



**Department of Veterans Affairs
FREEDOM OF INFORMATION ACT (FOIA)
REPORT FOR FISCAL YEAR 2004**

I. Basic Information Regarding the Report

A. Point of Contact for questions regarding the report:

Loise Russell, Director
Records Management Service (005E3)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
(202) 273-7501

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

<http://www.va.gov/foia/report/FY2004/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 4 to 49 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 (049)	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 (005N1)	Information Technology Support Service
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
Mgmt (004)	Office of Management
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
38 U.S.C. 5701	Records pertaining to any claim filed with the Department and name and addresses of present and former members of the Armed Forces and their dependents.	Ashton v. VA, 1999 U.S. App. LEXIS 22957 (2d Cir. 1999).
38 U.S.C. 5705	Records created as part of a medical quality-assurance program.	None.
38 U.S.C. 7332	Records of the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance 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 human immunodeficiency virus (HIV) or sickle cell anemia.	Hall v. Department of Veterans Affairs, 67 M.S.P.R. 622 (M.S.P.B. 1995).
41 U.S.C. 253b(m)	Prohibits the release of contractor proposals submitted to an agency during the course of federal procurements of property or services.	Hornboslel v. Department of Interior, 305F.-Supp-2d 21 (D.D.C. 2003)

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	381	376	13
Admin	0	0	0	0
BCA	0	0	0	0
BVA	228	915	1,006	137
C&LA	0	0	0	0
DM&EEO	0	0	0	0
GC	5	82	67	20
HRM	0	45	45	0
IG	60	337	347	50
ITSS	0	0	0	0
Mgmt	0	0	0	0
NCA	2	18	16	4
OASHRA	0	0	0	0
OASP&IA	0	0	0	0
ODASB	0	16	16	0
ODASIA	12	15	0	27
OF	1	59	58	2
OI&T	17	39	53	3
ORM	0	16	16	0
OSDBU	0	0	0	0
P&P	0	0	0	0
PA	0	0	0	0
S&LE	0	0	0	0
SEC	0	19	16	3
VBA	10,050	91,198	93,680	7,568
VCS	0	0	0	0
VHA	18,959	1,732,028	1,719,809	31,178
White House	0	0	0	0
Totals	29,342	1,825,168	1,815,505	39,005

Note: During this reporting period, the Veterans Health Administration eliminated the manual gathering of their FOIA data and implemented an electronic system which will be more accurate and automatically compile the data during the year. This transition, however, from manual to electronic processing caused a decrease in the pending number listed in the FY 03 report and the FY 03 pending number listed in the FY 04 report.

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	298	19	19	7	18	3	4	6	1	0	1	0
Admin	0	0	0	0	0	0	0	0	0	0	0	0
BCA	0	0	0	0	0	0	0	0	0	0	0	0
BVA	511	26	49	21	230	25	0	2	4	3	96	39
C&LA	0	0	0	0	0	0	0	0	0	0	0	0
DM&EEO	0	0	0	0	0	0	0	0	0	0	0	0
GC	13	13	23	9	2	0	2	0	1	0	4	0
HRM	40	0	0	3	2	0	0	0	0	0	0	0
IG	142	148	18	9	27	0	0	0	1	0	0	2
ITSS	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
NCA	16	0	0	0	0	0	0	0	0	0	0	0
OASHRA	0	0	0	0	0	0	0	0	0	0	0	0
OASP&IA	0	0	0	0	0	0	0	0	0	0	0	0
ODASB	0	3	0	0	0	0	0	0	0	0	13	0
ODASIA	0	0	0	0	0	0	0	0	0	0	0	0
OF	26	1	6	10	4	0	0	0	0	4	0	7
OI&T	10	2	0	21	0	3	7	10	0	0	0	0
ORM	4	1	11	0	0	0	0	0	0	0	0	0
OSDBU	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
PA	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
SEC	2	1	0	11	0	1	0	1	0	0	0	0
VBA	83,653	1,294	931	2,472	2,962	176	170	246	428	241	704	403
VCS	0	0	0	0	0	0	0	0	0	0	0	0
VHA	1,678,489	5,963	6,064	6,126	3,312	9149	774	833	5,065	370	3,600	64
White House	0	0	0	0	0	0	0	0	0	0	0	0
Totals	1,763,204	7,471	7,121	8,689	6,557	9357	957	1,098	5,500	618	4,418	515

**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	39	39 Duplicate or multiple submissions
C&LA	0	
DM&EEO	0	
GC	0	
HRM	0	
IG	2	2 (authorization not received)
ITSS	0	
Mgmt	0	
NCA	0	
OASHRA	0	
OASP&IA	0	
ODASB	0	
ODASIA	0	
OF	7	7 No further response from requestor after VA identified available information and associated fees.
OI&T	0	
ORM	0	
OSDBU	0	
P&P	0	
PA	0	
S&LE	0	
SEC	0	
VBA	403	76 - e-mails (VA does not accept FOIAs via e-mail) 2 - Blind mailings 8 - not signed 2 - public records 35 - Telephone requests 1 - No Signature 1 - Unable to ID veteran. 1 - Provided to attorney. 5 - Insufficient addresses 10 psychological records 6 - veteran not identified 77 - no consent from veteran 7 - veteran died; 6 - requests expired 36 - unable to identify 12 - No signature 8 - Cannot identify 6 - Incomplete 4 - DISAPPROVAL FROM VAMC PSYCHIATRIC DEPT 1 - NO WRITTEN REQUEST 1 - NOT CURRENT POA 4 - No proof of death provided or could not verify death 94 No reason provided.
VCS	0	
VHA	64	32 - Physician refusal to reply to unreasonable requests. 1 - No release form provided with request. 2 Disability forms-PCC MD's had departed VA; veterans requested to resubmit after future appointments - veterans had been assigned new PCC providers 15 - Requestor expired before request completed 6 - 38 CFR 1.511 (subpoena not sufficient for release) 8 Mental health provider did not agree that copies could be released to patient.
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	35	6	1	0	0	0	0	0	0	0	0
Admin	0	0	0	0	0	0	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	52	0	0	0	0	0	0	0	0
C&LA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DM&EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GC	0	5	8	0	9	8	0	0	0	0	0	0	0	0
HRM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IG	0	5	21	1	9	166	9	0	29	0	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	0	0	0	0	0	0	0	0	0
OASP&IA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ODASB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ODASIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OF	0	0	6	0	0	0	0	0	0	0	0	0	0	0
OI&T	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORM	0	0	0	0	1	0	10	0	0	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
PA	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	0	0	0	0	1	0	0	0	0	0	0	0	0
VBA	0	6	981	6	24	1,604	16	0	5	6	0	17	0	12
VCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VHA	0	115	4,419	113	321	2,803	70	9	246	4	1	0	0	0
White House	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	131	5,435	155	370	4,635	105	9	280	10	2	17	0	12

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:	117
2. Number of appeals processed during fiscal year:	148
B. Disposition of appeals	
1. Number completely upheld:	34
2. Number partially reversed:	9
3. Number completely reversed:	10
a. Number of times each FOIA exemption used (counting each exemption once per request)	
1. Exemption 1:	0
2. Exemption 2:	4
3. Exemption 3:	8
4. Exemption 4:	0
5. Exemption 5:	4
6. Exemption 6:	19
7. Exemption 7A:	2
8. Exemption 7B:	0
9. Exemption 7C:	3
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):	95
a. no records:	6
b. referrals:	47
c. request withdrawn:	40
d. fee-related reason:	2
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	376	4.00	0	.00
Admin	n/a	n/a	0	.00	0	.00
BCA	n/a	n/a	0	.00	0	.00
BVA	n/a	n/a	1,006	49.00	0	.00
C&LA	n/a	n/a	0	.00	0	.00
DM&EEO	n/a	n/a	0	.00	0	.00
GC	n/a	n/a	67	35.00	0	.00
HRM	n/a	n/a	45	31.50	0	.00
IG	n/a	n/a	347	10.00	0	.00
ITSS	n/a	n/a	0	.00	0	.00
Mgmt	n/a	n/a	0	.00	0	.00
NCA	n/a	n/a	0	.00	16	18.00
OASHRA	n/a	n/a	0	.00	0	.00
OASP&IA	n/a	n/a	0	.00	0	.00
ODASB	n/a	n/a	0	.00	16	1.00
ODASIA	n/a	n/a	0	.00	0	.00
OF	n/a	n/a	58	15.00	0	.00
OI&T	n/a	n/a	53	11.50	0	.00
ORM	n/a	n/a	16	5.00	0	.00
OSDBU	n/a	n/a	0	.00	0	.00
P&P	n/a	n/a	0	.00	0	.00
PA	n/a	n/a	0	.00	0	.00
S&LE	n/a	n/a	0	.00	0	.00
SEC	n/a	n/a	16	45.00	0	.00
VBA	n/a	n/a	93,296	15.00	384	5.00
VCS	n/a	n/a	0	.00	0	.00
VHA	n/a	n/a	1,699,079	4.00	20,730	1.00
White House	n/a	n/a	0	.00	0	.00
Totals	n/a	n/a	1,794,359		21,146	

B. STATUS OF PENDING REQUESTS

VA ORGANIZATION	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR	MEDIAN NUMBER OF DAYS PENDING
A&MM	13	22.00
Admin	0	.00
BCA	0	.00
BVA	137	35.00
C&LA	0	.00
DM&EEO	0	.00
GC	20	209.00
HRM	0	.00
IG	50	13.00
ITSS	0	.00
Mgmt	0	.00
NCA	4	24.00
OASHRA	0	.00
OASP&IA	0	.00
ODASB	0	.00
ODASIA	27	1.00
OF	2	10.00
OI&T	3	100.00
ORM	0	.00
OSDBU	0	.00
P&P	0	.00
PA	0	.00
S&LE	0	.00
SEC	3	60.00
VBA	7,568	15.50
VCS	0	.00
VHA	31,178	8.00
White House	0	.00
Totals	39,005	

VIII. COMPARISON WITH PREVIOUS YEAR

A. Comparison of numbers of requests received:

During FY 2003, VA received 1,854,166 requests.

During FY 2004, VA received 1,825,168 requests.

B. Comparison of numbers of requests processed:

During FY 2003, VA processed 1,851,756 requests.

During FY 2004, VA processed 1,815,505 requests.

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

At the end of 2003 the median number of days requests were pending was 12.50.

At the end of 2004 the median number of days requests were pending was 10.00.

D. During FY 2004, VA received 43,519 requests asking for expedited processing and 21,146 requests were 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	1.60	2.60	\$415,499.34	\$0.00	\$415,499.34
Admin	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
BCA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
BVA	2.00	1.02	3.02	\$305,444.00	\$0.00	\$305,444.00
C&LA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
DM&EEO	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
GC	13.00	20.11	33.11	\$258,190.12	\$210,461.83	\$468,651.95
HRM	1.00	1.00	2.00	\$58,189.42	\$0.00	\$58,189.42
IG	2.00	0.14	2.14	\$384,260.00	\$0.00	\$384,260.00
ITSS	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Mgmt	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
NCA	0.00	0.50	0.50	\$40,000.00	\$0.00	\$40,000.00
OASHRA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
OASP&IA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
ODASB	1.00	0.00	1.00	\$658.00	\$0.00	\$658.00
ODASIA	0.00	1.00	1.00	\$0.00	\$0.00	\$0.00
OF	0.00	0.75	0.75	\$7,000.00	\$0.00	\$7,000.00
OI&T	0.00	0.70	0.72	\$144,273.50	\$0.00	\$144,273.50
ORM	0.00	0.24	0.24	\$35,093.00	\$0.00	\$35,093.00
OSDBU	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
P&P	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
PA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
S&LE	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
SEC	1.00	0.25	1.25	\$2,100.00	\$0.00	\$2,100.00
VBA	38.00	86.71	124.66	\$4,475,143.69	\$0.00	\$4,475,143.69
VCS	0.00	0.05	0.05	\$0.00	\$0.00	\$0.00
VHA	522.00	101.37	623.37	\$38,570,478.50	\$0.00	\$38,570,478.50
White House	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Totals	581.00	215.44	796.40	\$44,696,329.57	\$210,461.83	\$44,906,791.40

X. FEES

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

\$912,864.66

B. Percentage of total costs:

2.03 %

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>