U.S. Department of Veterans Affairs (VA)
Freedom of Information Act (FOIA)Implementation Plan under
Executive Order (EO) 13392, Improving Agency Disclosure of Information

A. Agency's FOIA Operations

In FY 2005, VA processed 1,914,013 FOIA requests, the most processed by any federal agency. The majority of the requests were first party Privacy Act requests for records stored electronically that can be processed quickly. The remaining were traditional FOIA requests, which require a more extensive processing. VA FOIA operations are decentralized, meaning a FOIA request is generally processed by any of the approximately 400 VA offices within the United States, American Samoa, Guam, Philippines, Puerto Rico, and the Virgin Islands that maintain the records requested. Our Federal implementing regulations, Title 38 of the Code of Federal Regulations (CFR) § 1.553(b) require the request be in writing, over the signature of the requester, and must contain a reasonable description of the requested record. Recent VA annual FOIA reports have identified Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), Office of the Inspector General (OIG), Office of Acquisition and Materiel Management (OA&MM) and Board of Veterans Appeals (BVA) as the components that routinely process the largest number of VA FOIA requests.

On January 13, 2006, the Assistant Secretary for the Office of Information and Technology (OI&T) was designated as VA's Agency Chief FOIA Officer (ACFO). VA's Records Management Service, a staff element within the OI&T, is the responsible office to implement the provisions of EO 13392 throughout the agency, in conjunction with other VA Administrations and staff offices that administer and manage FOIA requests.

In February 2006, VA issued a call to the Under Secretaries, Assistant Secretaries, and other key VA officials explaining the need to establish a planning FOIA work group that would identify any known deficiencies or improvements needed within the members' respective FOIA operations. The areas identified for review are listed in Section B. Those areas identified as requiring improvements are listed in Section D. As planning efforts evolve, other VA FOIA offices may participate in the decisions made as a result of EO 13392, "Improving Agency Disclosure of Information."

B. Areas Selected for Review

1) FOIA Organization Structure
   a. Accountability
   b. Reporting
   c. Management oversight
   d. Intra-agency communication

2) FOIA Governance
   a. Review existing policy, guidelines and regulations
   b. FOIA processing procedures

3) FOIA Training
    a. Position and level specific training
    b. Organization specific training

4) FOIA Backlog
    a. Causes
    b. Categories

5) FOIA Customer Service and Communications
    a. FOIA status tracking
    b. Customer satisfaction

The following issues were reviewed and discussed but dismissed as inappropriate for inclusion in this report.

- **Receive FOIA requests by email**: VA regulations do not provide for requesters to submit FOIA requests by email. More importantly, the working group found that receiving requests by email is not likely to be viable for an agency of this size that serves such a large population.

- **Establish customer satisfaction metrics:** VA's FOIA policy office and FOIA operations are separate and distinct (there are severe coordination problems because of the separation of functions. There is a lack of consistency and an inability to address issues). Having varied entry points for the customer has resulted in VA having no centralized method to handle or discuss customer complaints or issues

- **Contracting out/hiring contract employees**: An increasing number of agencies have made good use of either contracting out certain limited FOIA-related activities or hiring contract employees for FOIA work, or both. The working group, however, determined that this is not a significant issue in light of the areas for improvement discussed in this plan.

- **Uniform Tracking System:** An electronic tracking system that all offices throughout the agency will adopt was presented as a way to track requests agency-wide and in a consistent manner. However, the types of requests and issues that certain VA components receive vary widely. For example, VHA processes mostly requests for electronic medical records, while VBA receives many requests for veterans' claims folders, which contain paper records that are sometimes decades old. Because these components have their own tracking systems that have been adapted to their specific needs, a uniform tracking system that will impose one standard across the agency was dismissed as impracticable.

C.   Results of Review

A need for enhanced FOIA Governance, Technology and Automation, FOIA Training, Backlog reduction, and improved Customer Service and Communication were identified.

D.   Areas Chosen as Improvement Areas

1) FOIA Organization Structure
   a. Accountability
   b. Reporting
   c. Management oversight
   d. Intra-agency communication

2) FOIA Governance
   a. Review existing policy, guidelines and regulations
   b. FOIA processing procedures

3) FOIA Training
   a. Position and level specific training
   b. Organization specific training

4) FOIA Backlog
   a. Causes
   b. Categories

5) FOIA Customer Service and Communications
   a. FOIA status tracking
   b. Customer satisfaction

6) Technology and Automation

The areas identified by the VA FOIA working group as improvement areas for the agency plan include continued evaluation of the existing FOIA organization structure and improvement in the areas of accountability, reporting, management oversight and intra-agency communication. Analysis of existing policy, guidelines and regulations is needed. In addition, position and level specific training would help reduce existing backlogs. The area of VA FOIA automation and technology was identified as needing improvement. Suggested improvement in these areas could make FOIA processing more efficient and address matters concerning customer satisfaction.

E. Improvement Area Plans

1) FOIA Organization Structure

a. Goals, Objectives, and Improvements Sought

An Acting VA Chief FOIA Officer has been designated, created FOIA Request Service Centers and Public Liaisons. VA FOIA processing is decentralized. By modifying the FOIA

organizational structure and establishing a FOIA Office within the agency will improve FOIA processing by developing top-to-bottom accountability and reporting, allowing for active management oversight and intra-agency communication. Most VA FOIA Officers have that function as a collateral duty.   They gather requested records and often are the subject-matter experts who process the request as promptly as possible. These improvements would provide the customers and the FOIA Public Liaisons with a central point of contact for all VA FOIA matters for the agency.   This would require an agency commitment to invest the appropriate resources for aligning staff, investment in new technology, and training.

b. Steps Planned or Taken *(✓ indicates complete)*

- ✓ Designate Chief FOIA Officer
- ✓ Create FOIA Requester Service Centers and Public Liaisons
- ▪ Establish a FOIA Processing organization

c. Time Milestones

See combined milestone table below.

d. Means of Measurement of Success

Successful completion of items listed in E.1.b.

2) FOIA Governance

a. Goals, Objectives, and Improvements Sought

VA regulations, guidelines and handbooks need to be updated. The regulations predate the Electronic FOIA Amendments of 1996, and the current handbook was written in 1998. Therefore, VA currently does not have written departmental guidance on multi-track or expedited processing. The regulations and policies should be updated to address the E-FOIA Amendments, as well as changes in procedures as specified in this plan. In addition to examining guidelines and policy, an analysis of staffing levels and position descriptions of FOIA personnel is necessary.   Improvements would standardize VA FOIA practices, incorporate FOIA functions into position descriptions and clearly identify staffing needs.

b. Steps Planned or Taken

- ▪ Identify new resource and funding requirements
- ▪ Revise and update agency regulations and policies
- ▪ Review existing personnel job series and position descriptions for FOIA Officers and other FOIA Personnel.
- ▪ Restructure VA's Headquarter FOIA Requester Service Center Office and Public Liaison Officers.

c. Time Milestones

See combined milestone table below.

d. Means of Measurement of Success

Successful completion of items listed in E.2.b.

3) FOIA Training

a. Goals, Objectives, and Improvements Sought

VA currently utilizes Department of Justice (DOJ) courses to provide training for FOIA Officers and staff. These courses are only available at certain times during the year and class size is limited. As a result, when FOIA staff turnover, there can be a lag in providing appropriate training for the replacement staff member. VA may develop component-specific training to address those issues that a particular administration or office may face, including the distinction between "sensitive" and "exempt," and also invite DOJ to provide customized training, which they have offered to do for agencies . VA FOIA office staff needs consistent, organization specific training to ensure that a well-informed staff is in place. FOIA Officers and staff need to have an updated handbook that addresses how to process FOIA requests, and resources that will teach them to determine which organization is the custodian of specific records and/or files.

b. Steps Planned or Taken

- Establish baseline of skills and knowledge for FOIA officers.
- Establish a requirement for annual training and awareness initiatives.
- Design or commission a comprehensive FOIA training program targeted for all primary and alternate VA FOIA Officers.
- Investigate web-based and/or video training.
- Implement Training of FOIA Officials and Staff.

c. Time Milestones

See combined milestone table below.

d. Means of Measurement of Success

Successful completion of items listed in E.3.b.

4) FOIA Backlog

a. Goals, Objectives, and Improvements Sought

In compliance with the affirmative disclosure under subsection (a)(2) of the FOIA, VA on the FOIA web-sites policy statements, staff manuals and instructions to staff, and final agency opinions. Customarily, when VA has public information that does not fall into any subsection (a)(2) category but nevertheless could be made readily available to the public, including through posting on the web-site, such proactive disclosure can reduce the need for the making of FOIA requests. A centralized FOIA tracking system, as discussed in the Automation & Technology section below, would permit easy identification of frequently requested materials properly posted in the FOIA electronic reading room. This may reduce the backlog by permitting FOIA officers to direct the customers to the web-site.

The backlog consists of requests pending for longer than the twenty-day statutory time limit for responding to a request for records. Many of the requests received at VA's central office must be redirected to the VA office that maintains custody of the records. Most FOIA requests are generally processed promptly, but there are requests that require coordination/ consultation with multiple VA Offices, departments, and other agencies. Some organizations within VA have FOIA officers that perform these functions as collateral duties, which can be a contributing factor to the backlog. If a determination is made at that the workload would justify converting FOIA Officer's duties from a collateral assignment, a decision may be made to authorize staff to perform the FOIA function full-time. Inadequate training of newly appointed FOIA Officers contributes to the backlog as well.

b. Steps Planned or Taken

- Analyze Annual FOIA Report to identify offices with backlogs
- Examine the procedures in offices with backlogs
- Identify agency rules, opinions, orders, records, proceedings, and amendment, revisions, or repeal of such records
- Identify frequently requested records
- Post those records on the agency FOIA web site

c. Time Milestones

See combined milestone table below.

d. Means of Measurement of Success

- Number of requests pending past the twenty-day statutory time limit out of all pending requests
- Percentage of such requests out of all pending requests
- Average number of days pending of such requests

Range of number of days pending of such requests

5) FOIA Customer Service and Communications

   a. Goals, Objectives, and Improvements Sought)

VA is evaluating information that is posted on the FOIA website to; 1) educate the public about the FOIA generally; 2) explain the requirements that the request be in writing, over the signature of the requester, and must contain a reasonable description of the requested record; 3) describe the agency's FOIA operations so that requesters have a better understanding of how their requests are processed.

VA is evaluating ways to improve; 1) communication with FOIA requestors; 2) public accessibility to FOIA staff; 3) responsiveness.

b. Steps Planned or Taken

- Improve customer information (web site, printed materials)
- Standardize the Initial Notice of Determination response
- Gather customer feedback
- Respond and make improvements to identified areas

c. Time milestones (in relation to specific timetables and outcomes)

See combined milestone table for agency plan.

d. Means of measurement of success

- Analyze external stakeholder feedback

6) Technology & Automation

a. Goals, Objectives, and Improvements Sought

VA FOIA operations are decentralized, and each organization has its method of tracking FOIA requests. VA intends to acquire an IT solution that provides the capabilities to track FOIA requests by field location name and is accessible to each FOIA Service Center and the ACFO. The FOIA tracking system could also be designed to flag overdue requests and provide enhanced search capabilities. The FOIA log should be able to generate information needed to complete the annual FOIA report for each organization. Eventually customers may be able to access the web to inquire about the status of their requests.

b. Steps Planned or Taken

- Research and review existing internal VA software products
- Research and review existing Government Off-the-Shelf software products (GOTS)
- Research and review existing Customer Off-the-Shelf software products (COTS)
- Implement selected software product solution

c. Time Milestones

See combined milestone table for agency plan.

d. Means of Measurement of Success

- Implementation of the selected FOIA solution
- Post implementation review
- Training

F. For the entire plan, group the improvement areas into the following time periods:

1) Areas anticipated to be completed by December 31, 2006 *(✓ indicates complete)*

- ✓ Designate the VA ACFO
- ✓ Establish Department-wide FOIA work-group (VHA, VBA, NCA, Staff Officer Representative, GC, IT and Web Staff members)
- ✓ Conduct Preliminary Assessment of VA's FOIA Program
- ✓ Identify problems, deficiencies and recommendations
- Present findings to ACFO
- Identify New Resource and Funding Requirements

2) Areas anticipated to completed by December 31, 2007

- Establish centralized FOIA office (VACO)
- Continue Assessment of VA's FOIA Program
- Identify and Implement Information Technology Solutions
- Establish Training Requirements

3) Areas anticipated to be completed after December 31, 2008

- Revise FOIA Policy, Procedures and Standard
- Establish and Use FOIA performance metrics
- Implement Operational Changes
- Review and assess Training Requirements

The following "preliminary" milestones have been established as required by the Executive Order and correlate directly to the Section B.

ID	WBS	VA Records Management Services	Duration	Start	Finish
1	1	**FOIA Organization Structure**	**103 days**	**Wed 6/14/06**	**Fri 11/3/06**
2	1.1	Designate a VA Agency Chief FOIA Officer (ACFO)	36 days	Wed 6/14/06	Wed 8/2/06
3	1.2	Create FOIA Requester Service Centers and Public Liaisons	36 days	Wed 8/9/06	Wed 9/27/06
4	1.3	Establish a FOIA Processing Organization (VA FOIA Office)	36 days	Fri 9/15/06	Fri 11/3/06
5	2	**FOIA Governance**	**110 days**	**Mon 11/6/06**	**Fri 4/6/07**
6	2.1	Identify new resource and funding requirements	36 days	Mon 11/6/06	Mon 12/25/06
7	2.2	Review existing personnel job series and position descriptions for FOIA Officers and other FOIA Personnel	36 days	Wed 12/27/06	Wed 2/14/07
8	2.3	Restructure VA's Headquarter FOIA Requester Service Center Office and Public Liasion Officers	36 days	Fri 2/16/07	Fri 4/6/07
9	3	**Establish Training**	**110 days**	**Mon 4/9/07**	**Fri 9/7/07**
10	3.1	Establish baseline of skills and knowledge for FOIA officers.	21 days	Mon 4/9/07	Mon 5/7/07
11	3.2	Establish a requirement for annual training and awareness initiatives.	21 days	Wed 5/9/07	Wed 6/6/07
12	3.3	Design a comprehensive FOIA training program targeted for all primary and alternate VA FOIA Officers.	21 days	Mon 6/11/07	Mon 7/9/07
13	3.4	Investigate web-based and/or video training	21 days	Wed 7/11/07	Wed 8/8/07
14	3.5	Implement Training of FOIA Officials and Staff	21 days	Fri 8/10/07	Fri 9/7/07
15	4	**FOIA Backlog**	**109 days**	**Mon 9/10/07**	**Thu 2/7/08**
16	4.1	Analyze annual FOIA report to identify offices with backlogs	27 days	Mon 9/10/07	Tue 10/16/07
17	4.2	Examine the procedures in offices with backlogs	27 days	Wed 10/10/07	Thu 11/15/07
18	4.3	Idenitfy possible solutions	27 days	Mon 11/12/07	Tue 12/18/07
19	4.4	Implementation	38 days	Tue 12/18/07	Thu 2/7/08
20	5	**FOIA Customer Service and Communications**	**105 days**	**Fri 2/8/08**	**Thu 7/3/08**
21	5.1	Improve customer information	27 days	Fri 2/8/08	Mon 3/17/08
22	5.2	Standardize Initial Notice of Determination reponse	27 days	Mon 3/17/08	Tue 4/22/08
23	5.3	Gather customer feedback	27 days	Tue 4/22/08	Wed 5/28/08
24	5.4	Respond and make improvements to identified areas	27 days	Wed 5/28/08	Thu 7/3/08
25	6	**FOIA Techonology & Automation**	**127 days**	**Fri 7/4/08**	**Mon 12/29/08**
26	6.1	Research and review exisitng internal VA software products	25 days	Fri 7/4/08	Thu 8/7/08
27	6.2	Research and review existing GOTS	25 days	Mon 8/11/08	Fri 9/12/08
28	6.3	Research and review existing COTS	25 days	Fri 10/17/08	Thu 11/20/08
29	6.4	Implement selected software product solution	26 days	Mon 11/24/08	Mon 12/29/08