, if the results are to be used for statistical compilations of general public interest, including compilations showing the status or implementation of Federal activities and programs;

(4) Collection of information may be in any form or format, including the use of report forms; application forms; schedules; questionnaires; surveys; reporting or recordkeeping requirements; contracts; agreements; policy statements; plans; rules or regulations; planning requirements; circulars; directives; instructions; bulletins; requests for proposal or other procurement requirements; interview guides; oral communications; posting, notification, labeling, or similar disclosure requirements; telegraphic or telephonic requests; automated, electronic, mechanical, or other technological collection techniques; standard questionnaires used to monitor compliance with agency requirements; or any other techniques or technological methods used to monitor compliance with agency requirements;

(5) Consent forms that are completed and signed by individuals must be cleared through OMB. If the consent form is prepopulated with the required information and the individual only signs and dates the form, OMB clearance is not required.

c. **Information.** Any statement of fact or opinion, regardless of the form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media (see 5 CFR 1320.3(h)).

d. **Interagency Report.** Interagency reports that require collection of information from the public, or State or local governments will require OMB clearance.

e. **Recordkeeping Requirement.** A requirement imposed by or for an agency on persons to maintain specified records, including a requirement to:

- (1) Retain such records;
- (2) Notify third parties, the Federal Government, or the public of the existence of such records;
- (3) Disclose such records to third parties, the Federal Government, or the public; and
- (4) Report to third parties, the Federal Government, or the public regarding such records (see 5 CFR 1320.3(m)).