



**Department of Veterans Affairs
FREEDOM OF INFORMATION ACT (FOIA)
REPORT FOR FISCAL YEAR 2008**

I. BASIC INFORMATION REGARDING THE REPORT

1. Point of Contact for questions regarding the report:

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II. MAKING A FOIA REQUEST

1. Names, addresses, and telephone numbers of all individual agency components that are designated to receive FOIA requests can be found at the below links:

- ▶ [Veterans Affairs Central Office \(VACO\)](#)
- ▶ [Veterans Benefit Administration \(VBA\)](#)
- ▶ [Veterans Health Administration \(VHA\)](#)
- ▶ [National Cemetery Administration \(NCA\)](#)
- ▶ [Board of Veterans Appeals \(BVA\)](#)

2. Some 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. A description of each FOIA exemption category is provided in Section III.3, below.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Below is a list of acronyms used in this Report:

- a. **A&MM (049)** – Acquisition & Material Management
- b. **Admin (03)** – Administration
- c. **BVA (01)** – Board of Veterans Appeals
- d. **OC&LA (009)** – Office of Congressional & Legislative Affairs
- e. **OCFM (00CFM)** – Office of Construction & Facilities Management
- f. **ODM&EEO (06)** – Office of Diversity Management & Equal Employment Opportunity
- g. **GC (02)** General Counsel
- h. **OHRM (05)** – Office of Human Resources Management
- i. **IG (50)** Inspector General
- j. **NCA (40)** - National Cemetery Administration

- k. **OASHRA (006)** - Office of the Assistant Secretary for Human Resources & Administration
- l. **OASP&IA (002)** - Office of the Assistant Secretary for Public & Intergovernmental Affairs
- m. **ODASB (041)** - Office of the Deputy Assistant Secretary for Budget
- n. **ODASIA (075)** - Office of the Deputy Assistant Secretary for Intergovernmental Affairs
- o. **OF (047)** - Office of Finance
- p. **OI&T (005)** - Office of Information & Technology
- q. **Mgmt (004)** - Office of Management
- r. **ORM (08)** - Office of Resolution Management
- s. **OSDBU (00SB)** - Office of Small & Disadvantaged Business Utilization
- t. **P&P (008)** - Policy and Planning
- u. **PA (80)** - Public Affairs
- v. **S&LE (07)** - Security & Law Enforcement
- w. **SEC (00)** - Office of the Secretary
- x. **VACO** - Veterans Affairs Central Office
- y. **VBA (20)** - Veterans Benefits Administration
- z. **VCS (785)** - Veterans Canteen Service VACO
- aa. **VHA (10)** - Veterans Health Administration

2. The following definitions of terms used in this Report:

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **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.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)
- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Glomar Response** – An instance where the Department of Veterans Affairs will not confirm or deny the existence of the records requested.
- k. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- l. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
- i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
- ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
- iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- m. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

- n. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- o. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- p. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- q. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- r. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. *FOIA Exemptions.* VA must disclose records under the FOIA unless the information requested is protected under one or more of FOIA's explicit exemptions. These exemptions apply if the requested information falls within one of the following categories:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** internal agency rules and practices
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

Note to Readers

I. Data Used in this Year's Report

The Department of Veterans Affairs (VA) Annual FOIA Report for 2008 was prepared in accordance with the *2008 Guidelines for Agency Preparation of Annual FOIA Reports*, Office of Information and Privacy, U.S. Department of Justice, May 2008. This year's guidelines revised the required content and format of this Report as compared with those of previous years. Most significantly, the data contained in the 2008 Report is **limited to data on FOIA requests only**. Privacy Act (PA) requests are included only if the FOIA was used in any way to process the request, i.e., if the search extended beyond a PA "system of records" (see 5 U.S.C. § 552a(a)(5) (2006)), or if an access determination based on FOIA needed to be made subsequent to a PA exemption. Where the agency conducted a PA search exclusively (i.e., within a "system of records") and did not claim a PA exemption for any records located, those requests are not included in this Report.

Consequently, the 2008 Annual Report should not and cannot be compared to the 2007 Report or any other report, which contained data on both PA and FOIA requests. The final numbers in the 2007 and 2008 Reports do not correlate with each other; for instance, the 2007 Report closed the year with 35,366 pending requests (see Section V.A.), which consisted of both FOIA and PA requests. In the 2008 Report, VA reports opening the year with 5,101 requests. This discrepancy of 30,265 requests is attributable to the exclusion of PA requests.

In addition, the new reporting requirements were issued when the reporting period was underway. VA's FOIA activities are decentralized, and it was therefore not possible to incorporate all the new reporting requirements in time for the preparation of the 2008 Report. As a result, the integrity of the data reported in this year's Report is limited by the lack of an automated and department-wide system to separate PA requests from FOIA requests with 100% accuracy. Likewise, because of the lack of automation, the total number in the table for Section VII(C) of this Report (pp. 16 and 17) does not equal the total number of processed requests because requests may have been counted more than once in each section of the Report. Lacking an automated method in which to generate the Report has contributed to the discrepancy in totals that should, in theory, be the same.

VA has acquired and is implementing an automated FOIA tracking system that will be used department-wide and should address these discrepancies in next year's Report.

II. Principal Components of the Agency

Attention is drawn to the Offices that are named as principal components of the Agency. Under the Department of Justice's guidance (May 2008), VA is presenting the report data of 26 offices that are considered principal components for purposes of this report. The named offices differ from last year's report only in that two offices have been removed, and one office has been added. Specifically:

- the Board of Contract Appeals has been removed from the list, as it was dissolved on January 7, 2007;
- the Office of Information Technology Support Service was removed from the list because requests it receives are processed by the FOIA Officer for the Office of Information and Technology; and
- The Office of Construction and Facilities Management was added to the list.

III. Editorial Notes

Rows with gray shading indicate the Office did not receive or process any FOIA requests in fiscal year 2008.

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Number of Times Relied Upon per Component		Total Number of Times Relied Upon
38 U.S.C. 5701	Records pertaining to any claim filed with the Department for names 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).	VHA	1705	2415
			VBA	707	
			NCA	0	
			VACO*	3	
38 U.S.C. 5705	Records created as part of a medical quality assurance program	NA	VHA	34	39
			VBA	0	
			NCA	0	
			VACO	5	
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).	VHA	1773	1810
			VBA	34	
			NCA	0	
			VACO	3	
35 U.S.C. 205	Protects patient records		VHA	3	12
			VBA	9	
			NCA	0	
			VACO	0	
41 USC 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)	VHA	11	11
			VBA	0	
			NCA	0	
			VACO	0	

* Veterans Affairs Central Office (VACO) comprises all components of VA with the exception of Veterans' Health Administration (VHA), Veterans' Benefits Administration (VBA) and National Cemetery Administration (NCA).

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

Component	Number of requests pending as of end of the preceding year	Number of requests received during current Fiscal Year	Number of requests processed during current Fiscal Year	Number of requests pending as of end of current Fiscal Year
A&MM	166	151	100	217
Admin	0	0	0	0
BVA	0	20	20	0
C&LA	0	0	0	0
CFM	2	50	43	9
DM&EEO	0	0	0	0
GC	3	55	53	5
HRM	0	6	5	1
IG	39	173	210	2
Mgmt	0	1	1	0
NCA	0	72	70	2
OASHRA	0	0	0	0
OASP&IA	0	0	0	0
ODASB	0	0	0	0
ODASIA	0	0	0	0
OF	1	15	15	1
OI&T	18	130	133	15
ORM	0	3	3	0
OSDBU	0	0	0	0
P&P	0	1	1	0
PA	0	0	0	0
S&LE	0	8	8	0
SEC	0	9	9	0
VBA	2,700	23,076	23,213	2,563
VCS	0	0	0	0
VHA	2,172	75,563	74,571	3,164
VA Total	5,101	99,333	98,455	5,979

B. Disposition of FOIA Requests – All Processed Requests

Component	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions							TOTAL			
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record		Duplicate Request	Other *Explain in Chart V.B(4i)	
A&MM	71	3	4	1	0	16	0	0	0	0	0	1	4	100
Admin														
BVA	6	6	0	0	3	1	0	0	0	0	4	0	0	20
C&LA														
CFM	7	6	0	4	10	2	10	0	4	0	0	0	0	43
DM&EEO														
GC	11	13	5	2	15	1	1	0	3	0	0	2	0	53
HRM	5	0	0	0	0	0	0	0	0	0	0	0	0	5
IG	42	90	23	24	13	4	0	0	3	0	11	0	0	210
Mgmt	0	0	0	1	0	0	0	0	0	0	0	0	0	1
NCA	16	32	1	14	7	0	0	0	0	0	0	0	0	70
OASHRA														
OASP&IA														
ODASB														
ODASIA														
OF	6	1	0	1	5	0	0	1	1	0	0	0	0	15
OI&T	28	6	1	1	0	1	5	31	0	0	43	2	15	133
ORM	1	0	2	0	0	0	0	0	0	0	0	0	0	3
OSDBU														
P&P	0	0	0	0	0	0	0	0	0	0	1	0	0	1
PA														
S&LE	0	3	0	5	0	0	0	0	0	0	0	0	0	8
SEC	7	2	0	0	0	0	0	0	0	0	0	0	0	9
VBA	17,538	830	119	1,084	2,756	66	38	248	140	99	118	177	23,213	
VCS														
VHA	33,863	2,340	9,202	11,142	4,544	1,324	659	1,221	4,277	1,052	4,349	598	74,571	
VA Total	51,601	3,332	9,357	12,279	7,353	1,415	713	1,501	4,428	1,210	4,472	794	98,455	

B (2) DISPOSITION OF FOIA REQUESTS – Other

Component	Description of "Other" Reasons for Denials from Chart V.B (1-4)	Number of Times Relied Upon	Total
A&MM	Letters sent to requesters asking whether information was still required (for backlogged requests) were returned as "mail undeliverable." Thus, the requests were closed out on that basis.	4	4
OI&T	Not a proper FOIA because not signed	6	15
	No Consent	4	
	Glomar response	1	
	Not a FOIA request	1	
	Referred to other VA components	3	
VBA	E-mails/unsigned requests	142	177
	Telephone requests	28	
	No address	7	
VHA	Medically sensitive records	510	598
	Requestor died before completing request	72	
	Glomar response	5	
	Publicly Available Information	10	
	Subsumed by litigation	1	
VA Total:			794

D. Disposition of FOIA Requests – Number of Times Exemptions Applied

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
A&MM	0	0	0	5	2	0	0	0	0	0	0	0	0	0
Admin														
BVA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
C&LA														
CFM	0	1	0	3	0	3	0	0	0	0	0	0	0	0
DM&EEO														
GC	0	2	4	0	7	12	1	0	0	0	0	0	0	0
HRM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IG	0	3	6	0	5	89	16	0	24	0	2	0	0	0
Mgmt	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NCA	0	2	0	2	2	30	0	0	0	0	0	0	0	0
OASHRA														
OASP&IA														
ODASB														
ODASIA														
OF	0	0	1	0	0	0	0	0	0	0	0	0	0	0
OI&T	0	2	0	1	1	2	0	0	0	0	0	0	0	0
ORM	0	0	0	0	0	2	0	0	0	0	0	0	0	0
OSDBU														
P&P	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PA														
S&LE	0	0	0	0	0	2	1	0	3	0	0	0	0	0
SEC	0	0	0	0	1	1	0	0	0	0	0	0	0	0
VBA	0	20	750	0	45	150	0	0	0	0	1	0	0	0
VCS														
VHA	0	70	3,526	68	154	8,645	189	27	611	26	15	7	0	0
VA Total	0	100	4,287	79	217	8,936	207	27	638	26	18	7	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Number of administrative appeals received, processed, and pending

Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
141	157	230	68

B. Disposition of Administrative Appeals (All Processed Appeals)

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	VA Total
81	44	21	84	230

C. Reasons for Denial on Appeal (Number of Times Exemptions Applied)

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
0	7	28	6	32	73	0	0	11	0	0	0	0	0

D. Reasons for Denial on Appeal (Reasons Other than Exemptions)

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
33	28	12	2	1	4	2	0	3	0	34

E. Reasons for Denial on Appeal "Other"

Description of "Other" Reasons for Denial on Appeal	Number of Times Relied upon
Initial response after appeal	31
Remand	3
VA Total:	34

F. Response Time for Administrative Appeals.

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
115	199	1	1026

G. Ten Oldest Pending Administrative Appeals

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date Received	10/13/06	9/5/06	9/5/06	9/1/06	8/31/06	6/16/06	6/15/06	6/7/06	3/17/06	11/10/05
# of Days Pending	494	521	521	522	523	577	578	584	642	733

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests (Response Time for All Processed Perfected Requests)

Component	SIMPLE ¹					COMPLEX					EXPEDITED PROCESSING				
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days		Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days		Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	
A&MM	6	141	1	988		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
Admin															
BVA	8.5	10	1	24		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
C&LA															
CFM	9	14.4	1	90		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
DM&EEO															
GC	44	10	1	87		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
HRM	3	3	2	5		2	2	2	2		2	2	2	2	
IG	6	7	1	20		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
Mgmt	1	1	1	1		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
NCA	13.5	14	1	43		2	2	2	2		2	2	2	2	
OASHRA															
OASP&IA															
ODASB															
ODASIA															
OF	4	31.2	1	101		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
OI&T	2	16	1	240		5	5	5	5		5	5	5	5	
ORM	4	5	2	6		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
OSDBU															
P&P	10	10	10	10		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
PA															
S&LE	20.5	5	1	41		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
SEC	1	2	2	4		n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	
VBA	10.5	29	1	2,104		1	1	1	1		1	1	1	1	
VCS															
VHA	2	10	1	1,073		1	1	1	1		1	1	1	1	
VA Total	n/a²	n/a	1	2,104		n/a	n/a	1	2,104		n/a	n/a	1	107	

¹ The VA does not use a "Simple" track at this time because our process is designed to categorize requests as complex or expedited.

² For the last quarter of fiscal year 2008, the Department's median processing time for requests that were received on or after July 1, 2008 was 6 business days.

B. Processed Requests (Response Time for Perfected Requests in Which Information Was Granted)

Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
A&MM	3	9	1	133	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Admin												
BVA	10	10	1	23	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C&LA												
CFM	22	26	1	76	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
DM&EEO												
GC	18	12.2	1	36	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HRM	3	3	2	5	2	2	1	1	2	2	1	2
IG	7	8	0	20	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Mgmt	1	1	1	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NCA	13.5	14	2	43	2	2	2	2	2	2	2	2
OASHRA												
OASP&IA												
ODASB												
ODASIA												
OF	69	47.4	1	101	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
OI&T	2	14	1	185	5	5	5	5	5	5	5	5
ORM	6	6	6	6	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
OSDBU												
P&P	1	1	1	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA												
S&LE	28	26	20	30	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SEC	1	2	2	4	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
VBA	13	34	1	2,104	1	1.5	1	1	1	1	1	72
VCS												
VHA	4	11	1	575	1	1	1	1	1	1	1	107
VA Total	n/a	n/a	1	2,104	n/a	n/a	1	2,104	n/a	n/a	1	107

Not in use at VA

C. Processed Requests (Response Time in Day Increments)

SIMPLE REQUESTS (not currently used)														
Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
VHA														
VBA														
NCA														
VACO														
VA Total														

Not in use at VA

COMPLEX REQUESTS

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
A&MM	67	7	3	1	2	0	1	0	0	0	0	0	19	100
Admin														
BVA	15	5	0	0	0	0	0	0	0	0	0	0	0	20
CFM														
C&LA	34	6	1	1	1	0	0	0	0	0	0	0	0	43
DM&EEO														
GC	48	3	1	0	1	0	0	0	0	0	0	0	0	53
HRM	3	0	0	0	0	0	0	0	0	0	0	0	0	3
IG	210	0	0	0	0	0	0	0	0	0	0	0	0	210
Mgmt	1	0	0	0	0	0	0	0	0	0	0	0	0	1
NCA	53	15	1	0	0	0	0	0	0	0	0	0	0	69
OASHRA														
OASP&IA														
ODASB														
ODASIA														
OF	11	0	0	2	1	1	0	0	0	0	0	0	0	15
OI&T	116	3	1	3	0	2	2	0	2	1	2	0	0	132
ORM	3	0	0	0	0	0	0	0	0	0	0	0	0	3
OSDBU														
P&P	1	0	0	0	0	0	0	0	0	0	0	0	0	1
PA														
S&LE	6	1	1	0	0	0	0	0	0	0	0	0	0	8
SEC	5	4	0	0	0	0	0	0	0	0	0	0	0	9
VBA	17,095	2,104	1,105	634	533	401	206	171	216	147	218	92	144	23,066
VCS														
VHA	70,987	2,182	555	217	129	114	40	19	25	9	24	4	4	74,309
VA Total	88,655	4,330	1,668	858	667	518	249	190	243	157	244	96	167	98,042

C. Processed Requests (Response Time in Day Increments) -- continued

REQUESTS GRANTED EXPEDITED PROCESSING														
Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
A&MM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Admin														
BVA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
C&LA														
CFM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DM&EEO														
GC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HRM	2	0	0	0	0	0	0	0	0	0	0	0	0	2
IG	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	1	0	0	0	0	0	0	0	0	0	0	0	0	1
OASHRA														
OASP&IA														
ODASB														
ODASIA														
OF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OI&T	0	1	0	0	0	0	0	0	0	0	0	0	0	1
ORM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSDBU														
P&P	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PA														
S&LE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VBA	145	0	2	0	0	0	0	0	0	0	0	0	0	147
VCS														
VHA	2,519	27	5	1	1	1	1	0	0	0	0	0	1	2,556
VA Total	2,667	28	7	1	1	1	1	0	0	0	0	0	1	2,707

D. Pending Requests (All Pending Perfected Requests)

Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING				
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days		
A&MM	Not in use at VA			217	635	618	0	0	0		
Admin											
BVA				0	0	0	0	0	0	0	0
C&LA											
CFM				9	13	25.6	0	0	0	0	0
DM&EEO											
GC				5	89.5	65	0	0	0	0	0
HRM				1	8	8	0	0	0	0	0
IG				2	3	3	0	0	0	0	0
Mgmt				0	0	0	0	0	0	0	0
NCA				2	16.5	16.5	0	0	0	0	0
OASHRA											
OASP&IA											
ODASB											
ODASIA											
OF				0	0	0	0	0	0	0	0
OI&T				15	102	155	0	0	0	0	0
ORM				0	0	0	0	0	0	0	0
OSDBU											
P&P				0	0	0	0	0	0	0	0
PA											
S&LE				0	0	0	0	0	0	0	0
SEC				0	0	0	0	0	0	0	0
VBA				2,563	1	38.5	0	0	0	0	0
VCS											
VHA				3,162	1	8	2	1	1	1	1
VA Total				5,976	n/a	n/a	n/a	0	n/a		

E. Pending Requests (Ten Oldest Pending Perfected Requests

Component		10th Oldest Pending Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Pending Request
A&MM	Date Received	3/17/2005	3/2/2005	2/10/2005	2/9/2005	2/9/2005	2/9/2005	2/9/2005	2/8/2005	2/3/2005	1/26/2005
	# of Days Pending	1293	1308	1328	1329	1329	1329	1329	1330	1335	1343
Admin											
BVA	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C&LA											
CFM	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7/2/2008	5/21/2008
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	64	92
DM&EEO											
GC	Date Received	n/a	n/a	n/a	n/a	n/a	8/25/2008	8/1/2008	7/14/2008	7/11/2008	2/29/2008
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	25	41	51	54	154
HRM	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/18/2008
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	8
IG	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/29/2008	9/25/2008
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	4

E. Pending Requests (Ten Oldest Pending Perfected Requests) - continued

Component		10th Oldest Pending Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Pending Request
Mgmt	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NCA	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/22/2008	8/25/2008
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7	26
OASHRA											
ODASB											
ODASIA											
OF	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
O&T	Date Received	6/20/2008	5/30/2008	5/6/2008	4/28/2008	3/25/2008	11/16/2007	11/5/2007	5/21/2007	1/10/2007	10/26/2006
	# of Days Pending	70	85	102	108	132	219	227	343	436	507
ORM	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
OSDBU											

E. Pending Requests (Ten Oldest Pending Perfected Requests) – continued

Component	10th Oldest Pending Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Pending Request
P&P	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PA										
S&LE	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SEC	Date Received	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	# of Days Pending	n/a	n/a 0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
VBA	Date Received	6/21/2005	2/22/2005	1/28/2005	1/3/2005	9/17/2004	8/25/2004	7/14/2004	2/24/2004	11/10/2003
	# of Days Pending	1,316	1,331	1,356	1,366	1,474	1,487	1,526	1,680	1,786
VCS										
VHA	Date Received	11/1/2007	10/22/2007	10/16/2007	10/11/2007	10/10/2007	10/4/2007	10/3/2007	10/2/2007	10/1/2007
	# of Days Pending	29	237	241	244	245	284	249	250	251
VA Total	Date Received	2/3/2005	1/26/2005	1/28/2005	1/3/2005	9/17/2004	8/25/2004	7/14/2004	2/24/2004	11/10/2003
	# of Days Pending	1,335	1,343	1,356	1,366	1,474	1,487	1,526	1,680	1,786
										2,015

**VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE
WAIVER**

A. Requests for Expedited Processing

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
A&MM	0	0	0	0	0
Admin					
BVA	0	0	0	0	0
C&LA					
CFM	0	0	0	0	0
DM&EEO					
GC	0	0	0	0	0
HRM	2	0	0	2	2
IG	0	0	0	0	0
Mgmt	0	0	0	0	0
NCA	1	0	2	2	1
OASHRA					
OASP&IA					
ODASB					
ODASIA					
OF	0	0	0	0	0
OI&T	1	0	5	5	1
ORM	0	0	0	0	0
OSDBU					
P&P	1	0	10	10	1
PA					
S&LE	0	0	0	0	0
SEC	0	0	0	0	0
VBA	147	0	1	2	124
VCS					
VHA	2,489	18	0	1	83
VA Total	2,641	18	n/a	n/a	212

B. Requests for Fee Waiver

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
A&MM	0	0	0	0
Admin				
BVA	0	0	0	0
C&LA				
CFM	0	0	0	0
DM&EEO				
GC	0	0	0	0
HRM	0	0	0	0
IG	0	0	0	0
Mgmt	0	0	0	0
NCA	0	1	15	15
OASHRA				
OASP&IA				
ODASB				
ODASIA				
OF	1	0	6	6
OI&T	0	1	12	12
ORM	0	0	0	0
OSDBU				
P&P	0	0	0	0
PA				
S&LE	0	0	0	0
SEC	0	0	0	0
VBA	3	1	1	1
VCS				
VHA	26	3	0	0
VA Total	30	6	n/a	n/a

IX. FOIA PERSONNEL AND COSTS

Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full- Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (The sum of Columns 1 & 2)	Processing Costs (At initial request and appeal levels)	Litigation- Related Costs	Total Costs
A&MM	0	1.4	1.4	\$126,106.00	\$0.00	\$126,106.00
Admin	0	0.0	0.0	\$0.00	\$0.00	\$0.00
Appeals	0	3.1	3.1	\$253,904.00	\$0.00	\$253,904.00
BVA	0	0.6	0.6	\$52,936.00	\$0.00	\$52,936.00
C&LA	0	0.0	0.0	\$0.00	\$0.00	\$0.00
CFM	0	0.4	0.4	\$45,132.00	\$0.00	\$45,132.00
DM&EEO	0	0.0	0.0	\$0.00	\$0.00	\$0.00
GC	1	0.1	1.1	\$80,592.52	\$0.00	\$80,592.52
HRM	0	0.3	0.3	\$21,173.00	\$0.00	\$21,173.00
IG	1	0.4	1.4	\$244,641.00	\$0.00	\$244,641.00
Mgmt	0	0.0	0.0	\$28.40	\$0.00	\$28.40
NCA	0	2.0	2.0	\$215,087.00	\$0.00	\$215,087.00
OASHRA	0	0.0	0.0	\$0.00	\$0.00	\$0.00
OASP&IA	0	0.2	0.2	\$1,750.66	\$0.00	\$1,750.66
ODASB	0	0.0	0.0	\$0.00	\$0.00	\$0.00
ODASIA	0	0.2	0.2	\$1,750.66	\$0.00	\$1,750.66
OF	0	0.5	0.5	\$1,795.16	\$0.00	\$1,795.16
OI&T	4	0.8	4.8	\$390,657.00	\$0.00	\$390,657.00
ORM	0	0.1	0.1	\$11,305.00	\$0.00	\$11,305.00
OSDBU	0	0.0	0.0	\$0.00	\$0.00	\$0.00
P&P	0	0.5	0.5	\$75.70	\$0.00	\$75.70
PA	0	0.0	0.0	\$0.00	\$0.00	\$0.00
S&LE	0	0.2	0.2	\$4,272.91	\$0.00	\$4,272.91
SEC	0	0.2	0.2	\$14,525.30	\$0.00	\$14,525.30
VBA	0	44.6	44.6	\$2,053,577.00	\$0.00	\$2,053,577.00
VCS	0	0.0	0.0	\$4,964.16	\$0.00	\$4,964.16
VHA	2	263.1	265.1	13,429,096	\$0.00	\$13,429,096.00
VA Total	8	318.7	326.7	\$16,953,369.47	\$0.00	\$16,953,369.47

X. FEES COLLECTED FOR PROCESSING REQUESTS

Component	Total Amount of Fees Collected	Percentage of Total Costs
A&MM	\$0.00	0.00%
Admin	\$0.00	0.00%
Appeals	\$0.00	0.00%
BVA	\$0.00	0.00%
C&LA	\$0.00	0.00%
CFM	\$2,202.27	20.49%
DM&EEO	\$0.00	0.00%
GC	\$0.00	0.00%
HRM	\$98.00	0.04%
IG	\$0.00	0.00%
Mgmt	\$0.00	0.00%
NCA	\$770.54	0.35%
OASHRA	\$0.00	0.00%
OASP&IA	\$0.00	0.00%
ODASB	\$0.00	0.00%
ODASIA	\$0.00	0.00%
OF	\$1,510.50	84.14%
OI&T	386.82	0.09%
ORM	\$0.00	0.00%
OSDBU	\$0.00	0.00%
P&P	\$0.00	0.00%
PA	\$0.00	0.00%
S&LE	\$0.00	0.00%
SEC	\$0.00	0.00%
VBA	\$4,262.43	0.21%
VCS	\$0.00	0.00%
VHA	\$303,775.84	2.26%
VA Total	\$313,006.40	1.85%

XI. FOIA REGULATIONS

Information on the Department of Veterans Affairs FOIA Regulations, including Fee Schedules, is provided at the following URL: http://www.foia.va.gov/FOIA_Regulations_1550.asp

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
A&MM	217	68
Admin	0	
BVA	0	
C&LA	0	
CFM	2	
DM&EEO	0	
GC	0	
HRM	0	
IG	0	
Mgmt	0	
NCA	1	
OASHRA	0	
OASP&IA	0	
ODASB	0	
ODASIA	0	
OF	0	
OI&T	15	
ORM	0	
OSDBU	0	
P&P	0	
PA	0	
S&LE	0	
SEC	0	
VBA	2,100	
VCS	0	
VHA	505	
VA Total	2,840	

B. Consultations on FOIA Requests (Received, Processed, and Pending Consultations)

Component	Number of Consultations Received from Other Agencies that Were Pending as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year
A&MM	0	0	0	0
Admin	0	0	0	0
BVA	0	0	0	0
C&LA	0	0	0	0
CFM	0	0	0	0
DM&EEO	0	0	0	0
GC	0	0	0	0
HRM	0	0	0	0
IG	0	0	0	0
Mgmt	0	0	0	0
NCA	0	0	0	0
OASHRA	0	0	0	0
OASP&IA	0	0	0	0
ODASB	0	0	0	0
ODASIA	0	0	0	0
OF	0	0	0	0
OI&T	0	0	0	0
ORM	0	0	0	0
OSDBU	0	0	0	0
P&P	0	0	0	0
PA	0	0	0	0
S&LE	0	1	1	0
SEC	0	0	0	0
VBA	0	2	2	0
VCS	0	0	0	0
VHA	0	1	1	0
VA Total	0	4	4	0

C. Consultations on FOIA Requests (Ten Oldest Pending Consultations Received from Other Agencies)

There were no pending consultations on FOIA requests for FY2008.

D. Comparison of Numbers of Requests from Previous and Current Annual Report (Requests Received, Processed, and Backlogged) *

Component	REQUESTS RECEIVED		REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
A&MM	142	151	89	100
Admin	0	0	0	0
BVA	12	20	12	20
C&LA	0	0	0	0
CFM	25	50	2	43
DM&EEO	0	0	0	0
GC	64	55	61	53
HRM	0	6	0	5
IG	340	173	353	210
Mgmt	0	1	0	1
NCA	69	72	67	70
OASHRA	0	0	0	0
OASP&IA	3	0	0	0
ODASB	0	0	0	0
ODASIA	3	0	3	0
OF	24	15	25	15
OI&T	66	130	54	133
ORM	11	3	11	3
OSDBU	0	0	0	0
P&P	4	1	4	1
PA	0	0	0	0
S&LE	7	8	7	8
SEC	3	9	3	9
VBA	89,253	23,076	76,369	23,213
VCS	0	0	0	0
VHA	1,799,637	75,563	1,787,452	74,571
VA Total	1,889,651	99,333	1,864,500	98,455

* The numbers in this table represent, to the best of our ability, FOIA requests only.

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report

Component	Appeals RECEIVED		Appeals PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
Appeals	223	157	204	230

F. Discussion of Other FOIA Activities (Optional)

During fiscal year 2008 VA engaged in multiple efforts aimed at developing a more robust and streamlined FOIA program.

For example, in the area of outreach and education, VA trained a record number of FOIA Officers by conducting FOIA training throughout the year. Training material was developed to train over 300 FOIA Officers; the lead attorneys on FOIA from the Department of Justice were invited to VA to hold training on the OPEN Government Act amendments; FOIA training was provided at the VA's annual Information Security conference; and the visits were made to field facilities to assess the quality of FOIA operations in the field.

In the area of technology and automation, VA improved its FOIA website by adding more user-friendly features to enrich the visitor session (a "Just Issued" and "Helpful Links" section was added). In addition, VA is pleased to report that after researching and reviewing FOIA automation software products, including internal VA, Government Off-the-Shelf (GOTS) and Commercial Off-the-Shelf (COTS) products, VA selected a vendor to design a custom system that will be configured for VA's department-wide use.

In the area of governance, the VA is updating and revising its FOIA regulations and FOIA Handbook to reflect changes in laws, policies, and procedures. Both documents are currently in the concurrence process. Also, VA continues to monitor its backlog by conducting quarterly "FOIA Snapshots" of its FOIA operations.

VA is pleased with its progress to date, but we also look forward to an even more rewarding fiscal year 2009.