

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 could be processed quickly. The remaining were traditional FOIA requests, which required more extensive processing. VA FOIA operations are decentralized, meaning a FOIA request may be 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 that requests be made 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 volume 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 their FOIA operations. The areas identified for review are listed in Section B. Those areas identified as requiring improvement 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 Backlog
 - a. Causes
 - b. Categories
- 4) FOIA Training
 - a. Position and level specific training
 - b. Organization specific training
- 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 and there is a lack of consistency and an inability to address issues.) Having multiple entry points for the customer makes it impractical to establish a centralized mechanism 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 consistently track requests agency-wide. However, the types of requests and issues that the different 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 Organization Structure, FOIA Governance, Backlog reduction, FOIA Training, Technology and Automation, 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. Policy, guidelines and regulations
 - b. FOIA processing procedures
- 3) FOIA Backlog
 - a. Causes
 - b. Categories
- 4) FOIA Training
 - a. Position and level specific training
 - b. Organization specific training
- 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 many of the issues 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 and FOIA Request Service Centers and Public Liaisons have been established. VA FOIA processing is decentralized, however, modifying the existing organizational structure and establishing a FOIA Office within the agency will improve FOIA processing through development of top-to-bottom accountability

and reporting, which will allow active management oversight and intra-agency communication. Currently, most VA FOIA Officers perform their FOIA responsibilities as a collateral duty. They gather requested records and are often the subject-matter experts who process the request as promptly as possible. The planned improvements will provide customers and the FOIA Public Liaisons with a central point of contact for all VA FOIA matters for the agency. This will require an agency commitment to invest the appropriate resources for aligning staff, investing 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 Depart-wide FOIA Working Group](#)
- ✓ [Conduct Preliminary Assessment of VA's FOIA Program](#)
- ✓ [Identify problems, deficiencies and recommendations](#)
- ✓ [Present findings to ACFO](#)
- [Establish a FOIA Processing organization](#)

c. Milestones

[See Organization Structure milestones at 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 need to be updated to address the E-FOIA Amendments, as well as the changes in procedure specified in this plan. In addition to examining guidelines and policy, an analysis of staffing levels and position descriptions of FOIA personnel is needed. Improvements will 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](#)
- [Draft revised and updated agency regulations and policies](#)
- [Revise and update agency regulations and policies](#)
- [Finalize and Publish revised/updated 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. Milestones

[See Governance milestones at table below.](#)

d. Means of Measurement of Success

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

- 3) FOIA Backlog Reduction.** A backlog consists of those requests pending for longer than the twenty-day statutory time limit for response. There are 276 offices within VA that routinely receive FOIA requests. Each one of these annually receives a volume of FOIA requests ranging from 1 to almost 52,000. While over 99% of VA FOIA requests are processed in 2-days or less, there are requests that require coordination / consultation with multiple VA Offices, departments, and other agencies and a FOIA backlog does exist.

a. Goals, Objectives, and Improvements Sought

A number of organizations within VA have FOIA officers that perform FOIA functions as a collateral duty. This may 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 may contribute to the backlog as well. VA enhanced training plan is described in paragraph 3 above.

Affirmative disclosure of public information that does not fall under subsection (a)(2) of the FOIA, is permitted. VA policy statements, staff manuals and instructions to staff, and final agency opinions provide for such proactive disclosures to be made readily available to the public, including through posting on the web-site. 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.

b. Steps Planned or Taken to reduce FOIA Backlog

- [Analyze Annual FOIA Report to identify offices with backlogs](#)
- [Examine the procedures in offices with backlogs](#)
- [Identify frequently requested records and post them on the VA FOIA web site](#)

- [Call memorandum to all Field entities to provide backlog stats on September 11 and November 30, 2006](#)
- [Selected Field Facilities will complete a FOIA Data Call, which will request in-depth data on their FOIA process to include factors they believe would impact or cause a backlog and the possible solutions. Included in the Data Call will be facilities that have significant backlogs and some with little to no backlog in order to do a comparison between the two populations.](#)
- [Data Call results will be analyzed and categorized by causes, solutions, Administrations as well as agency wide; based on this analysis, a proposed reduction for backlog will be determined and the proposed effective date](#)
- [VA will identify its 10 oldest FOIA requests and provide their estimated completion dates. The completion dates will be included in the status update on the VA Implementation Plan.](#)
- [Conduct site visits of selected facilities identified as having significant and/or very little backlogs.](#)

c. Milestones

[See Backlog Reduction 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

4) FOIA Training. VA currently utilizes Department of Justice (DOJ) courses to provide training for FOIA Officers and staff. These courses are available only at certain times during the year and class size is limited. As a result, when a FOIA staff turnover occurs, there is often a lag in providing appropriate training for the replacement staff member.

a. Goals, Objectives, and Improvements Sought

VA FOIA office staffs need 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 training that will teach them how to accurately determine which organization is the custodian of the specific records and/or files being sought. VA will request that DOJ provide customized training as they have offered to do for other agencies. VA will also explore developing component-specific training to address those issues that individual administrations or offices face, including the distinction between “sensitive” and “exempt.”

b. Steps Planned or Taken

- [Review existing personnel job series and position descriptions for FOIA Officers and other FOIA Personnel](#)
- [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. \(This training will include detailed guidance on how to properly complete and submit the Annual FOIA Report and specifically address “expedited” processing, which is widely misunderstood and misreported by the field.\)](#)
- [Investigate web-based and/or video training.](#)
- [Implement Training of FOIA Officials and Staff.](#)

c. Milestones

[See Training milestones table below.](#)

d. Means of Measurement of Success

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

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 \(refine web site, develop and distribute printed materials\)](#)
- [Standardize the Initial Notice of Determination response](#)
- [Create FOIA Requester Service Centers and Public Liaisons](#)
- [Gather customer feedback](#)
- [Respond and make improvements to identified areas](#)

c. Milestones

[See Customer Service and Communications milestones at table below.](#)

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 FOIA software products](#)
- [Research and review existing Government Off-the-Shelf \(GOTS\) FOIA software products](#)
- [Research and review existing Customer Off-the-Shelf \(COTS\) FOIA software products](#)
- [Implement selected software product solution](#)

c. Milestones

[See Technology and Automation milestones at table below.](#)

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](#)
 - [Draft revised and updated agency regulations and policies](#)
 - [Conduct FOIA site visits](#)
- 2) **Areas anticipated to completed by December 31, 2007**
- [Identify New Resource and Funding Requirements](#)
 - [Finalize & publish revised/updated agency regulations and policies](#)
 - [Analyze annual FOIA report to identify offices with backlogs](#)
 - [Solicit and analyze in-depth backlog data call from selected field facilities](#)
 - [Examine procedures in offices with backlogs](#)
 - [Identify frequently requested records and post them on the VA FOIA web site](#)
 - [Identify possible solutions to FOIA Backlog](#)
 - [Develop a plan to reduce FOIA Backlog](#)
 - [Implement Proposed backlog solutions](#)
 - [Establish centralized FOIA office \(VACO\)](#)
 - [Review existing personnel job series and position descriptions for FOIA Officers and other FOIA Personnel](#)
 - [Establish baseline skills and knowledge for FOIA Officers](#)
 - [Design a comprehensive FOIA Training Program targeted for all primary and alternate VA FOIA Officers](#)
 - [Establish Training Requirements](#)
 - [Investigate web-based and/or video training](#)
 - [Implement Training of FOIA Officials and Staff](#)
 - [Continue FOIA site visits](#)
- 3) **Areas anticipated to be completed after December 31, 2008**
- [Improve customer information \(refine web site develop and distribute printed materials\)](#)
 - [Gather customer feedback](#)
 - [Respond and make improvements to identified areas](#)
 - [Research and review existing VA FOIA software products](#)
 - [Research and review existing GOTS FOIA software products](#)
 - [Research and review existing COTS FOIA software products](#)
 - [Implement selected software product solution](#)
 - [Revise FOIA Policy, Procedures and Standards](#)
 - [Implement Operational Changes](#)
 - [Review and assess Training Requirements](#)
 - [Continue FOIA site visits](#)

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

Tab A
FOIA Implementation Plan Milestones
(Chronological)

CY 2006 FOIA Implementation Plan Milestones

ID	Improvement Area	Action to be Completed	Start	Finish	Complete
06-1	Organization Structure	Designate VA Agency Chief FOIA Officer	6/14/2006	8/2/2006	✓
06-2	Organization Structure	Establish Depart-wide FOIA Working Group	6/14/2006	8/2/2006	✓
06-3	Governance	Conduct Preliminary Assessment of VA's FOIA Program	6/14/2006	9/27/2006	✓
06-4	Governance	Identify problems, deficiencies and recommendations	6/14/2006	9/27/2006	✓
06-5	Governance	Present findings to ACFO	6/14/2006	11/3/2006	✓
06-6	Customer Service & Communications	Standardize Initial Notice of Determination response	11/20/2006	12/31/2006	
06-7	Governance	Draft revised and updated agency regulations and policies	11/20/2006	12/31/2006	
06-7	Backlog & Governance	Implement Quarterly Backlog Snapshot reporting requirements for all field activities	11/8/2006	11/27/2006	✓
06-8	Backlog	Analyze Quarterly Backlog Snapshots to identify offices with significant backlogs	12/07/2006	12/15/2006	
06-9	Backlog	Identify its 10 oldest FOIA requests and provide estimated completion dates using Snapshot data	12/07/2006	12/15/2006	
06-10	Backlog	Conduct FOIA site Visits	12/1/2006	12/31/2006	

CY 2007 FOIA Implementation Plan Milestones

ID	Improvement Area	Action to be Completed	Start	Finish	Complete
07-1	Governance	Identify new resources and funding requirements	1/1/2007	2/1/2007	
07-2	Governance	Finalize & publish revised/updated agency regulations and policies	2/1/2007	3/1/2007	
07-3	Backlog	Analyze annual FOIA report to identify offices with backlogs	2/1/2007	3/1/2007	
07-4	Backlog	Solicit and analyze in-depth backlog data call from selected field facilities			
07-5	Backlog	Examine procedures in offices with backlogs	2/1/2007	3/1/2007	
07-6	Backlog	Identify frequently requested records and post them on the VA FOIA web site	3/1/2007	10/1/2007	
07-7	Backlog	Identify possible backlog solutions	3/1/2007	5/1/2007	
07-8	Backlog & Governance	Continue FOIA site Visits	3/1/2007	5/1/2007	
07-9	Backlog	Develop a plan to reduce FOIA Backlog	5/1/2007	5/15/2007	
07-10	Backlog	Implement Proposed backlog solutions	5/15/2007	6/1/2007	
07-11	Governance	Create FOIA Requester Service Centers and Public Liaisons	6/1/2007	7/15/2007	
07-12	Organization Structure	Establish a FOIA Processing Organization (VA FOIA Office)	6/1/2007	7/15/2007	
07-13	Governance	Review existing personnel job series and position descriptions for FOIA Officers and other FOIA Personnel	6/1/2007	7/15/2007	
07-14	Training	Establish baseline skills and knowledge for FOIA Officers	7/1/2007	8/1/2007	
07-15	Training	Establish a requirement for annual training and awareness initiatives	7/15/2007	8/1/2007	
07-16	Training	Design a comprehensive FOIA Training Program targeted for all primary and alternate VA FOIA Officers	8/1/2007	10/1/2007	
07-17	Training	Investigate web-based and/or video training	8/1/2007	10/12/2007	
07-18	Training	Implement Training of FOIA Officials and Staff	10/1/2007	12/31/2007	

CY 2008 FOIA Implementation Plan Milestones

ID	Improvement Area	Action to be Completed	Start	Finish	Complete
08-1	Customer Service & Communications	Improve customer information (refine web site develop and distribute printed materials)	1/1/2008	1/31/2008	
08-2	Customer Service & Communications	Gather customer feedback	1/1/2008	1/31/2008	
08-3	Customer Service & Communications	Respond and make improvements to identified areas	2/1/2008	3/1/2008	
08-4	Technology & Automation	Research and review existing internal VA FOIA software products	3/1/2008	4/1/2008	
08-5	Technology & Automation	Research and review existing GOTS FOIA software products	4/1/2008	5/1/2008	
08-6	Technology & Automation	Research and review existing COTS FOIA software products	5/1/2008	6/1/2008	
08-7	Technology & Automation	Implement selected software product solution	6/1/2008	9/1/2008	
08-8	Governance	Revise FOIA Policy, Procedures and Standards	9/1/08	10/31/08	
08-9	Organization Structure	Implement Operational Changes	11/1/08	12/31/08	
08-10	Training	Review and assess Training Requirements	9/1/08	12/31/08	
08-11	Backlog & Governance	Continue FOIA site Visits	1/1/08	12/31/08	

Tab B
FOIA Implementation Plan Milestones
(by Improvement Area)

FOIA Implementation Plan Milestones

Organization Structure Milestones				
ID	Action to be Completed	Start	Finish	Complete
06-1	Designate VA Agency Chief FOIA Officer	6/14/2006	8/2/2006	✓
06-2	Establish Depart-wide FOIA Working Group	6/14/2006	8/2/2006	✓
07-10	Establish a FOIA Processing Organization (VA FOIA Office)	6/1/2007	7/15/2007	
08-9	Implement Operational Changes	11/1/08	12/31/2008	
Governance Milestones				
ID	Action to be Completed	Start	Finish	Complete
06-3	Conduct Preliminary Assessment of VA's FOIA Program	6/14/2006	9/27/2006	✓
06-4	Identify problems, deficiencies and recommendations	6/14/2006	9/27/2006	✓
06-5	Present findings to ACFO	6/14/2006	11/3/2006	✓
06-7	Draft revised and updated agency regulations and policies	11/20/2006	12/31/2006	
07-1	Identify new resources and funding requirements	1/1/2007	2/1/2007	
07-2	Finalize & publish revised/updated agency regulations and policies	2/1/2007	3/1/2007	
07-9	Create FOIA Requester Service Centers and Public Liaisons	6/1/2007	7/15/2007	
07-11	Review existing personnel job series and position descriptions for FOIA Officers and FOIA Personnel	6/1/2007	7/15/2007	
07-17	Continue Assessment of VA's FOIA Program	1/1/2007	12/31/2007	
08-11	Continue FOIA site Visits	1/1/08	12/31/08	
08-8	Revise FOIA Policy, Procedures and Standards	9/1/08	10/31/08	

Backlog Reduction Milestones				
ID	Action to be Completed	Start	Finish	Complete
06-8	Implement Quarterly Backlog Snapshot reporting requirements for all field activities	11/8/2006	11/27/2006	✓
06-9	Analyze Quarterly Backlog Snapshots to identify offices with significant backlogs	11/30/2006	12/15/2006	
06-10	Identify its 10 oldest FOIA requests and provide estimated completion dates using Snapshot data	11/30/2006	12/15/2006	
06-11	Conduct FOIA site Visits	12/1/2006	12/31/2006	
07-3	Analyze annual FOIA report to identify offices with backlogs	2/1/2007	3/1/2007	
07-4	Examine procedures in offices with backlogs	2/1/2007	3/1/2007	
07-5	Identify possible backlog solutions	3/1/2007	5/1/2007	
07-6	Conduct FOIA site Visits	3/1/2007	5/1/2007	
07-7	Develop a plan to reduce FOIA Backlog	5/1/2007	5/15/2007	
07-8	Implement Proposed backlog solutions	5/15/2007	6/1/2007	
Training Milestones				
ID	Action to be Completed	Start	Finish	Complete
07-12	Establish baseline skills and knowledge for FOIA Officers	7/1/2007	8/1/2007	
07-13	Establish a requirement for annual training and awareness initiatives	7/15/2007	8/1/2007	
07-14	Design a comprehensive FOIA Training Program targeted for primary and alternate VA FOIA Officers	8/1/2007	10/1/2007	
07-15	Investigate web-based and/or video training	8/1/2007	10/12/2007	
07-16	Implement Training of FOIA Officials and Staff	10/1/2007	12/31/2007	
08-10	Review and assess Training Requirements	9/1/08	12/31/2008	

Customer Service & Communications Milestones				
ID	Action to be Completed	Start	Finish	Complete
06-6	Standardize Initial Notice of Determination response	11/20/2006	12/31/2006	
08-1	Improve customer information (refine web site develop and distribute printed materials)	1/1/2008	1/31/2008	
08-2	Gather customer feedback	1/1/2008	1/31/2008	
08-3	Respond and make improvements to identified areas	2/1/2008	3/1/2008	
Technology & Automation Milestones				
ID	Action to be Completed	Start	Finish	Complete
08-4	Research and review existing internal VA FOIA software products	3/1/2008	4/1/2008	
08-5	Research and review existing GOTS FOIA software products	4/1/2008	5/1/2008	
08-6	Research and review existing COTS FOIA software products	5/1/2008	6/1/2008	
08-7	Implement selected software product solution	6/1/2008	9/1/2008	