



**Department of Veterans Affairs
FREEDOM OF INFORMATION ACT (FOIA)
REPORT FOR FISCAL YEAR 2002**

I. Basic Information Regarding the Report

A. Point of Contact for questions regarding the report:

Marty Hill, Acting Director
Records Management Service (005E3)
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/FY2002/default.html>

C. How to obtain a paper copy of the report (send written request):

Director, Records Management Service (005E3)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

II. How to Make a FOIA Request:

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

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

A. Contact Information:

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

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

The median response time ranges are from 1 to 24 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.

III. DEFINITIONS OF BASIC TERMS AND ACRONYMS

ACRONYMS

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

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

STATUTE OR RULE	INFORMATION TYPE	CASE CITATION
35 U.S.C. 205	Federal agencies are authorized to withhold from disclosure to the public 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.	None.
38 U.S.C. 5701	Names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of the Department.	Ashton v. VA, No. 99-6018 (2d Cir. Sept. 3, 1999)
38 U.S.C. 5705	Records and documents created by the Department as part of the confidential medical quality-assurance program.	Schulte v. VA, No. 86-6251 (S.D. Fla Feb. 2, 1996)
38 U.S.C. 7332	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.	Palmer v. Derwinski, No. 91-197 (E.D. Ky. June 10, 1992)
38 USC 7451	Information collected by VA in surveys of rates of compensation for nurses and certain health-care personnel.	None.
41 USC 253b(m)	Prohibition against release of contractor proposals under 5 U.S.C. section 552 within framework of procurement procedures for public contracts.	None.
5 U.S.C. Appendix 3, Section 7 (IG Act of 1978)	Prohibition against disclosure of employees' identities where complaints made by employees are recorded by the Office of Inspector General.	None.
Fed R. Crim P. 6(e)(2) Grand Jury	Information from Grand Jury proceedings that is authorized for and prohibited from release.	Senate of P.R. v. United States Department of Justice, 823 F.2d 574 (D.C. Cir. 1987)

V. INITIAL FOIA/PA ACCESS REQUESTS
A. NUMBER OF INITIAL REQUESTS

VA ORGANIZATION	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR
A&MM	8	424	414	18
Admin	0	13	13	0
BCA	0	10	10	0
BVA	6	469	453	22
C&LA	0	0	0	0
GC	33	53	48	38
HRM	0	19	19	0
IG	46	512	511	47
ITSS	0	0	0	0
Mgmt	0	12	12	0
NCA	0	8	8	0
OASHRA	0	717	717	0
OASP&IA	0	0	0	0
OF	0	49	49	0
OI&T	7	62	58	11
ORM	0	14	14	0
OSDBU	0	15	15	0
P&P	0	0	0	0
S&LE	0	3	3	0
SEC	0	15	15	0
VBA	4,090	79,066	74,628	8,528
VCS	0	1	1	0
VHA	32,009	1,414,729	1,412,736	34,002
White House	0	0	0	0
Totals	36,199	1,496,191	1,489,724	42,666

Note: In lieu of 36201, 36199 is the correct number of requests pending from FY 2001. A database discrepancy caused the 2001 report to reflect two requests pending from one office that actually were processed.

B. DISPOSITION OF INITIAL REQUESTS(OTHER REASONS FOR NON-DISCLOSURE)

VA ORGANIZATION	NUMBER OF TOTAL GRANTS	NUMBER OF PARTIAL GRANTS	NUMBER OF DENIALS	NO RECORDS	REFERRALS	REQUEST WITHDRAWN	FEE-RELATED REASON	RECORDS NOT REASONABLY DESCRIBED	NOT A PROPER FOIA REQUEST FOR SOME OTHER REASON	NOT AN AGENCY RECORD	DUPLICATE REQUEST	OTHER
A&MM	370	13	9	6	8	6	0	0	2	0	0	0
Admin	12	1	0	0	0	0	0	0	0	0	0	0
BCA	1	0	0	9	0	0	0	0	0	0	0	0
BVA	283	51	119	0	0	0	0	0	0	0	0	0
C&LA	0	0	0	0	0	0	0	0	0	0	0	0
GC	14	4	7	4	11	1	5	0	0	0	2	0
HRM	16	0	3	0	0	0	0	0	0	0	0	0
IG	124	324	41	16	0	0	2	0	0	0	2	2
ITSS	0	0	0	0	0	0	0	0	0	0	0	0
Mgmt	2	0	0	0	0	0	0	0	0	0	10	0
NCA	8	0	0	0	0	0	0	0	0	0	0	0
OASHRA	369	280	55	11	0	0	0	0	2	0	0	0
OASP&IA	0	0	0	0	0	0	0	0	0	0	0	0
OF	40	0	0	5	1	0	0	3	0	0	0	0
OI&T	15	5	2	15	5	1	3	10	0	1	1	0
ORM	4	2	8	0	0	0	0	0	0	0	0	0
OSDBU	15	0	0	0	0	0	0	0	0	0	0	0
P&P	0	0	0	0	0	0	0	0	0	0	0	0
S&LE	1	0	0	2	0	0	0	0	0	0	0	0
SEC	5	0	0	9	0	1	0	0	0	0	0	0
VBA	66,919	351	1,248	1,703	2,934	108	65	226	190	456	324	104
VCS	0	0	0	0	0	0	1	0	0	0	0	0
VHA	1,389,956	7,768	1,755	6,912	2,203	1153	233	228	1,105	254	706	463
White House	0	0	0	0	0	0	0	0	0	0	0	0
Totals	1,458,154	8,799	3,247	8,692	5,162	1270	309	467	1,299	711	1,045	569

**EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS:OTHER
REASONS FOR NON-DISCLOSURE (COLUMN MARKED "OTHER")**

VA ORGANIZATION	NUMBER OF TIMES	REASON(S)
A&MM	0	
Admin	0	
BCA	0	
BVA	0	
C&LA	0	
GC	0	
HRM	0	
IG	2	2 Authorization not provided by client
ITSS	0	
Mgmt	0	
NCA	0	
OASHRA	0	
OASP&IA	0	
OF	0	
OI&T	0	
ORM	0	
OSDBU	0	
P&P	0	
S&LE	0	
SEC	0	
VBA	104	6 not signed 68 FOIA e-mail requests 4 Consent form signed by unauthorized person 2 NO WRITTEN RELEASE (23) could not identify (1) no address
VCS	0	
VHA	463	2 Requests by unauthorized persons 16 Lack of provider response 14 No proper consent 1 Record not received back from RRC 152 Improper consents 1 Follow up on old FOIA request: No disclosure because author of request could not be contacted for comment on his wishes. Action on request was inadvertently overlooked. 2 Follow up on old FOIA request: Not able to confirm response and/or disclosure due to misplaced request. 11 No consent from subject 20 Lack of signature 13 Provided part of the records requested by the patient, but did not have all of the records requested. 19 Unable to retrieve record, 5 Consent form not properly signed, 5 Wrong address-no forwarding found, 10 Wong social security number, 40 Consent signed by unauthorized person 30 Records transferred to other VA 54 Expired consent 3 No authorization 2 Name/ssn does not match system files 16 Medical Records transferred to other VAs 27 Lack of Consent 5 No authorization 10 Subpoenas 3 Lack of consent 2 Non disclosure based on review by psychiatrist
White House	0	

EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT

VA ORGANIZATION	(1)	(2)	(3)	(4)	(5)	(6)	(7a)	(7b)	(7c)	(7d)	(7e)	(7f)	(8)	(9)
A&MM	0	0	0	22	0	1	0	0	0	0	0	0	0	0
Admin	0	0	0	0	0	1	0	0	0	0	0	0	0	0
BCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BVA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
C&LA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GC	0	2	1	2	3	3	0	0	0	0	0	0	0	0
HRM	0	0	0	0	0	3	0	0	0	0	0	0	0	0
IG	0	75	27	2	15	312	2	0	26	3	1	0	0	0
ITSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mgmt	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OASHRA	0	0	0	0	0	335	0	0	0	0	0	0	0	0
OASP&IA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OI&T	0	1	4	0	2	5	0	0	1	0	0	0	0	0
ORM	0	0	0	0	0	0	0	0	8	0	0	0	0	0
OSDBU	0	0	0	0	0	0	0	0	0	0	0	0	0	0
P&P	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S&LE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEC	0	1	0	0	0	4	0	0	0	0	0	0	0	0
VBA	0	2	516	0	21	1,060	0	0	0	0	0	0	0	0
VCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VHA	0	92	2,951	75	497	1,230	15	21	54	3	0	1	0	13
White House	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	173	3,499	101	538	2,954	17	21	89	6	1	1	0	13

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS
(Recorded By General Counsel)

A. Number of appeals	
1. Number of appeals received during fiscal year:	96
2. Number of appeals processed during fiscal year:	112
B. Disposition of appeals	
1. Number completely upheld:	45
2. Number partially reversed:	20
3. Number completely reversed:	22
a. Number of times each FOIA exemption used (counting each exemption once per request)	
1. Exemption 1:	0
2. Exemption 2:	5
3. Exemption 3:	15
4. Exemption 4:	0
5. Exemption 5:	11
6. Exemption 6:	36
7. Exemption 7A:	4
8. Exemption 7B:	0
9. Exemption 7C:	6
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):	25
a. no records:	16
b. referrals:	0
c. request withdrawn:	0
d. fee-related reason:	9
e. records not reasonably described:	0
f. not a proper FOIA request for some other reason:	0
g. not an agency record:	0
h. duplicate request:	0
i. other:	0
other reasons:	

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS
A. MEDIAN PROCESSING TIME FOR REQUESTS PROCESSED DURING THE
YEAR

VA ORGANIZATIONS	Simple Requests		Complex Requests		Requests Accorded Expedited Processing	
	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS
A&MM	n/a	n/a	414	4.00	0	.00
Admin	n/a	n/a	13	6.00	0	.00
BCA	n/a	n/a	10	19.30	0	.00
BVA	n/a	n/a	0	.00	453	7.00
C&LA	n/a	n/a	0	.00	0	.00
GC	n/a	n/a	48	5.50	0	.00
HRM	n/a	n/a	19	24.60	0	.00
IG	n/a	n/a	511	6.00	0	.00
ITSS	n/a	n/a	0	.00	0	.00
Mgmt	n/a	n/a	12	1.00	0	.00
NCA	n/a	n/a	8	18.00	0	.00
OASHRA	n/a	n/a	717	7.00	0	.00
OASP&IA	n/a	n/a	0	.00	0	.00
OF	n/a	n/a	49	15.00	0	.00
OI&T	n/a	n/a	58	6.50	0	.00
ORM	n/a	n/a	14	9.00	0	.00
OSDBU	n/a	n/a	15	2.00	0	.00
P&P	n/a	n/a	0	.00	0	.00
S&LE	n/a	n/a	3	.40	0	.00
SEC	n/a	n/a	15	9.00	0	.00
VBA	n/a	n/a	71,136	16.00	3,492	4.00
VCS	n/a	n/a	1	20.00	0	.00
VHA	n/a	n/a	1,321,261	10.00	91,475	1.00
White House	n/a	n/a	0	.00	0	.00
Totals	n/a	n/a	1,394,304		95,420	

VIII. COMPARISON WITH PREVIOUS YEAR

A. Comparison of numbers of requests received:

During FY 2001, VA received 1,352,786 requests.

During FY 2002, VA received 1,496,191 requests.

B. Comparison of numbers of requests processed:

During FY 2001, VA processed 1,350,663 requests.

During FY 2002, VA processed 1,489,724 requests.

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

At the end of 2001 the median number of days requests were pending was 14.00.

At the end of 2002 the median number of days requests were pending was 13.00.

D. Beginning FY 03 we will report figures for requests asking for expedited processing and those granted.

IX. COSTS/FOIA STAFFING

VA ORGANIZATION	Staffing Levels			Total Costs (Including Staff and All Resources)		
	NUMBER OF FULL TIME PERSONNEL	NUMBER OF PERSONNEL WITH PART TIME OR OCCASIONAL FOIA DUTIES (IN TOTAL WORKYEARS)	TOTAL NUMBER OF PERSONNEL (IN WORK YEARS)	FOIA PROCESSING (INCLUDING APPEALS) (ESTIMATED)	LITIGATION-RELATED ACTIVITIES (ESTIMATED)	TOTAL
A&MM	1.00	1.15	2.15	\$133,087.00	\$0.00	\$133,087.00
Admin	0.00	0.01	0.01	\$200.00	\$0.00	\$200.00
BCA	0.00	0.01	0.01	\$52.65	\$0.00	\$52.65
BVA	1.00	0.60	1.60	\$118,618.00	\$0.00	\$118,618.00
C&LA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
GC	3.00	5.06	8.06	\$448,377.22	\$36,003.00	\$484,380.22
HRM	1.00	0.00	1.00	\$0.00	\$0.00	\$0.00
IG	3.00	0.30	3.30	\$458,241.00	\$0.00	\$458,241.00
ITSS	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Mgmt	1.00	0.00	1.00	\$471.75	\$0.00	\$471.75
NCA	0.00	0.25	0.25	\$20,000.00	\$0.00	\$20,000.00
OASHRA	0.00	0.65	0.65	\$58,856.00	\$0.00	\$58,856.00
OASP&IA	0.00	0.01	0.01	\$0.00	\$0.00	\$0.00
OF	0.00	1.80	1.80	\$6,000.00	\$0.00	\$6,000.00
OI&T	0.00	1.48	1.48	\$181,955.00	\$0.00	\$181,955.00
ORM	0.00	0.32	0.32	\$43,826.00	\$0.00	\$43,826.00
OSDBU	0.00	0.10	0.10	\$270.00	\$0.00	\$270.00
P&P	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
S&LE	0.00	0.05	0.05	\$6,752.00	\$0.00	\$6,752.00
SEC	0.00	0.40	0.40	\$0.00	\$0.00	\$0.00
VBA	138.35	53.96	192.31	\$4,027,437.75	\$0.00	\$4,027,437.75
VCS	0.00	0.05	0.05	\$2,316.20	\$0.00	\$2,316.20
VHA	458.50	187.91	646.41	\$26,930,925.17	\$29,749.35	\$26,960,674.52
White House	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Totals	606.85	254.11	860.96	\$32,437,385.74	\$65,752.35	\$32,503,138.09

X. FEES

A. Total amount of fees collected by all agencies for processing requests:

\$564,865.13

B. Percentage of total costs:

1.73 %

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>