

SYSTEM NAME:

LOAN SYSTEM--SBA 21

SYSTEM LOCATION:

Headquarters (HQ), Regional Offices, District Offices, Branch Offices, Processing Centers, and Servicing Centers. See Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (i.e. borrowers, guarantors, principals of businesses named in loan records), throughout the life of SBA's interest in a loan, under all of the Agency's business (non-disaster) loan programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and commercial information (i.e. credit history, financial information, identifying number or other personal identifier) on individuals named in business loan files, throughout the life of SBA's interest in the loan, under all of the Agency's business (non-disaster) loan programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 85-536, 15 U.S.C. § 631 et seq. (Small Business Act, all provisions relating to loan programs); 44 U.S.C. § 3101 (Records Management by Federal Agencies); and Public Law 103-62 (Government Performance and Results Act).

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 SBA Resource Partner, its successors or assigns, (i.e.

participating lender, certified development company, micro

lender) who initially collected the individual's information

for the purpose of making and servicing loans.

b. 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.

c. To the Federal, state, local or foreign agency or organization

which investigates, prosecutes, or enforces violations, statutes,

rules, regulations, or orders issued when an agency identifies a

violation or potential violation of law, arising by general or

program statute, or by regulation, rule, or order.

d. 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.

e. To qualified investors who have signed a confidentiality agreement related to review of files for the purpose of evaluating, negotiating and implementing the purchase of loans from the Agency as a part of the Agency's Asset Sales

program.

f. 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.

g. 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.

h. To request information from a Federal, State, local
agency or a

private credit agency maintaining civil, criminal or
other

information relevant to determining an applicant's
suitability

for a business loan. This applies to individuals
involved in

business loans.

i. To a recipient who has provided the agency with advance adequate

written assurance that the record will be used solely as a

statistical research or reporting record, and the record is to

be transferred in a form that is not individually identifiable.

j. To 7(a) and 504 lenders and/or participating contractors for

purposes of the Loan and Lender Monitoring System (L/LMS).

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

STORAGE:

Electronic Records are in a secured server and paper records are in files. Loan files are in a secured area in either locked files or locked file rooms.

RETRIEVABILITY:

Electronic Records: By individual name, personal identifier, SBA Identifier, Participating Lender Identifier, Participating Lender Name, business name, and business identifier.

Paper Records: By individual name, personal identifier and

SBA Identifier.

SAFEGUARDS:

Electronic Records: Access and use is limited to Agency officials acting in their official capacities, with a need-to-know, and to SBA Resource Partners. Access and use by SBA Resource Partners will generally be via the Internet, with restricted password(s)/ passcode(s). SBA Resource Partners, their successors or assigns, will have access only to those individual records that were collected by that particular partner.

Information contained in files will be available only to potential asset sale purchasers who have executed a confidentiality agreement. Only SBA employees in the performance of their official duties, who are granted access to the records by Agency issuance of User ID and/or passcode, may amend or review the records.

Paper Records: Access and use is limited to Agency officials acting in their official capacities, with a need-to-know. SBA Resource Partners, their successors or assigns, will have access only to those individual records that were collected by that particular partner.

Information contained in loan files will be available only to potential asset sale purchasers who have executed a confidentiality agreement. Only those SBA employees in the

performance of their official duties may amend or review the records.

RETENTION AND DISPOSAL:

In accordance with SBA Standard Operating Procedure 00 41 2, Item Nos. 50:04, 50:08, 50:09, 50:10, 50:11, 50:12, 50:13, 50:19, 50:22, 55:02. Records are retained for the life of SBA's interest in the business loan and are disposed of according to the reference in the SOP that pertains to a particular type of record; retention period varies according to the type of record.

SYSTEM MANAGERS AND ADDRESSES:

Associate Administrator for Capital Access, Associate Administrator for Lender Oversight, Associate Administrator for Financial Assistance, Regional Administrators, District Directors, Branch Managers, Loan Service Center Director and Loan Processing Centers Directors. See Appendix A.

NOTIFICATION PROCEDURE:

An individual may submit a written record inquiry to the appropriate Systems Manager or PA Officer.

RECORDS ACCESS PROCEDURES:

Systems Manager or PA Officer will determine procedures.

CONTESTING RECORD PROCEDURES:

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

RECORD SOURCE CATEGORIES:

Subject individuals and businesses, financial institutions, credit reporting agencies, law enforcement agencies and SBA resource partners.