



**Department of Veterans Affairs  
FREEDOM OF INFORMATION ACT (FOIA)  
REPORT FOR FISCAL YEAR 2001**

**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](http://www.foia.va.gov/FOIA_Reports.asp)

**C. How to obtain a paper copy of the report (send written request):**

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](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 30 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.

### III. DEFINITIONS OF BASIC TERMS AND ACRONYMS

#### VA ACRONYMS:

<b>A&amp;MM (90)</b>	Acquisition & Materiel Management
<b>Admin (03)</b>	Administration
<b>BCA (09)</b>	Board of Contract Appeals
<b>BVA (01)</b>	Board of Veterans Appeals
<b>C&amp;LA (009)</b>	Congressional & Legislative Affairs
<b>DM&amp;EEO (06)</b>	Diversity Management & Equal Employment Opportunity
<b>GC (02)</b>	General Counsel
<b>HRM (05)</b>	Human Resources Management
<b>IG (50)</b>	Inspector General
<b>ITSS (045ITSA)</b>	Information Technology Support Service
<b>Mgmt (004)</b>	Management
<b>NCA (40)</b>	National Cemetery Administration
<b>OASHRA (006)</b>	Office of the Assistant Secretary for Human Resources & Administration
<b>OASP&amp;IA (002)</b>	Office of the Assistant Secretary for Public & Intergovernmental Affairs
<b>ODASB (041)</b>	Office of the Deputy Assistant Secretary for Budget
<b>ODASIA (075)</b>	Office of the Deputy Assistant Secretary for Intergovernmental Affairs
<b>OF (047)</b>	Office of Finance
<b>OI&amp;T (005)</b>	Office of Information & Technology
<b>ORM (08)</b>	Office of Resolution Management
<b>OSDBU (00SB)</b>	Office of Small & Disadvantaged Business Utilization
<b>P&amp;P (008)</b>	Policy and Planning
<b>PA (80)</b>	Public Affairs
<b>S&amp;LE (07)</b>	Security & Law Enforcement
<b>SEC (00)</b>	Office of the Secretary
<b>VBA (20)</b>	Veterans Benefits Administration
<b>VCS (785)</b>	Veterans Canteen Service VACO
<b>VHA (10)</b>	Veterans Health Administration
<b>White House (WHL)</b>	White House Liaison

## **BASIC TERMS:**

- 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 entireties, 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

STATUTE OR RULE	INFORMATION TYPE	CASE CITATION
35 U.S.C. 205	Federal Agencies are authorized to withhold from disclosure to the public 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.	
38 U.S.C. 5701	Names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of the Department.	Ashton v. VA, No. 99-6018 (2d Cir. Sept. 3, 1999)
38 U.S.C. 5705	Records and documents created by the Department as part of the confidential medical quality-assurance program	Schulte v. VA, No. 86-6251 (S.D. Fla. Feb. 2, 1996)
38 U.S.C. 7332	Records of the identity, diagnosis, 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.	Palmer v. Derwinski, No. 91-197 (E.D. Ky. June 10, 1992)
41 U.S.C. 253b(m)(1)	Prohibition against release of contractor proposals under 5 U.S.C. section 552 within framework of procurement procedures for public contracts.	
5 U.S.C. App.3 Section 7 (IG Act)	Prohibition against disclosure of employees' identities where complaints made by employees are recorded by the Office of Inspector General.	

**V. INITIAL FOIA/PA ACCESS REQUESTS**  
**A. NUMBER OF INITIAL REQUESTS**

VA ORGANIZATION	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR
A&MM	12	346	350	8
Admin	0	4	4	0
BCA	0	10	10	0
BVA	11	504	509	6
C&LA	0	2	2	0
GC	72	85	124	33
HRM	0	901	901	0
IG	59	316	329	46
ITSS	0	0	0	0
NCA	0	3	3	0
OASHRA	0	6	6	0
ODASB	0	11	11	0
ODASIA	0	0	0	0
OF	8	54	62	0
OI&T	0	45	38	7
ORM	0	39	39	0
P&P	0	0	0	0
SEC	2	2	2	2
VBA	3,579	60,782	60,271	4,090
VCS	0	0	0	0
VHA	30,335	1,289,676	1,288,002	32,009
White House	0	0	0	0
Totals:	34,078	1,352,786	1,350,663	36,201

**B. DISPOSITION OF INITIAL REQUESTS (OTHER REASONS FOR NON-DISCLOSURE)**

VA ORGANIZATION	NUMBER OF TOTAL GRANTS	NUMBER OF PARTIAL GRANTS	NUMBER OF DENIALS	NO RECORDS	REFERRALS	REQUEST WITHDRAWN	FEE-RELATED REASON	RECORDS NOT REASONABLY DESCRIBED	NOT A PROPER FOIA REQUEST FOR SOME OTHER REASON	NOT AN AGENCY RECORD	DUPLICATE REQUEST	OTHER
A&MM	297	14	4	20	7	8	0	0	0	0	0	0
Admin	4	0	0	0	0	0	0	0	0	0	0	0
BCA	0	0	0	10	0	0	0	0	0	0	0	0
BVA	337	54	3	28	49	6	19	2	0	11	0	0
C&LA	2	0	0	0	0	0	0	0	0	0	0	0
GC	40	24	23	24	4	1	0	0	7	0	1	0
HRM	61	835	5	0	0	0	0	0	0	0	0	0
IG	118	193	11	7	0	0	0	0	0	0	0	0
ITSS	0	0	0	0	0	0	0	0	0	0	0	0
NCA	3	0	0	0	0	0	0	0	0	0	0	0
OASHRA	0	3	0	2	1	0	0	0	0	0	0	0
ODASB	2	0	0	0	0	0	0	0	0	0	9	0
ODASIA	0	0	0	0	0	0	0	0	0	0	0	0
OF	51	0	0	6	0	5	0	0	0	0	0	0
OI&T	15	1	1	9	6	0	2	4	0	0	0	0
ORM	20	6	13	0	0	0	0	0	0	0	0	0
P&P	0	0	0	0	0	0	0	0	0	0	0	0
SEC	0	0	0	0	1	1	0	0	0	0	0	0
VBA	54,506	454	550	1,634	1,773	171	78	150	216	277	280	182
VCS	0	0	0	0	0	0	0	0	0	0	0	0
VHA	1,268,716	6,131	1,562	5,878	1,744	734	197	1,238	762	176	589	275
White House	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	1,324,172	7,715	2,172	7,618	3,585	926	296	1,394	985	464	879	457

**EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS: OTHER REASONS FOR NON-DISCLOSURE (COLUMN MARKED "OTHER")**

VA ORGANIZATION	NUMBER OF TIMES	REASON(S)
A&MM	0	
Admin	0	
BCA	0	
BVA	0	
C&LA	0	
GC	0	
HRM	0	
IG	0	
ITSS	0	
NCA	0	
OASHRA	0	
ODASB	0	
ODASIA	0	
OF	0	
OI&T	0	
ORM	0	
P&P	0	
SEC	0	
VBA	182	No additional documents (1); Attorney client privilege information (1) Incorrect address (9); Consent issue (60) Could not identify Unable to retrieve record No return address given Could not identify Request not signed (4); Information requested in too poor of condition to permit copying (1)
VCS	0	
VHA	275	Bad address (3); Consent issue (2); Glomar Response (1) No proper consent (5) Consent form signed by unauthorized person Not enough evidence to support request No return addresses; No SSN#; Non-identifiable subject; Incorrect names Mental health-physician denial PA record, No Valid Consent Not a VA patient (not a veteran); Patient died before getting an appt. at oncology hospital All 14 are due to "No proper consent" Requester expired No proper consent; Unable to locate records Release not furnished
White House	0	

## EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT

VA ORGANIZATION	(1)	(2)	(3)	(4)	(5)	(6)	(7a)	(7b)	(7c)	(7d)	(7e)	(7f)	(8)	(9)
A&MM	0	0	0	15	2	1	0	0	0	0	0	0	0	0
Admin	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BVA	0	0	0	0	0	3	0	0	0	0	0	0	0	0
C&LA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GC	0	0	4	0	10	15	0	0	0	0	0	0	0	0
HRM	0	0	0	0	0	846	0	0	1	0	0	0	0	0
IG	0	109	31	4	27	191	2	0	21	0	6	0	0	0
ITSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NCA	0	0	0	0	0	3	0	0	0	0	0	0	0	0
OASHRA	0	0	0	0	0	1	0	2	0	0	0	0	0	0
ODASB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ODASIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OF	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OI&T	0	2	3	0	0	2	1	0	0	0	0	0	0	0
ORM	0	0	0	0	0	1	1	0	0	0	0	0	0	0
P&P	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	0	4	187	1	12	94	0	0	1	11	4	10	0	0
VCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VHA	0	15	11,685	24	173	368	3	2	31	0	0	0	0	0
White House	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	0	130	11,910	44	224	1,525	7	4	54	11	10	10	0	0

**VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS**  
(Recorded By General Counsel)

A. Number of appeals	
1. Number of appeals received during fiscal year:	123
2. Number of appeals processed during fiscal year:	116
B. Disposition of appeals	
1. Number completely upheld:	10
2. Number partially reversed:	31
3. Number completely reversed:	39
a. Number of times each FOIA exemption used (counting each exemption once per request)	
1. Exemption 1:	0
2. Exemption 2:	2
3. Exemption 3:	8
4. Exemption 4:	1
5. Exemption 5:	18
6. Exemption 6:	31
7. Exemption 7A:	1
8. Exemption 7B:	0
9. Exemption 7C:	8
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):	36
a. no records:	24
b. referrals:	0
c. request withdrawn:	3
d. fee-related reason:	4
e. records not reasonably described:	1
f. not a proper FOIA request for some other reason:	1
g. not an agency record:	0
h. duplicate request:	0
i. other:	3
Other Reasons:	
1) Court order enjoining disclosure; 2) Release potentially injurious to physical/mental health of record subject-38 CFR 1.577(d); 3) Glomar--agency could neither confirm nor deny existence of responsive records.	

**VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS**  
**A. MEDIAN PROCESSING TIME FOR REQUESTS PROCESSED DURING THE YEAR**

VA ORGANIZATION	Simple Requests		Complex Requests		Requests Accorded Expedited Processing	
	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS	NUMBER OF REQUESTS PROCESSED	MEDIAN NUMBER OF DAYS TO PROCESS
A&MM	n/a	n/a	350	5.00	0	0
Admin	n/a	n/a	4	18.00	0	0
BCA	n/a	n/a	10	13.00	0	0
BVA	n/a	n/a	509	4.00	0	0
C&LA	n/a	n/a	2	30.00	0	0
GC	n/a	n/a	109	13.50	15	12.00
HRM	n/a	n/a	901	30.50	0	0
IG	n/a	n/a	329	9.00	0	0
ITSS	n/a	n/a	0	0	0	0
NCA	n/a	n/a	3	18.00	0	0
OASHRA	n/a	n/a	6	10.00	0	0
ODASB	n/a	n/a	1	1.00	10	1.00
ODASIA	n/a	n/a	0	0	0	0
OF	n/a	n/a	62	12.00	0	0
OI&T	n/a	n/a	38	9.00	0	0
ORM	n/a	n/a	39	15.00	0	0
P&P	n/a	n/a	0	0	0	0
SEC	n/a	n/a	2	0	0	0
VBA	n/a	n/a	58,361	15.00	1,910	3.00
VCS	n/a	n/a	0	0	0	0
VHA	n/a	n/a	1,242,563	10.00	45,439	2.00
White House	n/a	n/a	0	0	0	0
Totals:	n/a	n/a	1,303,289	12.50	47,374	2.50

## B. STATUS OF PENDING REQUESTS

VA ORGANIZATION	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR	MEDIAN NUMBER OF DAYS TO PROCESS
A&MM	8	48.00
Admin	0	0
BCA	0	0
BVA	6	5.00
C&LA	0	0
GC	33	181.00
HRM	0	0
IG	46	11.00
ITSS	0	0
NCA	0	0
OASHRA	0	0
ODASB	0	0
ODASIA	0	0
OF	0	0
OI&T	7	6.00
ORM	0	0
P&P	0	0
SEC	2	180.00
VBA	4,090	15.50
VCS	0	0
VHA	32,009	13.50
White House	0	0
Totals:	36,201	14.50

## **VIII. COMPARISON WITH PREVIOUS YEAR**

### **A. Comparison of numbers of requests received:**

During FY 2000, VA received 1,239,844 requests.

During FY 2001, VA received 1,352,786 requests.

### **B. Comparison of numbers of requests processed:**

During FY 2000, VA processed 1,230,544 requests.

During FY 2001, VA processed 1,350,663 requests.

### **C. Comparison of median number of days requests were pending as of end of fiscal year:**

At the end of 2000 the median number of days requests were pending was 15.00

At the end of 2001 the median number of days requests were pending was 14.00

## IX. COSTS/FOIA STAFFING

VA ORGANIZATION	Staffing Levels			Total Costs (Including Staff and All Resources)		
	NUMBER OF FULL TIME PERSONNEL	NUMBER OF PERSONNEL WITH PART TIME OR OCCASIONAL FOIA DUTIES (IN TOTAL WORKYEARS)	TOTAL NUMBER OF PERSONNEL (IN WORK YEARS)	FOIA PROCESSING (INCLUDING APPEALS) (ESTIMATED)	LITIGATION-RELATED ACTIVITIES (ESTIMATED)	TOTAL
A&MM	1.00	1.15	2.15	\$113,678.00	\$0.00	\$113,678.00
Admin	0.00	0.01	0.01	\$180.00	\$0.00	\$180.00
BCA	0.00	0.01	0.01	\$0.00	\$0.00	\$0.00
BVA	1.00	0.60	1.60	\$79,278.90	\$0.00	\$79,278.90
C&LA	0.00	0.05	0.05	\$70.00	\$0.00	\$70.00
GC	3.00	9.89	12.89	\$504,434.19	\$10,694.00	\$515,128.19
HRM	1.00	4.20	5.20	\$74,271.00	\$0.00	\$74,271.00
IG	3.00	0.30	3.30	\$431,588.00	\$0.00	\$431,588.00
ITSS	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
NCA	0.00	2.00	2.00	\$660.00	\$0.00	\$660.00
OASHRA	0.00	0.10	0.10	\$6,400.00	\$0.00	\$6,400.00
ODASB	1.00	0.00	1.00	\$272.93	\$0.00	\$272.93
ODASIA	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
OF	0.00	1.80	1.80	\$6,000.00	\$0.00	\$6,000.00
OI&T	0.00	1.48	1.48	\$173,229.00	\$0.00	\$173,229.00
ORM	0.00	1.40	1.40	\$1,873.10	\$0.00	\$1,873.10
P&P	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
SEC	0.00	0.05	0.05	\$100.00	\$0.00	\$100.00
VBA	32.00	34.58	66.58	\$2,784,717.45	\$0.00	\$2,784,717.45
VCS	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
VHA	474.50	216.71	691.21	\$24,929,651.05	\$100,000.00	\$25,029,651.05
White House	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
Totals:	516.50	274.33	790.83	\$29,106,403.62	\$110,694.00	\$29,217,097.62

## **X. FEES**

### **A. Total amount of fees collected by all agencies for processing requests:**

\$372,161.78

### **B. Percentage of total costs:**

1.27%

## **XI. FOIA REGULATIONS (Including Fee Schedule)**

### **The Department of Veterans Affairs (VA) regulations implementing the Freedom of Information Act are:**

38 C.F.R. § 1.550 – 1.557, Release of Information from Department of Veterans Affairs Records Other than Claimant Records

### **VA Regulations Implementing the Privacy Act are:**

38 C.F.R. § 1.575 – 1.577, 1.580, Safeguarding Personal Information in Department of Veterans Affairs Records

### **The schedule of Fees is available at:**

38 C.F.R. § 1.555, Fees

### **These regulations can be accessed at:**

[http://www.foia.va.gov/FOIA\\_Policies.asp](http://www.foia.va.gov/FOIA_Policies.asp)