



# **U.S. DEPARTMENT OF VETERANS AFFAIRS**

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## **CHIEF FREEDOM OF INFORMATION ACT OFFICER REPORT**

**March 2017**

## **OVERVIEW OF VETERANS AFFAIRS (VA)**

VA operates the largest integrated health care delivery system in America. VA provides a broad range of primary care, specialized care, and related medical and social support services. VA is also the Nation's largest integrated provider of health care education and training for physician residents and other health care trainees. VA advances in medical research and development in areas that most directly address both physical and mental health conditions that affect Veterans and eligible beneficiaries.

VA administers compensation benefits, pension benefits, fiduciary services, education benefits, vocational rehabilitation and employment services, transition services, and home loan and life insurance programs.

VA operates the largest national cemetery system honoring Veterans and eligible beneficiaries and their families with final resting places in national shrines, and with lasting tributes that commemorate their service and sacrifice to our Nation.

VA provides contingency support for the Department of Defense (DoD), Department of Homeland Security/Federal Emergency Management Agency, and other Federal Departments and Agencies during times of war or national emergency.

VA is comprised of a Central Office (VACO), which is located in Washington, DC, and field facilities throughout the nation, as well as the U.S. territories and the Philippines. VA is the second largest Federal department, with a workforce of over 327,000 employees. Programs are administered by its three major line organizations: Veterans Health Administration (VHA), Veterans Benefits Administration (VBA) and National Cemetery Administration (NCA).

Services and benefits are provided through a nationwide network of 152 Medical Centers, 300 Vet Centers, 820 Community-based Outpatient Clinics (CBOC), 135 Community Living Centers, 6 Independent Outpatient Clinics, 103 Residential Rehabilitation Centers, 139 Integrated Disability Evaluation System (IDES) sites, 131 National and 90 State or Tribal Cemeteries, 56 Regional Offices, 6 Fiduciary Hubs, 3 Pension Management Centers, 1 Insurance Center, 94 VetSuccess on Campus Offices (VSOC), 284 Out-based benefits services offices (154 military, 130 Vocational Rehabilitation & Employment), 4 Education Regional Processing Offices (RPO), and 9 Regional Loan Centers.

## ***Overview of the VA FOIA Program***

The VA FOIA Service Director has VA-wide policy responsibility for ensuring compliance with the FOIA, VA regulations, and other applicable laws. Each Administration has Administration-wide policy and operational management authority. Each Administration may supplement VA FOIA regulations with its own administrative guidance and decide whether to operate a centralized or decentralized FOIA program. VHA and VBA's FOIA operations are currently centralized for purposes of policy and programmatic oversight and decentralized for purposes of operational execution. NCA's entire FOIA program is centralized. In all, the VA received a total of 34,000 requests nationwide in FY 2016.

The VA FOIA Service, through its FOIA team of four Government Information Specialists, also process initial FOIA and Privacy Act requests to the Office of the Assistant Secretary for Information Technology, logs in to the FOIA tracking system all requests received. This office received over 1400 requests which are then re-directed to the staff office(s) at VACO and in the field which maintains the responsive records. More challenging is that the FOIA Service's four Government Information Specialists act as FOIA Public Liaisons which involves daily interaction with internal and external customers: the public, requesters, the Veteran community and the 20 staff offices located at VACO, the three Administrations, the OIG, field offices, and other federal agency FOIA Offices to assist in the resolution of disputes between the agency and the requester.

**Chief FOIA Officer: LaVerne H. Council, Department of Veterans Affairs**

**Section I: Steps Taken to Apply the Presumption of Openness**

***FOIA Training:***

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

- Yes

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

- *During the course of past year, FOIA Officers attended the American Society of Access Professionals (ASAP) National Training Conference in FY2016. The National Training Conference is designed to address the educational and developmental needs of all individuals dealing with access statutes, privacy issues and records management. The National Training Conference (NTC) blends basic, mid-level and advanced sessions over the period of three days.*
- *FOIA Officer's also attended training sessions offered by the Justice Department. The FOIA Training Class covered the basics of FOIA's, the types of requests, the importance of responding in a timely manner and the responsibility of the FOIA Officer.*
- *FOIA professionals also attended training entitled "Freedom of Information and Privacy Acts at The Graduate School, Washington, DC. Training provided to FOIA Officers clarified the appropriate use of both FOIA regulations and the FOIAXpress tracking system. The training sessions covered transparency and openness requirements and the presumption of disclosure. The fundamentals of FOIA administration were presented to participants less familiar with FOIA. The training focused on application of FOIA exemptions.*
- *Specialized topics included procedures for conducting thorough and timely searches and potential harm that could result from releasing certain information. The training sessions were conducted using LiveMeeting, and FOIA training material was posted for employees to refer to for guidance. In addition, the VBA FOIA and Privacy Officer's conduct monthly FOIA/PA training for all new employees to provide updates and changes on FOIA.*

2. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

*The VA FOIA Offices that process FOIA requests attended or conducted FOIA training at 90% for FY16*

4. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to

ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year

- *VA FOIA Offices that process FOIA's attended or provided training at 90%.*

### **B. Outreach:**

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

- *The VA FOIA Officers regularly maintain outreach and community dialogue with VA requesters and organizations seeking information on the VA. However, there was no specific open government groups conducted in this FY by VA.*
- This question addresses outreach that is conducted outside of the individual request or appeal process. Outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.
- Example: An agency receives numerous requests from one organization seeking similar types of records. The organization does not know how the agency organizes its records or how its FOIA professionals must conduct searches. When submitting FOIA requests, the organization often submits broad requests that take a long time to process and that result in the review of a lot of records that are ultimately of no interest to the requester. The agency holds a meeting with the organization to discuss its record keeping system, search capabilities, and overall FOIA process to assist the organization in the formulation of future FOIA requests. Because of the meeting, the organization now submits more targeted requests that result in the agency being able to provide the requester the records it is interested in more quickly.

*The VA FOIA did not meet with any particular requesting organization this FY. However VA FOIA provides one-on-one guidance and assistance to the FOIA requester community to assist to determine the exact nature of their request.*

6. If you did not conduct any outreach during the reporting period, please explain why.

The nature of requests that VA typically receives involves Privacy equities which we assist on an individual basis.

### **C. Other Initiatives**

7. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

*VA FOIA Service conducts bi-weekly training sessions to new employees as part of their employee orientation. During the past year, over 830 non-FOIA professionals have received this training*

*VA produced a video which can be used to instruct VA employees of their responsibilities to assist in responding to FOIA request.*

*VA FOIA maintains internet/intranet websites which include the FOIA regulations and training aids in addition to links to VA information sites.*

*VA has included on its external website the publications entitled*

*A Citizen's Guide On Using The Freedom Of Information Act and The Privacy Act Of 1974 to Request Government Records which was published by the House of Representatives.*

*VA FOIA Working Group; The working group discussed open government and outreach with administration of FOIA procedures.*

8. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

*When there is a possibility of making a release under the foreseeable harm standard by any of the VA OIT locations. If it is determined that the information may be released under this standard the information is forwarded to the Enterprise Operations leadership for their concurrence for release.*

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

The DOJ's 2009 FOIA Guidelines emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

### **A. Processing Procedures**

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2016 Annual FOIA Report.

*Average number of Days adjudicating expedited requests in FY 2016 was 37*

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

*The topic of expedited processing will be discussed on a future national VHA FOIA Officer monthly call. In addition, the VHA FOIA Offices performed 378 FOIAXpress reviews to ensure field FOIA Officers were entering requests appropriately per policy. The VHA FOIA Office also conducted periodic reviews on FOIA requests in an "on-hold" status to ensure the requests were appropriately placed on-hold in FOIAXpress. The VA FOIA Office monitors weekly its and the field's backlog. The weekly backlog reports are provided to VA senior leadership. To assist in the orientation of new FOIA Officers, the VHA FOIA Office developed and implemented a standardized welcome email going to all new VHA FOIA Officers. In addition, the VA FOIA Office reviewed and updated the draft VA Directive on the FOIA Program to address changes from the FOIA Improvement Act of 2016.*

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

*No*

3. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

*For FY16 VA received 1766 requests from commercial requesters. The majority of component offices that received commercial requests were; Veterans Health Administration received the majority of commercial requests, VACO Construction and Facilities Mgmt, Office of Acquisition and Logistics, and Office of Information & Technology.*

#### B. Requester Services

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

*The FY16 FOIA Improvement Act specifies that FOIA Offices include the option for requesters to contact the VA FOIA Public Liaison. The response letters provided to requesters includes information regarding the Public Liaison who is available to address any concerns or issues and provide feedback to the VA FOIA Office on FOIA services provided. VBA is also establishing an online email which will be available on its Agency website*

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

11

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

*<http://www.oprm.va.gov/foia/>*

### **C. Other Initiatives**

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

*VA uses an automated tracking system (FOIAXPress) for all requests received in any of the VA offices and sites. The system can be accessed by any FOIA Officer to determine if requests under the same topic have been received in other offices. The system is also used at the Administration level within VA to see if duplicate requests have been filed at different field sites.*

### **Section III: Steps Taken to Increase Proactive Disclosures**

The VHA FOIA Office provides ongoing monthly training to field VHA FOIA Officers, maintains a mail group for field VHA FOIA Officers to submit questions to the VHA FOIA Office, tracks weekly the FOIA backlog, performs ongoing audits on FOIAXpress for appropriate entry and tracking of requests, performs reviews on substantial interests FOIA requests are required by the Agency and partnered with the VHA Privacy Compliance Assurance office to include FOIA Audits in their fiscal year 2017 facility assessments.

*OGC has increased the use of paperless processes to improve its FOIA program.*

Both the President's and DOJ's FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

### **A. Posting Material**

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

*The VACO Central FOIA Office is decentralized and posts records by all component offices when they make the request to this office for posting. The specific VA Program Office monitors the number of times a request has been received and via their FOIA Offices i.e. VHA, VBA, NCA and VACO FOIA offices monitors either by requester or requested records via FOIExpress requests that are requested 3 or more times and posts those documents in the VA Reading Room.*

*There are records and reports that are posted and updated on a quarterly or yearly basis examples include; FOIA Logs, Purchase Card Holders, Physicians Guides to Disability Evaluation Examinations, OIG Reports, VA Data Breaches, Veterans Benefits Orders, VHA Information Systems and Technology Software (Vista), Benefits Activity statistics as it relates to the Global War on Terror A request is made through VA FOIA Service for posting.*

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

*There are records and reports that are posted and updated on a quarterly or yearly basis examples include; FOIA Logs, Purchase Card Holders, Physicians Guides to Disability Evaluation Examinations, OIG Reports, VA Data Breaches, Veterans Benefits Orders, VHA Information Systems and Technology Software (Vista), Benefits Activity statistics as it relates to the Global War on Terror A request is made through VA FOIA Service for posting.*

*The Program Offices makes determinations regarding documents or records, policy, or updates that may be of concern to the Veterans we serve regarding internal VA processes, findings on significant points of interest regarding health care, and services for the Veteran that is posted pro-actively on the public facing FOIA website. The VA also participates in VA's Open Data Workgroup which meets quarterly and reviews documents of interest and determines what information should be posted on our public website.*

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

*Yes, VA policy requires that all posted documents be 508 compliant, which is labor intensive. Most VA component offices do not have the needed dedicated staff to accomplish this task. VA does have a Section 508 staff at the headquarters level that tries to assist whenever possible.*

If so, briefly explain those challenges and how your agency is working to overcome them.

*As staffing and time permits we will focus more time into converting documents for 508 compliance*

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material?

- *Global War on Terror (GWOT) / Gulf War Veterans Information System (GWVIS)*
- *<http://www.va.gov/VETDATA/>*
- *Gross Distribution of Expenditures (GDX)*
- *<http://www.va.gov/VETDATA/Expenditures.asp>*
- *Monetary Amount of Monthly VA Benefits*
- *Request can be made by sending an e-mail to: VAVBAWAS/CO/OFO*
- *Congressional Letters and VA policies*

Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

*Yes; VA consistently posts new updates on the public-facing internet page. Search capabilities have been enhanced to provide a user-friendly experience for our customers.*

## **B. Other Initiatives**

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

*VA continues its efforts to transition from paper to electronic business processes to provide more responsive records in electronic form at the outset, avoiding the need for FOIA Officers to scan paper records (convert them to electronic form) in order to redact them electronically. Section IV: Steps Taken to Greater Utilize Technology*

## **Section IV: Steps Taken to Greater Utilize Technology**

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

## **A. Making Material Posted Online More Useful**

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes

2. If yes, please provide examples of such improvements.

*VA has been active in promoting its e-benefits portal that allows Veterans access to claims information. The e-benefits portal allows Veterans greater access to the information previously requiring a FOIA/Privacy Act request. The ASPIRE website provides office performance data to the general public on how each of the VA regional offices measure up to quality and other claims processing goals. VBA uses two methods for determining which records to post on its website. The FOIA Officers review incoming request among other things, looking for patterns in the types of records requested. When a pattern is identified, VBA may decide to proactively post the records. VBA reviews and updates information posted to its website and evaluates new information to be proactively disclosed and posted.*

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

*Yes, the VA OALC FOIA Library has engaged with the VA 508 Specialist. A 508 waiver allows us to post documents for only 30 days, so a 508 waiver is not a permanent solution. Therefore, we have begun converting documents into 508-compliance.*

## **B. Use of Technology to Facilitate Processing of Requests**

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

*Yes, VA FOIA Officers attended the 2016 FOIAXpress User Conference covering new technical tools for our FOIA case management system and system of records.*

6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe:

- *Yes, the VA's Electronic Contract Management System (ECMS) and the VA IT are used to improve records and search capabilities. SharePoint, a document sharing platform, is used for consultation and referrals.*

- *The impact of using these technologies on your agency's request processing.*

*We can process FOIA request more quickly using ECMS, the VA IT office, and SharePoint.*

7. Are there additional tools that could be utilized by your agency to create further efficiencies?  
*Yes, EZ-PZ, Clearwell, or FOIAXpress redaction that can sort and de-duplicate emails, email chains, and attachments.*

### **C. Other Initiatives**

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

*Yes, and may be accessed at: <http://www.oprm.va.gov/docs/Quarterly/VA-FY16Q4.pdf>*

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2017.

*The last quarterly report was posted late due to staff turnover.*

### **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The President's FOIA Memorandum and the DOJ's 2009 FOIA Guidelines have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.

#### **A. Simple Track**

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

*Yes*

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

*Average number of days to process simple requests was 21 Days*

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

62%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

## **B. Backlogs**

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

### **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

No

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- *An increase in the number of incoming requests.*
- *A loss of staff coupled with delays in filling positions.*
- *An increase in the complexity of the requests received.*

If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.

*One or more FOIA Officer Positions were vacant for a period. Our FOIA requests also became more complex and voluminous. Some responsive documents were voluminous in nature and typically contained over 2500 responsive pages. Any increase in backlog due to inadequate resources available to process FOIA requests and an increase in the number of new FOIA requests.*

9. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2016.

11%

## **BACKLOGGED APPEALS**

10. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

*Yes*

11. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

*N/A*

*FY16 Annual Report backlog decreased as compared to FY15 Annual Report*

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

*2.3%*

### **. Backlog Reduction Plans**

13. In the 2016 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2015 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2016?

*The Agency did not have a backlog of over 1000 for FY15*

If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

*The Agency will address in processing of FOIA requests and work pro-actively in assigning requests that may be fast tracked to specific FOIA Officers so the requests will not become part of the backlog. VA component offices review the number of cases and determine the best strategy to accomplish this task on a quarterly basis.*

## **D. Status of Ten Oldest Requests, Appeals, and Consultations**

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

### **TEN OLDEST REQUESTS**

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report? *No*

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

*VA had a total of 8 out of 10*

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal? *None*

### **TEN OLDEST APPEALS**

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

*Yes*

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

*N/A*

### **TEN OLDEST CONSULTATIONS**

18. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

*Closed 2 of 2 consultations*

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

*There were less than 10 consultations at the end of FY15.*

#### **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans**

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

*Loss of staff without replacements, more complex requests, requests too informal and often too broad.*

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending. N/A

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.

*VA is currently reviewing the administrative case files for the ten oldest pending requests and appeals and initiate final responses or a search for responsive records in FY 2017.*

#### **F. Interim Responses**

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? See OIP Guidance, “The Importance of Good Communication with FOIA Requesters.” (Mar. 1, 2010)

*Yes.*

24. If your agency had a backlog in Fiscal Year 2016, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

*10%*

#### **G. Success Stories**

Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to

highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to

*VBA migrated from the current decentralized, paper-intensive model to electronic centralization for Compensation related FOIA request. The VA Records Management Center (RMC) in St. Louis, MO is the centralized electronic FOIA hub for VBA. The purpose of the model is to drastically reduce paper record creation, maintenance and storage. The process has proven efficient and has reduced the work in the field, thereby freeing up valuable resources to process claims in the field.*