



# Department of Veterans Affairs FOIA Report FY2000

## I. Basic Information Regarding the Report:

### A. Point of Contact for questions regarding the report:

Donald L. Neilson, Director  
Information Management Service (045A4)  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420  
(202) 273-8135

### B. Electronic address for the report on the World Wide Web:

<http://www.va.gov/foia/report/>

### C. How to obtain a copy of the report in paper form:

A written request should be sent to:

Director, Information Management Service (045A4)  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

## How to Make a FOIA Request:

To submit a FOIA request, please visit our electronic FOIA Guide at:

<http://www.va.gov/foia/guide.asp>

### A. Contact Information

<http://www.va.gov/foia/offices.asp>

### B. Brief description of the agency's response-time ranges:

The median response time ranges are from 2 to 86.5 days depending on the complexity of the request and the amount of time that is necessary to determine who has the responsive documents. Some very large requests may require several months to over a year to fully process (sometimes in batches) based on the complexity of the request, and the number of documents that VA must retrieve, review and redact.

### C. Brief description of why some requests are not granted:

Requests are not granted in cases where the document requested either does not exist or cannot be found after a reasonable search or where the FOIA would prevent granting the request based on an applicable FOIA exemption.

## II. Contact Information

- A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests. <http://www.va.gov/foia/>

## III. DEFINITIONS OF BASIC TERMS AND ACRONYMS

### VA ACRONYMS:

<b>A&amp;MM (90)</b>	Acquisition & Materiel Management
<b>Admin (03)</b>	Administration
<b>BCA (09)</b>	Board of Contract Appeals
<b>BVA (01)</b>	Board of Veterans Appeals
<b>C&amp;LA (009)</b>	Congressional & Legislative Affairs
<b>DM&amp;EEO (06)</b>	Diversity Management & Equal Employment Opportunity
<b>GC (02)</b>	General Counsel
<b>HRM (05)</b>	Human Resources Management
<b>IG (50)</b>	Inspector General
<b>ITSS (045ITSA)</b>	Information Technology Support Service
<b>Mgmt (004)</b>	Management
<b>NCA (40)</b>	National Cemetery Administration
<b>OASHRA (006)</b>	Office of the Assistant Secretary for Human Resources & Administration
<b>OASP&amp;IA (002)</b>	Office of the Assistant Secretary for Public & Intergovernmental Affairs
<b>ODASB (041)</b>	Office of the Deputy Assistant Secretary for Budget
<b>ODASIA (075)</b>	Office of the Deputy Assistant Secretary for Intergovernmental Affairs
<b>OF (047)</b>	Office of Finance
<b>OI&amp;T (005)</b>	Office of Information & Technology
<b>ORM (08)</b>	Office of Resolution Management
<b>OSDBU (00SB)</b>	Office of Small & Disadvantaged Business Utilization
<b>P&amp;P (008)</b>	Policy and Planning
<b>PA (80)</b>	Public Affairs
<b>S&amp;LE (07)</b>	Security & Law Enforcement
<b>SEC (00)</b>	Office of the Secretary
<b>VBA (20)</b>	Veterans Benefits Administration
<b>VCS (785)</b>	Veterans Canteen Service VACO
<b>VHA (10)</b>	Veterans Health Administration
<b>White House (WHL)</b>	White House Liaison

## **BASIC TERMS:**

- 1. FOIA/PA Request** -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
- 2. Initial Request** -- a request to a federal agency for access to records under the Freedom of Information Act.
- 3. Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
- 4. Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
- 5. Multi-track processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
- 6. Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
- 7. Simple request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
- 8. Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
- 9. Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
- 10. Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
- 11. Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
- 12. Time limits** -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

**13. Perfected request** -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

**14. Exemption 3 statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

**15. Median number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

**16. Average number** -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

#### **IV. Exemption 3 Statutes**

38 U.S.C. 5701

38 U.S.C. 5705

38 U.S.C. 7332

35 U.S.C. 205

#### **Other Statutes:**

5 U.S.C. App. 3 § 7

Fed. R. Crim. P. 6(e)

41 USC 253b(m)(1)

#### **AI. Brief description of type(s) of information withheld under each statute:**

1. Names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of the Department (38 U.S.C. § 5701);
2. Records and documents created by the Department as part of the confidential medical quality-assurance program (38 U.S.C. § 5705);
3. Records of the identity, diagnosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity relating to drug abuse, alcoholism or alcohol abuse, infection with the HIV virus, or sickle cell anemia (38 U.S.C. § 7332);
4. Information disclosing any invention in which the Federal Government owns or may own a right, title, or interest for a reasonable time in order for a patent application to be filed (38 U.S.C. § 205);
5. Prohibition against disclosure of employees' identities where complaints made by employees are recorded by the Office of Inspector General (5 U.S.C. App. 3, § 7).
6. Prohibition against release of contractor proposals under 5 U.S.C. § 552 within framework of procurement procedures for public contracts (41 U.S.C. § 253b(m)(1)).
7. Information from Grand Jury proceedings that is authorized for and prohibited from release (Fed. R. Crim. P. 6(e)).

**A2.** Statement of whether a court has upheld the use of each statute. If so, then cite example.

38 U.S.C. § 5701 upheld by Ashton v. VA, No. 99-6018 (2d Cir. Sept. 3, 1999)  
38 U.S.C. § 5705 upheld by Schulte v. VA, No. 86-6251 (S.D. Fla. Feb. 2, 1996)  
38 U.S.C. § 7332 upheld by Palmer v. Derwinski, No. 91-197 (E.D. Ky. June 10, 1992)

**V. Initial FOIA/PA Access Requests**

**A. Number of initial requests**

1. Number of requests pending as of the end of preceding fiscal year :	28,355
2. Number of requests received during current fiscal year :	1,239,844
3. Number of requests processed during current fiscal year :	1,230,544
4. Number of requests pending as of end of current fiscal year :	37,655

**B. Disposition of initial requests**

1. Number of total grants :	1,193,573
2. Number of partial grants :	6,514
3. Number of denials :	13,874

a. Number of times each FOIA Exemption used (counting each exemption once per request)

1. Exemption 1 :	2
2. Exemption 2 :	151
3. Exemption 3 :	542
4. Exemption 4 :	44
5. Exemption 5 :	138
6. Exemption 6 :	1,197
7. Exemption 7A :	22
8. Exemption 7B :	2
9. Exemption 7C :	56
10. Exemption 7D :	3
11. Exemption 7E :	8
12. Exemption 7F :	12
13. Exemption 8 :	0
14. Exemption 9 :	0

4. Other reasons for nondisclosure (total) : 20,058

a. no records :	7,571
b. referrals :	4,552
c. request withdrawn :	944
d. fee-related reason :	323
e. records not reasonably described :	806
f. not a proper FOIA request for some other reason :	1,438
g. not an agency record :	797
h. duplicate request :	1,746
i. other :	1,881

**Other Reasons**

1. special consent issue
2. not a VA patient or employee
3. not signed by veteran
4. Federal Manual/Published Journals
5. no consent
6. could not identify
7. offered mail forwarding
8. request for amendment of records
9. incomplete consent
10. no signed release by claimant
11. physician denial
12. access to testimony of other individuals
13. unable to retrieve record
14. 552a(d)(5); 38 CFR 1.555(g)(4)
15. no proper consent
16. records transferred
17. portions of the record not located
18. insufficient authorization
19. quality assurance document
20. 1-no address given & 1- could not identify veteran
21. detrimental to veteran's health
22. no response from requester
23. incomplete consent issues
24. expired release
25. consent issue

## VI. Appeals of Initial Denials of FOIA/PA Requests

*(Note : Only General Counsel should have filled in this section)*

### A. Number of appeals

1. Number of appeals received during fiscal year :	117
2. Number of appeals processed during fiscal year :	110

### B. Disposition of appeals

1. Number completely upheld :	55
2. Number partially reversed :	27
3. Number completely reversed :	28

a. Number of times each FOIA Exemption used (counting each exemption once per request)

1. Exemption 1 :	0
2. Exemption 2 :	3
3. Exemption 3 :	14
4. Exemption 4 :	1
5. Exemption 5 :	15
6. Exemption 6 :	37
7. Exemption 7A :	2
8. Exemption 7B :	0
9. Exemption 7C :	9
10. Exemption 7D :	0
11. Exemption 7E :	0
12. Exemption 7F :	0
13. Exemption 8 :	0
14. Exemption 9 :	0

4. Other reasons for nondisclosure (total) : 56

a. no records :	18
b. referrals :	0
c. request withdrawn :	2
d. fee-related reason :	1
e. records not reasonably described :	0
f. not a proper FOIA request for some other reason :	5
g. not an agency record :	1
h. duplicate request :	0
i. other :	29

#### **Other Reasons**

includes FOIA appeals (17) and Privacy Act Access appeals (12) that were satisfied at the field office level after appeals had been filed at OGC; the records were released by the field offices after OGC intervention.

## VII. Compliance with Time Limits/Status of Pending Requests

### A. Median processing time for requests processed during the year

1. Simple requests (*only fill in if multiple tracks are used*).

a. number of requests processed :	
b. median number of days to process :	

2. Complex requests (specify for any and all tracks used).

a. number of requests processed :	1,158,939
b. median number of days to process :	25

3. Requests accorded expedited processing.

a. number of requests processed :	71,605
b. median number of days to process :	2

### B. Status of pending requests

1. Number of requests pending as of end of current fiscal year :	37,655
2. Median number of days that such requests were pending as of that date :	15

## VIII. Comparison with Previous Year(s)

### A. Comparison of numbers of requests received:

During FY 1999, VA received 1,151,326 requests. 1,239,844 requests were received in FY 2000.

### B. Comparison of numbers of requests processed:

1,139,214 were processed in 1999. 1,230,544 were processed in 2000.

### C. Comparison of median number of days requests were pending as of end of fiscal year:

The median number of days of requests pending as of the end of the fiscal year was 12 in 1999 and 15 in 2000.



## IX. Costs/FOIA Staffing

### A. Staffing Levels

1. Number of full-time FOIA personnel :	489.0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) :	3.0
3. Total number of personnel (in work-years) :	492.0

### B. Total Costs (including staff and all resources)

1. FOIA processing (including appeals) :	\$24,687,049.25
2. Litigation-related activities (estimated) :	\$48,498.00
3. Total Costs :	\$24,735,547.25
4. Comparison with previous year(s) (including percentage of change) <i>optional</i> :	

### C. Statement of additional resources needed for FOIA compliance *optional*:

## X. Fees

A. Total amount of fees collected by agency for processing requests :	\$334,830.85
B. Percentage of total costs :	1.35%

## XI. FOIA REGULATIONS (Including Fee Schedule)

**The Department of Veterans Affairs (VA) regulations implementing the Freedom of Information Act are:**

38 C.F.R. § 1.550 – 1.557, Release of Information from Department of Veterans Affairs Records Other than Claimant Records

**VA Regulations Implementing the Privacy Act are:**

38 C.F.R. § 1.575 – 1.577, 1.580, Safeguarding Personal Information in Department of Veterans Affairs Records

**The schedule of Fees is available at:** 38 C.F.R. § 1.555, Fees

**These regulations can be accessed at:** <http://www.va.gov/oit/cio/foia/regulations.asp>