



Department of Veterans Affairs FOIA Report FY1998

I. Basic Information Regarding the Report:

A. Point of Contact for questions regarding the report:

Donald L. Neilson, Director
Information Management Service (045A4)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420
(202) 273-8135

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

http://www.foia.va.gov/FOIA_Reports.asp

C. How to obtain a copy of the report in paper form:

A written request should be sent to:

Director, Information Management Service (045A4)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

II. How to Make a FOIA Request:

To submit a FOIA request, please visit our electronic FOIA Guide at:

<http://www.foia.va.gov/docs/RequesterHandbook.pdf>

A. Contact Information

http://www.foia.va.gov/FOIA_Contacts.asp

B. Brief description of the agency's response-time ranges:

The median response time ranges are from 1 to 60 days depending on the complexity of the request and the amount of time that is necessary to determine who has the responsive documents. Some very large requests may require several

months to over a year to fully process (sometimes in batches) based on the complexity of the request, and the number of documents that VA must retrieve, review and redact.

C. Brief description of why some requests are not granted:

Requests are not granted in cases where the document requested either does not exist or cannot be found after a reasonable search or where the FOIA would prevent granting the request based on an applicable FOIA exemption.

II. Contact Information

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests. <http://www.va.gov/foia/>

III. DEFINITIONS OF BASIC TERMS AND ACRONYMS

VA ACRONYMS:

VHA (10)	Veterans Health Administration
VBA (20)	Veterans Benefits Administration
NCA (40)	National Cemetery Administration
Admin (03)	Office of Administration
Mgmt (004)	Office of Assistant Secretary for Management
IRM (045)	Information Resources Management
PP (008)	Office of Policy and Planning
CA (009)	Office of Congressional Affairs
BVA (01)	Board of Veterans Appeals
GC (02)	Office of General Counsel
BCA (09)	Board of Contract Appeals
IG (50)	Office of Inspector General
A&MM (90)	Acquisition and Materiel Management
SEC (00)	Office of the Secretary
S&LE (07)	Security and Law Enforcement
FM (047)	Financial Management
PA (80)	Office of Public Affairs
HRM (05)	Office of Human Resources Management
EEO (06)	Office of Equal Opportunity
FOIA (045A4)	VA Freedom of Information Act Office
OSDBU (00SB)	Office of Small and Disadvantaged Business Utilization
VCS (785)	Veterans Canteen Service
AAC (200/045)	Austin Automation Center
ORM (08)	Office of Resolution Management
White House (WHL)	White House Liaison
ODASB (041)	Office of Deputy Assistant Secretary for Budget
OASP&IA (002)	Office of Assistant Secretary for Public and Intergovernmental Affairs
ODASIA (075)	Office of Deputy Assistant Secretary for Intergovernmental Affairs
OASHRA (006)	Office of Assistant Secretary for Human Resources and Administration

NOTE: Numbers and/or symbols shown in parentheses are the mail symbols for these offices.

Basic Terms

B. Basic terms, expressed in common terminology.

- 1. FOIA/PA request** -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
- 2. Initial Request** -- a request to a federal agency for access to records under the Freedom of Information Act.
- 3. Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
- 4. Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
- 5. Multi-track processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).
- 6. Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
- 7. Simple request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
- 8. Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
- 9. Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
- 10. Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
- 11. Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
- 12. Time limits** -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

38 U.S.C. 5701

38 U.S.C. 5705

38 U.S.C. 7332

35 U.S.C. 205

Other Statutes:

41 USC 253b(m);

PL 104-201, Section 821 (b);

P.L. 95-452 (IG Act, as amended);

A1. Brief description of type(s) of information withheld under each statute:

1. Names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of the Department (38 U.S.C. §5701);
2. Records and documents created by the Department as part of the VA confidential medical quality-assurance program (38 U.S.C. §5705);
3. Records of the identity, diagnosis, prognosis, or treatment 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 HIV virus, or sickle cell anemia (38 U.S.C. §7332);
4. Proposals withheld from unsuccessful offerors in contract solicitations (41 U.S.C. §253b(m));
5. Information disclosing any invention in which the Federal Government owns or may own a right, title, or interest for a reasonable time in order for a patent application to be filed (35 U.S.C. §205);
6. Prohibition on release of contractor proposals under FOIA (PL 104-201, §821);
7. And nondisclosure of an employee complainant's name during an investigation in order to protect him against retaliation from "whistle-blowing" (PL 95-452).

A2. Statement of whether a court has upheld the use of each statute, if so then cite example:

1. Fitch v. VA 597 F.2d 1152 (1979) (38 U.S.C. §5701 upheld)
2. Palmer v. Derwinski, No. 91-197, slip op. at 3-4 (E.D. Ky. June 10, 1992) (38 USC §7332 upheld)

V. Initial FOIA/PA Access Requests

A. Number of initial requests

1. Number of requests pending as of the end of preceding fiscal year :	10730
2. Number of Requests received during current fiscal year :	210371
3. Number of requests processed during current fiscal year :	208740
4. Number of requests pending as of end of current fiscal year :	12361

B. Disposition of initial requests

1. Number of total grants :	194152
2. Number of partial grants :	5933
3. Number of denials :	2576

a. Number of times each FOIA Exemption used (counting each exemption once per request)

1. Exemption 1 :	1
2. Exemption 2 :	29
3. Exemption 3 :	842
4. Exemption 4 :	49
5. Exemption 5 :	53
6. Exemption 6 :	412
7. Exemption 7A :	16
8. Exemption 7B :	5
9. Exemption 7C :	5
10. Exemption 7D :	7
11. Exemption 7E :	1
12. Exemption 7F :	3
13. Exemption 8 :	0
14. Exemption 9 :	0

4. Other reasons for nondisclosure (total) :	7254
a. no records :	2066
b. referrals :	3038
c. request withdrawn :	376
d. fee-related reason :	410
e. records not reasonably described :	329
f. not a proper FOIA request for some other reason :	221
g. not an agency record :	303
h. duplicate request :	469
i. other :	42
Other Reasons	
<ol style="list-style-type: none"> 1. Privacy Act 2. publicly available in FR 3. Not signed by vet 4. Unable to locate records 5. no address 6. Unable to locate records 7. wrong vet; not original request; file lost 	

VI. Appeals of Initial Denials of FOIA/PA Requests

(Note : Only General Counsel should have filled in this section)

A. Number of appeals

1. Number of appeals received during fiscal year :	147
2. Number of appeals processed during fiscal year :	95

B. Disposition of appeals

1. Number completely upheld :	47
2. Number partially reversed :	23
3. Number completely reversed :	25

a. Number of times each FOIA Exemption used (counting each exemption once per request)

1. Exemption 1 :	0
2. Exemption 2 :	1
3. Exemption 3 :	18
4. Exemption 4 :	1
5. Exemption 5 :	11
6. Exemption 6 :	41
7. Exemption 7A :	1
8. Exemption 7B :	0
9. Exemption 7C :	17
10. Exemption 7D :	0
11. Exemption 7E :	0
12. Exemption 7F :	0
13. Exemption 8 :	0
14. Exemption 9 :	0

4. Other reasons for nondisclosure (total) :	44
a. no records :	3
b. referrals :	4
c. request withdrawn :	7
d. fee-related reason :	4
e. records not reasonably described :	3
f. not a proper FOIA request for some other reason :	3
g. not an agency record :	0
h. duplicate request :	0
i. other :	20

Other Reasons

Two Privacy Act access cases where the patient refused to follow the special sensitive medical records access process. 5 U.S.C. §552a(e). The other eighteen cases represent an appeal where the appellant asserts that he/she received no response to the initial request. Inquiries by the Office of General Counsel precipitated a direct response by the facility to the requester.

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year

1. Simple requests (*Only fill in if multiple tracks are used.*)

a. number of requests processed :	
b. median number of days to process :	

2. Complex requests (specify for any and all tracks used).

a. number of requests processed :	197672
b. median number of days to process :	10

3. Requests accorded expedited processing.

a. number of requests processed :	11588
b. median number of days to process :	3

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year :	12361
2. Median number of days that such requests were pending as of that date :	11.5

VIII. Comparisons with Previous Year(s)

(Note : This section is Optional)

A. Comparison of numbers of requests received :	
B. Comparison of numbers of requests processed (same method as above) :	
C. Comparison of median number of days requests were pending as of end of fiscal year :	
D. Other statistics significant to agency :	
E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public :	

IX. Costs/FOIA Staffing

A. Staffing Levels

1. Number of full-time FOIA personnel :	116.9
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) :	82.6
3. Total number of personnel (in work-years) :	199.5

B. Total Costs (including staff and all resources)

1. FOIA processing (including appeals) :	\$6,326,172.21
2. Litigation-related activities (estimated) :	\$4,995.95
3. Total Costs :	\$6,331,168.16
4. Comparison with previous year(s) (including percentage of change) <i>optional</i> :	

C. Statement of additional resources needed for FOIA compliance *optional*

X. Fees

A. Total amount of fees collected by agency for processing requests :	\$84,824.28
B. Percentage of total costs :	1.34%