

VA



U.S. Department of Veterans Affairs

To fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans.

2024 CHIEF FOIA OFFICER REPORT GUIDELINES - AGENCIES RECEIVING MORE THAN 50 REQUESTS FISCAL YEAR 2022

2024 Chief FOIA Officer Report Guidelines Agencies Receiving More Than 50 Requests in Fiscal Year 2022

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General's 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?

Response: Yes

2. Please provide the name and title of your agency's Chief FOIA Officer.

Response: Mr. Eddie Pool, Acting Assistant Secretary for Information and Technology and Chief Information Officer.

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

Response: Transparency is a cornerstone of Department of Veterans Affairs (VA) operations. Because transparency builds trust and trust is integral to the delivery of care, distribution of benefits, and our daily interactions with Veterans, VA incorporates transparency into our core values found at [§ 0.601 Core Values. 38 CFR 0.601 -- Core Values.](#)

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Response: Yes

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. If your agency tracks Glomar responses, please provide:

- the number of times your agency issued a full or partial *Glomar* response during fiscal year (FY) 2024 (separate full and partial if possible).
- the number of times a *Glomar* response was issued by exemption during FY 2024 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

Response: VA FOIA does not track Glomar or "Neither confirm Nor Deny" responses currently.

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

Response: VA FOIA is reviewing software packages to potentially update our legacy E-FOIA case processing solution. We will evaluate all potential updates to determine if they are able to track this information. We anticipate award and implementation in the spring of 2025.

SECTION II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General's 2022 [FOIA Guidelines](#) provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

Response: VA Freedom of Information Act (FOIA) has a multichannel, "meet them where they are" approach to FOIA training. This approach provides training

resources that range from formal monthly "Coaching Calls," to more informal "Lunch and Learns" where FOIA Officers can bring their specific case questions and get on the spot guidance to assist in moving their cases to completion. In addition to larger trainings, VA FOIA often provides 1-1 training for FOIA officers that may be new to the field or working through novel issues.

While VA FOIA has a robust internal FOIA training program, we are also active external participants in the FOIA training space. VA FOIA led American Society of Access Professionals (ASAP) conference sessions with both VA-specific sessions as well as providing speakers for a variety of FOIA-related topics for a wide audience. VA FOIA team members also participated on industry webinars to spread the word on transparency initiatives at the VA.

While those dynamic sessions are important, VA FOIA also maintains a library of training resources on our internal SharePoint and VA FOIA team members regularly attend Department of Justice (DOJ) Office of Information Policy (OIP) trainings and regularly discuss and implement best practices from the Office of Government Information Services (OGIS) and the FOIA Advisory Committee. VA FOIA has a full time FOIA Training Director to coordinate and lead training enterprise wide. Staffing and supporting this position led to over 12,600 individual training interactions in quarter 1 of FY 2024.

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

Response: Yes

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

Response: VA FOIA continues to support hybrid training and regularly attends DOJ OIP trainings as well events like the Chief FOIA Officers Technology Committee's NEXGEN FOIA Showcase 2.0 which the VA FOIA Director Co-Chairs.

In addition to over 100 VA FOIA team members attending sessions at the ASAP conferences in Anaheim and Pittsburgh, many VA FOIA team members also presented at the ASAP conference as well as various industry webinars.

VA FOIA has biweekly training calls on various FOIA topics including strategies to work with requesters, fee waivers, expedited processing, and similar topics. FOIA professionals also took virtual FOIA trainings led by Opexus for the FOIAXpress platform and VA Office of General Counsel (OGC) Information Law Group Training.

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

Response: 100%

5. 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.

Response: N/A

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations, and expectations during the FOIA process?

Response: VA requires all employees to receive annual FOIA training. In addition to that standard training, the VA FOIA Offices conduct “FOIA Road Shows” and presents FOIA related trainings to various program offices. The theme of these trainings is that “FOIA is Everyone’s Job at VA.” These trainings are often well received and many report that they learn new information at these trainings.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

Response: While the entirety of the VA FOIA program proactively contacts requesters to scope requests, we would like to shine a light on the efforts of the Veterans Health Administration (VHA) FOIA office for this question.

The VHA FOIA Office encourages all VHA component FOIA Officers to openly engage with FOIA requesters to assist them in clarifying or narrowing the scope of the request in a manner that would benefit both the agency and the requester. Examples range from asking the requester if the records they sent to or received from the agency could be excluded from record production or if certain records meeting the record search criteria are actually the types of records the requester is seeking and if not, could they be eliminated from the record production to conversations detailing what exemptions will be applied to the requested records

and what the requester will receive under FOIA to assist in determining if certain records could be eliminated or prioritized.

If there is an alternative way to receive the requested records outside of FOIA, the VHA FOIA Officer will inform the requester of that option and inquire if they would be willing to pursue it and withdraw their FOIA request. The VHA FOIA Office has some success in offering the requester similar information that was released to a prior FOIA request but not an exact match, for example, a different date range, as a possible substitute for the requested data. Finally, advising requesters when certain datasets will be available, making it easier to meet the 20-day FOIA timeline.

The VHA FOIA Office has been quite successful in working with requesters in eliminating records from the record production that the requester is not interested in receiving. Highlights from FY 2024 include eliminating approximately 80,000 pages from one request and around 70,000 pages from a second request.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Response: VHA's primary contact with the requester community is on a one-to-one basis discussing specific FOIA requests, although some VHA field components may have posted FOIA posters during FY 2024 Sunshine Week. Overall, VA FOIA participated in multiple presentations at industry events like ARKCON 25 and other speaking engagements.

9. 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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2024 (please provide a total number or an estimate of the number for the agency overall).

Response: Estimated Inquires: 4029

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Response: Yes, VA evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands. VA's FOIA Advisory Council established a working group to evaluate VA's decentralized FOIA program in FY 2023, and that group made recommendations on potential systemic staffing changes to the VA FOIA program. These potential changes are largely centered around transforming our largely decentralized collateral duty FOIA program to a more centralized model with some modifications on the traditional implementation of that model.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

Response: VA FOIA uses processing metrics to ensure efficient management of FOIA workloads and staff operations. We generally use DOJ statistics derived from [FOIA.gov - Freedom of Information Act](https://www.foia.gov) to benchmark our processes to the Federal FOIA family. For example, we compare our average processing times to the government at large among other statistics like our percentage of cases that are backlogged vs. the cases that we process in each FY. www.foia.gov to benchmark our processes to the Federal FOIA family. For example, we compare our average processing times to the government at large among other statistics like our percentage of cases that are backlogged vs. the cases that we process in each FY.

12. The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Please answer the below questions:

- Is your agency familiar with the FOIA Advisory Committee and its recommendations?

Response: Yes, we track both the recommendations and the meetings of the FOIA Advisory Committee and regularly discuss initiatives related to the improvement of the FOIA process.

- Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

Response: We find all the recommendations helpful and will highlight these three as non-exhaustive exemplars of both the importance and impact of the FOIA Advisory Committee's recommendations in improving our FOIA program:

- “Agencies will work toward the goal of collecting, describing, and giving access to FOIA-released records in one or more central repositories, and on agency websites.”

Response: VA FOIA works closely with program offices to ensure that records of public interest are not just posted in our FOIA reading room but are placed on program webpages where Veterans and others routinely look for information. This allows for more informed FOIA requests and in many instances obviates the need to make a request at all.

- “The Department of Justice Office of Information Policy (OIP) should publish the Committee’s draft model determination letter as a best practices reference for agencies.”

Response: VA FOIA has utilized the model letters to update our own templates and make substantial improvements in both readability and overall utility.

- “Agencies will review their FOIA-related technological and staffing capabilities within two years to identify the resources needed to respond to current and anticipated future FOIA demands.”

Response: VA FOIA has undertaken a comprehensive look at both our legacy eFOIA solution and our approach to staffing. This initiative, while ongoing-promise significant improvements for both our requester community and our FOIA staff in the coming years.

13. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

Response: N/A

SECTION III: PROACTIVE DISCLOSURES

The Attorney General’s 2022 FOIA Guidelines emphasize that “proactive disclosure of information is . . . fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

Response: VA FOIA utilizes a Section 508 compliant reading room where we track our (a)(2) postings: VA Public Access Link-Reading Room (efoia-host.com)

2. Does your agency post logs of its FOIA requests?

Response: Yes

- If so, what information is contained in the logs?

Response: They include the facility that processed the request, the request ID, the received date, the organization of the requester, and the request description.

- Are they posted in CSV format? If not, what format are they posted in?

Response: Yes

Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

Response: [FOIA Library – Freedom of Information Act \(va.gov\)](#)

3. Provide examples of any material (with links) that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

Response: Exemplars and Links: [FOIA Library – Freedom of Information Act \(va.gov\)](#)

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

Response: The following public facing webpages update data on a routine basis, permitting the public to access the data removing the need to request it under the FOIA. For example:

<https://www.accesstocare.va.gov/Healthcare/SeasonalDiseaseReview>

[Health Care Access & Quality Information | Veterans Affairs](#)

[Department of Veterans Affairs Open Data Portal](#) – Approximately 47 datasets

have been added to this site in FY 2024. VHA began conversations about proactively posting diagnosis (ICD-10) code datasets on this site in FY 2024 with the FY 2023 and FY2024 data posted in FY 2025. VHA receives multiple FOIA requests for diagnosis data within a fiscal year. The VHA FOIA Office is informing requesters of this publicly available data in hopes of decreasing the number of FOIA requests.

5. 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? If yes, please provide examples of such

improvements, such as steps taken to post information in open and machine-readable formats. If not taking steps to make posted information more useful, please explain why.

Response: Yes, The VA regularly posts information to better serve Veterans and their beneficiaries. Examples include the Burn Pit Registry: VA Airborne Hazards and Open Burn Pit Registry-Public Health and the PACT ACT information page: The PACT Act and Your VA Benefits, among other websites.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Response: Our proactive disclosure processes routinely involve our record custodians who are critical in identifying records that have high public interest in their areas of expertise.

7. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Response: VA FOIA encourages departments to organize documents, ensuring any information posted is concise and easy to access. Ensuring titles of resources are clear for the public to access encourages the public to use these resources to locate information they are looking for quickly. VA faced no challenges in this area.

SECTION IV: STEPS TAKE TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Response: VA FOIA is in the process of meeting the requirements of HR2617 — the "Consolidated Appropriations Act, 2023," Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, Title IV, SEC. 406 which requires a full review of our FOIA technology.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

Response: VA FOIA has maintained our legacy eFOIA system this year. We are in the process of updating this technology in FY 2025.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Response: VA has limited automation tools at this point. This is a major focus for FY 2024 in compliance with the "Consolidated Appropriations Act, 2023," Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, Title IV, SEC. 406.

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Response: Yes

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2024 appear on FOIA.gov?

Response: Yes

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2025.

Response: N/A

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

Response: FOIA Library-Freedom of Information Act FOIA (va.gov) has record of all Annual reports. The system used to generate the Annual reports (FOIA.gov) does not provide a raw data file. All annual postings are retained via FOIA.gov and the VA's FOIA electronic reading room. VA Public Access Link-Requests and Fees (efoia-host.com)

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Response: Yes

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

Response: N/A

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first party requested records, outside of the typical FOIA or Privacy Act process?

Response: Yes

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

Response: VHA engaged several other VA Staff Offices and VHA program offices in examining the processing of certain first-party VA police investigative records under the FOIA. Upon agreement, closed non-criminal VA police investigative records are first processed first under Privacy Act and any information that cannot be released under the Privacy Act is then processed under the FOIA. In the past, requests for non-criminal VA police investigative records were processed solely under the FOIA. Written guidance was developed and distributed to VHA Privacy and VHA FOIA Officers.

For example, MyHealthVet Home-My HealthVet-My HealthVet (va.gov) allows Veterans to directly access 1st Party Records. VA Blue Button allows access to health records and the ability to download medical records, reports, and images. Veterans are also able to access and download their VA Benefit Summary Letters (sometimes referred to as VA award letters). The VA has other resources for first party records requests available at www.va.gov/records.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

Response: VA FOIA Public Liaisons from VA Central Office, VHA, and VBA regularly advocate for the requester community and to identify and address

common requester challenges. This has led to significant decreases in appeals with VA reporting an appeal rate of just 0.6% of case volume.

B. Timeliness

4. For Fiscal Year 2024, 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 2024 Annual FOIA Report.

Response: 17.68 days

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2024 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Response: VA is adding additional training and one-on-one assistance for the affected offices. VA is also adding expanded FOIA Public Liaison assistance to help affected offices better communicate with the requesters and provide updates in the system for Expedited Processing in FY 2024.

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

Response: Yes

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2024?

Response: No

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Response: No

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2024 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

Response: 81.13%

10. 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?

Response: NA

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2024, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

Response: Yes

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

Response: N/A

13. If your agency's request backlog increased during Fiscal Year 2024, please 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
- 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

Response: N/A

14. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

Response: VA FOIA has a backlog ratio of 1.46%

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2023?

Response: No

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

Response: Yes

17. If your agency's appeal backlog increased during Fiscal Year 2024, please 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 appeals
- A loss of staff
- 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)
- Litigation
- Any other reasons – please briefly describe or provide examples when possible

Response: Litigation received in one FY has a downstream effect on subsequent FYs. Frequently litigations are filed where the request is broad and complex, impacting the FOIA Officers assigned to the request initially and associated staff. One key difficulty in the administration of appeals is that the appeals staff is occupied with defending the agency in FOIA related litigation.

18. 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 2024. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2024 and/or has no appeal backlog, please answer with "N/A."

Response: 52.77%

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 were 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 2024?

Response: N/A

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency's plan to reduce this backlog during Fiscal Year 2025.

Response: N/A

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

Response: No

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Response: VA FOIA closed 9 out the 10 oldest FOIA cases in FY 2024

23. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Response: VA FOIA Service Office initiated the Program Office Support Team (POST) in April 2023, with the vision to provide support to collateral duty FOIA officers in VACO program offices by assisting, guiding, and training in FOIA case processing from receipt to closure. The POST objectives continue to be to significantly reduce and/or eliminate the number of backlogged cases, provide FOIA officers with support/guidance on closing current cases, and build strong working relationships with collateral duty FOIA officers working in the VACO program offices.

Although we only closed 9 of the 10 oldest cases in FY 2024, through POST initiatives, we closed many more in our oldest 30 list, the large number of oldest cases closed increased our average processing time for the year.

Ten Oldest Appeals

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

Response: No (5 oldest were closed)

25. 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Response: N/A

26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Response: VA OGC has continued to bring on new staff to address FOIA Appeals and backlogs of appeals.

Ten Oldest Consultations

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

Response: Yes, the five consultations from FY 2023 were closed.

28. 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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Response: N/A

Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why, and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2025.

Response: The VA FOIA Director and the FOIA Public Liaison are working with team leads on contracting resources, such as modernizing legacy FOIA processing/tracking software for efficient processing. Additionally, VA is exploring standard operating procedures for FOIA program centralization. VA is providing agency-wide training and resources through a revamped enterprise-wide training initiative. VA also intends to continue to use contracting resources for processing efficiency.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

- The number and nature of requests subject to litigation.

Response: There were 10 FOIA related cases that were in active litigation with more expected in the coming year.

- Common causes leading to litigation.

Response: Reasons for litigation vary and are often unique to the plaintiff. Generally, plaintiffs object to either the timeliness of a FOIA response, the adequacy of the search, the quality of the redactions found in the production, or the volume of the records produced.

- Any other information to illustrate the impact of litigation on your overall FOIA administration—Litigation is the least preferred method for FOIA requesters to obtain the records they are looking for.

Response: VA utilizes the services of OGIS to act as a mediator or “off-ramp” for litigation and the VA FOIA Public Liaison teams work diligently to prevent litigation.