



**Department of Veterans Affairs
FREEDOM OF INFORMATION ACT (FOIA)
REPORT FOR FISCAL YEAR 2005**

I. Basic Information Regarding the Report

A. Point of Contact for questions regarding the report:

Martin L. Hill, Project Leader
Records Management Service (005E3)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
(202) 565-8014

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

<http://www.va.gov/foia/report/FY2005/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 60 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 & Material 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.	Hornbostel v. Department of Interior, 305 F.Supp. 2d 21 (D.D.C. 2003)
5 U.S.C. App.3 (IG Act)	Names or employees who provide information or complaints to the Inspector General.	

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	13	317	289	41
Admin	0	1,463	1,463	0
BCA	0	0	0	0
BVA	137	962	1,049	50
DM&EEO	0	0	0	0
GC	20	74	67	27
HRM	0	1	1	0
IG	50	284	287	47
ITSS	0	1	0	1
Mgmt	0	0	0	0
NCA*	0	19	19	0
OASHRA	0	0	0	0
OASP&IA	0	0	0	0
ODASB	0	8	8	0
ODASIA	27	10	10	27
OF	2	65	63	4
OI&T	3	72	72	3
ORM	0	12	12	0
OSDBU	0	1	1	0
P&P	0	0	0	0
PA	0	0	0	0
SEC	3	3	6	0
VBA*	7,340	85,584	83,420	9,504
VCS	0	0	0	0
VHA*	30,721	1,825,519	1,828,246	27,994
White House	0	0	0	0
Totals*	38,316	1,914,395	1,915,013	37,698

*Because of technical problems caused by shifts to new electronic tracking systems and also disruptions caused by major hurricanes, these numbers are different from those reported in VA's 2004 Annual FOIA 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	236	18	8	5	11	3	1	0	4	0	3	0
Admin	1,463	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	568	34	41	25	222	40	1	1	4	0	113	0
DM&EEO	0	0	0	0	0	0	0	0	0	0	0	0
GC	29	9	15	4	3	1	4	1	1	0	0	0
HRM	0	0	0	1	0	0	0	0	0	0	0	0
IG	110	117	20	16	20	1	1	0	0	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	19	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	5	0
ODASIA	10	0	0	0	0	0	0	0	0	0	0	0
OF	29	1	2	11	6	0	7	0	0	2	0	5
OI&T	13	0	6	47	2	0	0	3	0	1	0	0
ORM	7	1	3	0	0	0	0	0	0	1	0	0
OSDBU	1	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
SEC	0	3	0	2	0	0	0	0	1	0	0	0
VBA	72,346	905	1,360	3,096	3,570	172	85	153	435	85	678	535
VCS	0	0	0	0	0	0	0	0	0	0	0	0
VHA	1,778,682	7,558	6,836	7,752	4,119	10542	661	604	4,881	357	5,320	934
White House	0	0	0	0	0	0	0	0	0	0	0	0
Totals	1,853,513	8,649	8,291	10,959	7,953	10759	760	762	5,326	446	6,119	1,476

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	
DM&EEO	0	
GC	0	
HRM	0	
IG	2	2-No authorization fr. client to release personal information to attorney.
ITSS	0	
Mgmt	0	
NCA	0	
OASHRA	0	
OASP&IA	0	
ODASB	0	
ODASIA	0	
OF	5	5-No further response from requester after VA identified available information and associated fees.
OI&T	0	
ORM	0	
OSDBU	0	
P&P	0	
PA	0	
SEC	0	
VBA	535	<p>Vet moved, no forwarding address. 2-Insufficient address 29-Non VA File 7-Lost file 20-Not signed 1-Non legible 1 case of no current mailing address for requester. 2 cases of permission of vet required but not given. 03 No Prior Consent 81 e-mails 46 telephone calls 39-files at BVA--asked requesters to resubmit when file returns from BVA--estimate one year timeframe 22-no signature 14-can't ID 6-DID NOT SIGN REQUEST 3-FILE RETIRED TO RMC 10-requests did not have the consent of the veteran or the claimant himself or herself. 178-No prior consent and confidentiality of Psychiatric records. 1- veteran not identified 66- no consent from veteran One request did not provide a return address. Two requests did not provide a signed release, proof of death or power of attorney.</p>
VCS	0	
VHA	934	<p>1-sensitive information; MD requested that results of C&P exam-psychological exam not be released. 208-Physician refused to disclose information 1-"medically sensitive records"- Release of Psychotherapy notes are not releasable without the clinician's approval. 47-PHYSICIAN DENIED RELEASE OF MENTAL HEALTH NOTES 68-medically sensitive records 396-Medically Sensitive Records</p> <p>1-unrelated 3rd party 20 -Deceased patient before request processed 5 - medically sensitive records 4 - requestor died before completing report 183-sensitive medical information</p>
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	1	24	1	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	2	0	41	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	9	12	5	15	21	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	9	23	0	13	133	7	0	28	1	2	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	1	1	0	0	0	0	0	0	0	0	0	0	0
OI&T	0	4	6	0	1	6	0	0	0	0	0	0	0	0
ORM	0	0	0	0	0	3	0	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
SEC	0	0	0	0	0	3	0	0	0	0	0	0	0	0
VBA	0	1	1,065	187	49	961	1	3	3	0	0	1	0	0
VCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VHA	0	135	2,715	144	256	5,282	31	0	237	0	0	0	0	0
White House	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	159	3,823	362	335	6,451	39	3	268	1	2	1	0	0

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:	178
2. Number of appeals processed during fiscal year:	172
B. Disposition of appeals	
1. Number completely upheld:	42
2. Number partially reversed:	20
3. Number completely reversed:	9
a. Number of times each FOIA exemption used (counting each exemption once per request)	
1. Exemption 1:	0
2. Exemption 2:	2
3. Exemption 3:	14
4. Exemption 4:	1
5. Exemption 5:	15
6. Exemption 6:	21
7. Exemption 7A:	3
8. Exemption 7B:	0
9. Exemption 7C:	4
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):	101
a. no records:	12
b. referrals:	27
c. request withdrawn:	2
d. fee-related reason:	3
e. records not reasonably described:	1
f. not a proper FOIA request for some other reason:	4
g. not an agency record:	3
h. duplicate request:	2
i. other:	47
other reasons:	
<p>There were 44 occurrences where where judicial adjudication and/or litigation were pending as a result of requester appeal on initial request. One case was a special procedure for medical access. Two cases were remanded.</p>	

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	289	2.50	0	.00
Admin	n/a	n/a	1,463	4.00	0	.00
BCA	n/a	n/a	0	.00	0	.00
BVA	n/a	n/a	1,049	19.00	0	.00
DM&EEO	n/a	n/a	0	.00	0	.00
GC	n/a	n/a	65	15.00	2	10.00
HRM	n/a	n/a	1	4.00	0	.00
IG	n/a	n/a	287	16.00	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	19	15.00	0	.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	8	1.00	0	.00
ODASIA	n/a	n/a	10	1.00	0	.00
OF	n/a	n/a	63	11.50	0	.00
OI&T	n/a	n/a	72	51.00	0	.00
ORM	n/a	n/a	12	10.00	0	.00
OSDBU	n/a	n/a	1	1.00	0	.00
P&P	n/a	n/a	0	.00	0	.00
PA	n/a	n/a	0	.00	0	.00
SEC	n/a	n/a	6	60.00	0	.00
VBA	n/a	n/a	83,332	15.50	88	4.50
VCS	n/a	n/a	0	.00	0	.00
VHA	n/a	n/a	1,814,837	1.00	13,409	1.00
White House	n/a	n/a	0	.00	0	.00
Totals	n/a	n/a	1,901,514		13,499	

B. STATUS OF PENDING REQUESTS

VA ORGANIZATION	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR	MEDIAN NUMBER OF DAYS PENDING
A&MM	41	144.00
Admin	0	.00
BCA	0	.00
BVA	50	4.00
DM&EEO	0	.00
GC	27	90.00
HRM	0	.00
IG	47	19.00
ITSS	1	11.00
Mgmt	0	.00
NCA	0	.00
OASHRA	0	.00
OASP&IA	0	.00
ODASB	0	.00
ODASIA	27	1.00
OF	4	49.00
OI&T	3	100.00
ORM	0	.00
OSDBU	0	.00
P&P	0	.00
PA	0	.00
SEC	0	.00
VBA	9,504	21.25
VCS	0	.00
VHA	27,994	9.00
White House	0	.00
Totals	37,698	

VIII. COMPARISON WITH PREVIOUS YEAR

A. Comparison of numbers of requests received:

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

During FY 2005, VA received 1,914,395 requests.

B. Comparison of numbers of requests processed:

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

During FY 2005, VA processed 1,915,013 requests.

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

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

At the end of 2005 the median number of days requests were pending was 11.00.

D. During FY 2005, VA received 20,085 requests asking for expedited processing and 13,499 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	\$430,908.00	\$0.00	\$430,908.00
Admin	1.00	0.20	1.20	\$76,000.00	\$0.00	\$76,000.00
BCA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
BVA	2.00	1.35	3.35	\$178,057.00	\$0.00	\$178,057.00
DM&EEO	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
GC	3.00	27.09	30.09	\$353,178.53	\$125,000.00	\$478,178.53
HRM	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
IG	2.00	0.00	2.00	\$376,025.45	\$0.00	\$376,025.45
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	0.25	0.25	\$22,000.00	\$0.00	\$22,000.00
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	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
ODASIA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
OF	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
OI&T	0.00	0.75	0.75	\$71,943.00	\$0.00	\$71,943.00
ORM	0.00	0.12	0.12	\$8,436.00	\$0.00	\$8,436.00
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
SEC	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
VBA	58.00	20.90	78.90	\$5,489,860.12	\$0.00	\$5,489,860.12
VCS	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
VHA	497.00	105.11	601.11	\$36,962,559.33	\$0.00	\$36,962,559.33
White House	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Totals	564.00	157.37	720.37	\$43,968,967.43	\$125,000.00	\$44,093,967.43

X. FEES

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

\$707,770.68

B. Percentage of total costs:

1.60 %

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>