

In accordance with Standard Operating Procedure 00 41 2 Item Nos. 70:07, 70:08, 70:09, 70:10, 70:11, 70:13, 70:14 and 70:15, OGC NI-309-88-1, OGC NI 309-99-1, OGC NI-309-88-1. In accordance with National Archives and Records Administration General Records Schedule 14.11.

**SYSTEM MANAGER(S) AND ADDRESS:**

OGC and Field Office Systems Manager. See Appendix A.

**SOURCE CATEGORIES:**

Subject employee, Agency personnel, the public, the DOJ, bankruptcy notices, court records, title companies, and Loan Case Files.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. § 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order for the Agency legal staff to properly perform its functions.

SBA 20

**SYSTEM NAME:**

DISASTER LOAN CASE FILE--SBA 20

**SYSTEM LOCATION:**

SBA Disaster Area Offices and the Department of Housing and Urban

Development (HUD). See Appendix A for SBA addresses; HUD addresses are published by HUD.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDES:**

Applicants and recipients of disaster home loans.

**CATEGORIES OF RECORDS IN THE SYSTEM INCLUDES:**

Information relating to applicants and recipients of a disaster home loan from the time of application until the date of payment in full or charge-off is approved; or until the date of an official denial if declined. These records include:

Loan applications, supporting documents, personal history, financial statements, credit information investigative reports, appraisers' reports, waivers, loan record transfers, correspondence, recommendations, authorizations, disbursement amount, term and rate, payment history, collateral, UCC filings and re-filings, collection and liquidation activities, financial statements, settlements and compromises, participating bank information, field visit reports, borrowers insurance information and loan accounting information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

15 U.S.C. § 634(b)(6), 44 U.S.C. § 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, THESE RECORDS MAY BE USED, DISCLOSED OR REFERRED:**

- a. To the public on approved loans, information is limited to recipient name and address, term and rate of the loan, and

the apportioned amount of the loan for real or personal property loss.

- b. To provide information to potential investors who are interested in bidding on loans made available by the Agency in a sale of assets. Investors will be required to execute a confidentiality agreement prior to reviewing any record or information.

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- c. To the public, under certain conditions, on losses incurred by the government due to non-payment of obligations by individuals. In these cases, the name and address of the obligator and amount incurred (amount written-off from Agency assets) will not be released to the public unless the borrower consents to disclosure or is required pursuant to the Freedom of Information Act (FOIA).
- d. To the Federal, State, local or foreign agency or professional organization which has responsibility for investigating, prosecuting or enforcing violations, statute rules, regulations or orders issued when the Agency locates a violation or potential violation of law whether arising by general or program statute, or by regulation, rule or order.
- e. To request information from a Federal, State or local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan; this may be requested individually or part of a computer match.
- f. To provide data to the General Accounting Office for periodic reviews of SBA.

- g. In response to a request from a State or Federal agency in connection with the issuance of a grant, loan or other benefit by that agency which is relevant to their decision on the matter; this may be requested individually or part of a computer match.
- h. To other Federal agencies to conduct computer matching programs to locate delinquent SBA borrowers who are receiving Federal salaries or benefit payments and programs to identify delinquent SBA borrowers receiving federal salaries or benefit payments. Disclosure will be made if the records indicate the loan is in default, at least 30 days past due or to update a previous disclosure. SBA will make the disclosures to obtain repayments of debts under the provisions of the Debt Collection Act of 1982 by voluntary repayment, or by administrative or salary offset procedures.
- i. To a consumer reporting agency.
- j. To provide the Internal Revenue Service (IRS) with access to an individual's records for an official audit to the extent the information is relevant to the IRS's function.
- k. To a court, magistrate, grand jury or administrative tribunal, opposing counsel during such proceedings or in settlement negotiations when presenting evidence.
- l. To a Congressional office from an individual's record, when the office is inquiring on the individual's behalf; the Member's access rights are no greater than the individual's.
- m. To Agency volunteers, interns, grantees, experts and contractors who have been engaged by the Agency to

assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. § 552a.

- n. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines the disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected:
- (1) The agency, or any component thereof;
  - (2) Any employee of the agency in his or her official capacity;
  - (3) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or
  - (4) The United States Government, where the agency determines that litigation is likely to affect the agency or any of its components.
- o. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which the agency is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided,

however, that the agency determines that the use of such records is relevant and necessary to the litigation, and that, in each case, the agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is compatible with the purpose for which the records were collected:

- (1) The agency, or any component thereof;
- (2) Any employee of the agency in his or her official capacity;
- (3) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or
- (4) The United States Government, where the agency determines that litigation is likely to affect the agency or any of its components.

p. To transmit data to U.S. Department of the Treasury to effect issuance of loan funds to borrowers.

q. To the Federal Emergency Management Agency to coordinate the issuance of federal disaster assistance to disaster victims and monitor for duplication.

r. To the public under the FOIA, 5 U.S.C. § 5552.

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

**STORAGE:**

Paper and electronic files.

**RETRIEVAL:**

By applicant/recipient name, cross-referenced loan number or borrower's Social Security Number.

**SAFEGUARDS:**

Access and use limited to persons with official need to know to know; computers are protected by password and user identification codes.

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**RETENTION AND DISPOSAL:**

In accordance with Standard Operating Procedure 00 41 2 Item Nos. 70:09 and 70:13.

**SYSTEM MANAGER(S) AND ADDRESS:**

Disaster Area Office Directors. See Appendix A.

Director, DCMS Operations Center, 1175 Herndon Parkway, Herndon, VA 20170.

**NOTIFICATION PROCEDURES:**

An individual may submit a record inquiry in person or in writing to the Systems Manager or PA Officer. See Appendix A.

**ACCESS PROCEDURES:**

Systems Manager or PA Officer will determine procedures.

**CONTESTING PROCEDURES:**

Notify the official listed above, state the reason(s) for contesting it and the proposed amendment sought.

**SOURCE CATEGORIES:**

Subject, individuals, Agency employees, financial institution, law enforcement agencies, and Federal Emergency Management Agency.