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Description of document: Department of Veterans Affairs (VA) Veterans Health Administration (VHA) Various Records Management and FOIA Policies and Procedures, 2016

Requested date: 28-October-2016

Release date: 10-January-2019

Posted date: 16-March-2020

Note: Some records are undated

Source of document: FOIA Request
Department of Veterans Affairs
Claims Intake Center
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Janesville, WI 53547-4444
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U.S. Department of
Veterans Affairs

Veterans Health Administration
Washington DC 20420

January 10, 2019

FOIA Request No.: VHA 17-10975-F

This letter is the initial agency decision to your October 28, 2016 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Department of Veterans Affairs (VA), FOIA Service for a copy of the internal FOIA standard operating procedures guides. As indicated in their July 31, 2017 letter, the VA FOIA Service referred your request to the Veterans Health Administration (VHA) Central Office FOIA Office for further processing and direct response to you. Your FOIA request was received in my office on July 31, 2017.

The VHA FOIA Office conducted a search for documents responsive to your request. The search was conducted by utilizing the search criteria of standard operating procedures (SOPs) maintained on the VHA FOIA Office's internal share point site. At the conclusion of the search, sixteen (16) documents, totaling seventy-seven (77) pages, were determined to be responsive to your request.

Upon review of the responsive records, I have determined they contain information which is protected under FOIA Exemption 5, 5 U.S.C. § 552(b)(5). Therefore, I am withholding one document containing six (6) pages in its entirety and portions of nine (9) documents containing thirty-eight (38) pages under FOIA Exemption 5.

FOIA Exemption 5 permits VA to withhold a document or information contained within a document as "pre-decisional" if two requirements are met. First, if there is an identifiable deliberative process. Second, the agency generated the information or document as part of the agency decision process. Stated another way, VA may withhold information under Exemption 5 where the document or its content makes recommendations or expresses opinions about legal or policy matters during a decision-making process and the document is not the decision document or incorporated into the decision document. Additionally, as a matter of Federal policy, the agency must state an articulable, foreseeable harm to the agency or its activities that could occur as a result of release of the document or information.

My review of the documents identified as responsive to your FOIA request reveals that they contain information that falls within the protection of Exemption 5. Specifically, the documents you requested are draft standard operating procedures which contain information that is still under review by the department and therefore have not been finalized as an official guide or policy. Therefore, these documents or portions of these documents are pre-decisional as VHA's decision regarding the VHA FOIA Office's internal standard operating procedures has not yet been made and release of this information

would cause injury to the deliberative process. The deliberative process privilege of Exemption 5 is invoked as it is determined that the release of the pre-decisional document to the public would negatively impact frank discussion on matters of policy between subordinates and supervisors. Additionally, it is my conclusion that the release would cause premature disclosure of proposed policies and procedures based on the recommendations before they are actually adopted thus creating public confusion from disclosure of reasons and rationales that were not in fact ultimately the grounds for an Agency action. Until a decision is made regarding the VHA FOIA Office's standard operating procedures, premature release of the document may confuse the public, as the information contained within the report may not be consistent with the final actions of VHA. The VHA Central Office FOIA Office seeks a full, unbiased review of these records. Protection of the decision-making process will help to ensure this result.

In determining whether a document is pre-decisional, an agency does not necessarily have to point specifically to an agency final decision, but merely establish "what deliberative process is involved, and the role played by the documents in issue in the course of that process. Thus, so long as a document is generated as part of such a continuing process of agency decision making, courts have found Exemption 5 can be applicable. In addition, releasing some of the processes outlined in the draft standard operating procedures requested would cause confusion to the public because the information conveyed was not part of final decisions made and therefore would do very little to add to the public's understanding of the operations and activities of the agency. See, *AFGE v. HHS*, 63 F. Supp. 2d 104, 108 (D. Mass. 1999) (holding that release of pre-decisional documents "could cause harm by providing the public with erroneous information"), *aff'd*, No. 99-2208, 2000 U.S. App. LEXIS 10993 (1st Cir. May 18, 2000); Thus exemption 5 is applied to protect against public confusion that might result from disclosure of reasons or rationales that were not in fact ultimately the grounds for the agency's decision. Consequently, VA denies your request for this information under FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

The remaining six (6) documents, totaling thirty-nine (39) pages are standard operating procedures that have been finalized by the VHA FOIA Office and have been provided in full. All information is provided in its entirety. No portions of the requested records have been withheld either in whole or in part. This concludes VHA's response to your FOIA request.

If you disagree with my determination to withhold the information under FOIA Exemption 5, please be advised you may appeal to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Email: ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

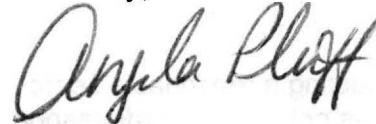
You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request, excluding the release determination, from VHA's FOIA Public Liaison and/or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
Email Address: vhafoia2@va.gov
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)
Email: ogis@nara.gov
Fax: (202) 741-5769
Mailing address: Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Thank you for your interest in VA. If you have any further questions, please feel free to contact me at (315) 263-3653.

Sincerely,

A handwritten signature in black ink that reads "Angela Pluff". The signature is written in a cursive, flowing style.

Angela Pluff, RHIA
VHA FOIA Officer

Enclosure: 16 Documents

Standard Operating Procedure – Appeals

SOP Number: (b) (5)

Effective Date: October 3, 2016

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will respond to an appeal from the VA's Office of General Counsel (OGC).

- 1. FOIA Officer Obligation on Appeal:** When a requester files an appeal concerning a request that was completed by staff of the VHA FOIA Office, VA OGC will notify the appropriate VHA FOIA Officer or the Director, VHA FOIA Office of receipt of the appeal.
 - a) Upon receipt of OGC's notice of an appeal, the assigned VHA FOIA Officer will acknowledge the appeal within one business day. If the assigned VHA FOIA Officer is out of the office, the VHA FOIA Officer will ensure that their out of office message is on and will respond to confirm receipt of the appeal within one business day upon their return to the office.
 - b) The VHA FOIA Officers appeal acknowledgement may take place in the form of formal written correspondence or informal correspondence, such as email. The VHA FOIA Officer will maintain a copy of the acknowledgement in the FOIA administrative file.
- 2. Records to be provided on appeal.**
 - a) On appeal, VA OGC will instruct the VHA FOIA Officer which documents they require for processing the appeal. The VHA FOIA Officer must pay particular attention to the precise requirements made by OGC and respond in accordance with those requirements. The documents requested by OGC must be submitted to OGC electronically. If the files are not available in electronic form, the VHA FOIA Officer will scan the paper records for electronic submission.
 - b) To maintain consistency in responses, the following rules will apply to the file names of electronically submitted records.
 - i. All electronically submitted records, including correspondence and search documentation, must contain the FOIA tracking number in the file name.
 - ii. For unredacted responsive records, the file name will include, at a minimum, the FOIA tracking number and the word "Unredacted".
 - iii. For redacted responsive records, the file name will include, at a minimum, the FOIA tracking number and the word "Redacted".
 - c) If the administrative records were maintained in paper format, the assigned VHA FOIA Officer will notify the VA OGC, via email, that the requested record is maintained in paper form and will require additional time. The VHA FOIA Officer

will then notify the VHA FOIA Staff Assistant, with copy to the Director, VHA FOIA Office, of the appeal and request that the paper record be retrieved. The Staff Assistant will retrieve the FOIA administrative file and scan a copy of the paper record within one business day.

- i. If the records have been shipped to a records storage facility, the Staff Assistant will formally request, within one business day, the records be shipped to the VHA FOIA Office. The Staff Assistant will obtain an estimated delivery date and provide such date to the VHA FOIA Officer. The Staff Assistant will track the retrieval of such records from the records storage center and provide the VHA FOIA Officer with updates via email, at least weekly, on the status of the records retrieval. Updates will then be provided to the OGC by the FOIA Officer, at least weekly, until OGC has received all requested records.
 - ii. Upon receipt of the requested records, the Staff Assistant will scan a complete copy of the administrative file within one business day.
- d) Once the Staff Assistant has scanned the paper file, the electronic files will either be emailed to the assigned VHA FOIA Officer or placed on a SharePoint with a direct link provided to the assigned VHA FOIA Officer.
- e) The assigned FOIA Officer will review the records for completeness and provide to OGC within one business day.
- f) Once the paper file is scanned, the paper file will be shipped to the assigned VHA FOIA Officer within one business day. Shipment of paper FOIA administrative files will be through a tracked shipment such as UPS, FedEx or other equivalent. The Staff Assistant will provide the assigned VHA FOIA Officer with a tracking number to track the shipment of the paper record.
- g) The assigned VHA FOIA Officer will maintain the case file until such time that the OGC has issued a final agency decision (FAD).
- i. The assigned VHA FOIA Officer will print all correspondence, emails and records created during the course of the appeal process, as well as a copy of the FAD and attach it to the FOIA administrative file.
- h) Upon completion of the FAD, the VHA FOIA Officer will ship the file to the Staff Assistant (b) (5) [REDACTED] Shipment of the paper FOIA administrative file will be through a tracked shipment such as UPS, FedEx or other equivalent.
- i) (b) (5) [REDACTED]
- j) (b) (5) [REDACTED]

3. Addressing inquiries from OGC.

- a) At times, OGC may have specific questions for the assigned FOIA Officer. Such questions will be posed to the assigned FOIA Officer electronically (b) (5)

(b) (5) If questions are posed telephonically, the assigned VHA FOIA Officer may address the questions telephonically, but will document such telephonic conversations electronically. (b) (5)

(b) (5)

4. Search Documentation.

- a) When required by OGC, the following search documentation must be provided:
- A statement regarding to whom the search request was sent to. Such statement must include a specific listing of program offices who were asked to conduct searches, as well as the names of individual employees who conducted searches.
 - An explanation on why the request was sent to that specific individual or program office.
 - The identity of any systems searched for responsive information, to include whether such systems were paper or electronic systems.
 - For such searched systems, an indication of the specific location of such systems. For example, if the files were electronically, the statement should include where the electronic files are maintained (computer hard drive of a specific user, network drive or SharePoint). If the files were in paper form, an indication of the specific location of such paper records (i.e. file room location, office location).
 - A listing of search terms utilized to identify responsive records, as appropriate, depending on the nature of the request.

5. Any deviation from this standard operating procedure must be communicated immediately upon recognition that such deviation is required to the Director, VHA FOIA Office, with a justification as to why such deviation is required.

Timothy H. Graham, J.D., LL.M, CIPP, CIPP/G
Director, Veterans Health Administration Freedom of Information Act Office

Standard Operating Procedure – Director VHA FOIA Officer Coverage

SOP Number: (b) (5)

Effective Date: September 27, 2016

Purpose: The purpose of the SOP is to define the responsibilities for the designated VHA FOIA Officer covering for the Director, VHA FOIA Office during periods of planned leave.

1. The Director, VHA FOIA Office, will designate a VHA FOIA Officer to cover the position during planned leave.
2. Prior to the planned leave, the Director, VHA FOIA Office will brief the designated VHA FOIA Officer on any pending actions and if applicable, the corresponding due date. The designated FOIA Officer will, as appropriate, continue to proceed with the pending actions.

(b) (5)

4. The designated VHA FOIA Officer will act on any leave requests submitted during this time. Leave requests are to be submitted in accordance with the VHA FOIA Office Standard Operating Procedure (SOP) SOP-FOIA-001. If the planned leave occurs during time card certification at the end of a pay period, the designated VHA FOIA Officer acting for the Director will not certify timecards. The Director, VHA FOIA Office will coordinate with another manager in the Information Access and Privacy Office to certify timecards during planned leave.

(b) (5)

(b) (5)



6. (b) (5)



7. The designated VHA FOIA Officer will assign all incoming FOIA requests following the guidance set forth by the Director, VHA FOIA Office. Requests are to be assigned within one business day of receipt.

8. The designated VHA FOIA Officer will review all incoming FOIA requests and substantial interest notifications from VISN and facility FOIA Officers within one business day. The designated VHA FOIA Officer will exercise independent judgement on what constitutes a substantial interest request requiring senior leadership notification. In the instances that no further notification is required, the designated VHA FOIA will notify the field component that no further review is required and that the field component may proceed with release.

(b) (5)



10. The designated VHA FOIA Officer will respond to all actions directed to the Director, VHA FOIA Office within the assigned timeframes.

(b) (5)



(b) (5)



Timothy H. Graham, J.D., LL.M, CIPP, CIPP/G
Director, Veterans Health Administration Freedom of Information Act Office

Standard Operating Procedure – Exit Process for VHA FOIA Officers

SOP Number: SOP-FOIA-006

Effective Date: September 27, 2016

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will out process VHA FOIA Officers when leaving the VHA FOIA Office to assure continuity of office operations.

- 1. Farewell Message.** The Director, VHA FOIA Office will send a farewell message notifying appropriate points of contact such as the field FOIA Officers of the VHA FOIA Officer's anticipated departure.
- 2. Workload Assignments.** Once the VHA FOIA Officer's departure date has been established, the Director, VHA FOIA Office will cease assigning any new FOIA requests to the employee a minimum of 4 weeks prior to the employee leaving the FOIA Office, unless the departure is sooner than 4 weeks. The Director, VHA FOIA Office will reassign any remaining FOIA requests not completed by the departing FOIA Officer, one week (1) prior to the employee's departure date.
- 3. Requests.** The departing VHA FOIA Officer is responsible for focusing on closing out as many of the remaining FOIA requests assigned in their queue as possible. One (1) week prior to the VHA FOIA Officer's departure date, the departing VHA FOIA Officer will provide a detailed transition handoff and the administrative FOIA case file on each FOIA request to the newly assigned FOIA Officer. The departing VHA FOIA Officer will draft and mail a written notification of the FOIA request transfer to the requester.
- 4. Human Resources Out Processing: Workforce Planning and Employee Administration** within the Office of Informatics and Information Governance will provide the VHA FOIA Officer with the Clearance Form. It is the responsibility of the departing VHA FOIA Officer to assure the clearance form is completed accurately and thoroughly, obtaining all signatures with adequate time on the employee's final day on station.
- 5. Supplies.** The VHA FOIA Officer will ship all unused supplies to the VHA FOIA Office Staff Assistant within one business day of the departure date.

- 6. Equipment.** It is the responsibility of the VHA FOIA Officer to return all government issued IT equipment to the issuing VA facility as part of the clearance procedure. Return of IT equipment should be one of the last actions by the VHA FOIA Officer.
- 7. UPS Account –** It is the responsibility of the VHA FOIA Officer to notify the UPS Point of Contact to inactivate their VA UPS account.
- 8. FOIAXpress –** The designated VHA FOIA Officer FOIAXpress Staff Administrator will remove the VHA FOIA Officer from FOIAXpress database on the employee's last day of employment, but only after confirming that the employee has no further need for FOIAXpress.
- 9. Performance Appraisal.** The Director, VHA FOIA Office will provide a close out summary performance appraisal rating for the VHA FOIA Officer prior to the departure date. A copy of the performance rating will be given to the employee at the time the rating is communicated.
- 10. Email and Voicemail.** The VHA FOIA Officer will provide instructions for assistance for email and telephone inquiries.
 - a) The VHA FOIA Officer will place an out of office message redirecting inquiries to VHA FOIA Issues mail group in Outlook.
 - b) The VHA FOIA Officer will place a voicemail message redirecting callers to the Director, VHA FOIA Office for assistance.

TIMOTHY H GRAHAM
105816

Digitally signed by TIMOTHY H GRAHAM 105816
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=timothy.graham@va.gov,
cn=TIMOTHY H GRAHAM 105816
Date: 2016.09.27 12:38:05 -04'00'

Timothy H. Graham, J.D., LL.M, CIPP, CIPP/G
Director, Veterans Health Administration Freedom of Information Act Office

Standard Operating Procedure – Field Support

SOP Number: SOP-FOIA-00X

Effective Date: [insert effective date]

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will manage field support as a result of emails received to the VHA FOIA Issues Outlook mail group.

1. Questions: A designated VHA FOIA Officer is assigned to respond in writing within one (1) business day to all emails submitted to the VHA FOIA Issues mail group. This assignment is determined by day of the week. The Director, VHA FOIA Office will publish a schedule not less than annually or as staff changes occur. Any verbal guidance issued as a result of a telephone discussion should be documented in an email response to the individual and the VHA FOIA Issues mail group. All questions should be answered to final resolution with the field FOIA Officer; this includes addressing any follow up-questions on the same topic submitted on subsequent days.

a) Coverage:

- i. Preplanned leave – the designated VHA FOIA Officer is responsible for arranging coverage for their assigned day to answer questions submitted to VHA FOIA Issues mail group. The Director, VHA FOIA Office will be notified of the coverage plan to assure continuity of business operations.
- ii. Unplanned leave – if the designated VHA FOIA Officer for the day is on unplanned leave, coverage will be in accordance with VHA FOIA Office Field Support schedule.

b) General questions requiring technical guidance concerning FOIA should be answered utilizing tools available on VHA FOIA Office website. In providing a response to questions posed by field FOIA Officers, the designated VHA FOIA Officer will direct the field FOIA Officer to read, review and analyze tools available on the VHA FOIA Office website. The [VHA FOIA Office Website](#) contains helpful tools such as:

- i. [FOIA Field Support](#) - Sample template response letters, FOIA fact sheets, prior FOIA Officer monthly conference call minutes, as well as additional tools such as a FOIA checklist.
- ii. [FOIA Policy](#) - Policy documents related to FOIA, as well as external policy related links.
- iii. [FOIA Training](#) – Additional training resources and presentations. Be sure to note the dates on the trainings as information may have changed over time.

- iv. [DOJ FOIA Guide](#) - Department of Justice's Guide to the Freedom of Information Act provides a comprehensive overview of the FOIA as well as the procedures associated with the FOIA.

2. Mail groups

- a) If an email is received with a response for assistance directly to a VHA FOIA Officer or is sent to the incorrect mail group, VHA FOIA Officers are encouraged to respond back with the following statement, "Please re-direct your email to the appropriate mail group." Redirection to the correct mail group will help the facility FOIA Officer to follow instructions.
- b) Mail groups should be utilized for the following purposes:
 - i. **VHA FOIA Issues:** This mail group should be utilized only for posing questions to the VHA FOIA Office and for submitting reviews of requests for copies of Disruptive Behavior Reporting System (DBRS) records. This mail group should not be utilized for any other purpose unless specifically instructed.
 - ii. **VHA FOIA:** This mail group is to be utilized when corresponding with the VHA FOIA Office regarding a potential referral from your facility. You may also refer FOIA requesters to this mail address vhafoia2@va.gov when they wish to make a FOIA request for VHA Central Office records.
 - iii. **VHA FOIA SI Review:** This mail group is the mail group to be utilized to send all Substantial Interest Notifications and Substantial Interest Reviews to the VHA FOIA Office. This is a change from the prior instructions.

- 3. **FOIAXpress: All FOIAXpress field support issues are assigned to a designated VHA FOIA Officer to serve as the VHA FOIA Office FOIAXpress Support Administrator. These duties include adding or removing users from FOIAXpress and running weekly FOIAXpress reports. Emails to the VHA FOIA Issues mail group requiring action from the VHA FOIA Office FOIAXpress Support Administrator will be responded to within one business day by the designated VHA FOIA Officer. No action is required for the designated VHA FOIA Officer assigned to field support for that day.**
- 4. **Re-setting FOIAXpress passwords and deleting requests that were mistakenly entered into FOIAXpress will be the responsibility of the designated VHA FOIA Officer assigned to field support for the day in which such requests were received. As with questions, these tasks must be completed within one business day.**
- 5. **Notification of new FOIA Officers: The designated VHA FOIA Officer who is also assigned as the VHA FOIA Office FOIAXpress Support Administrator is responsible for sending the VHA FOIA Office Welcome Message for new FOIA**

Officers, updating the field VHA FOIA Officer roster and updating the VHA FOIA Officer Outlook mail group and, as appropriate, VISN FOIA Officer mail group. Emails to the VHA FOIA Issues mail group requiring action from the VHA FOIA Office FOIAXpress Support Administrator will be responded to within 1 business day by the designated VHA FOIA Officer. No action pertaining to these duties is required for the designated VHA FOIA Officer assigned to field support for that day.

6. Reports – There are several types of reports requested via the VHA FOIA Issues mail group.

- a) SecVA – These reports must be completed within three (3) business days or according to deadlines defined in the email request for the report. (b) (5) [REDACTED] Instructions for running these reports is included as addendum 1.
- b) Office of Special Counsel – These reports must be completed within two business days or according to deadlines defined in the email request for the report. (b) (5) [REDACTED]

(b) (5) [REDACTED]

8. FOIA Public Liaison. The designated VHA FOIA Officer assigned to field support for the day is also responsible for addressing any issues related to the FOIA Public Liaison. Please refer to the guidance in (b) (5) [REDACTED].

9. Disruptive Behavior Records System Reviews. Facility FOIA Officers are required to send any requests for information from the DBRS through the VHA FOIA Office for review prior to release. The submission must contain the incoming request, a copy of search documentation which specifically indicates that the information provided is pulled from the DBRS system, as well as a redacted and unredacted copy of the records. The designated VHA FOIA Officer reviews the response for accuracy and to assure the personal privacy interests of the VA employees who are identified as the Reporter and Experiencer in the DBRS reports is maintained. This review is conducted to protect the safety of individuals. If the responsive records are not pulled from the DBRS system, the VHA FOIA Office is not required to review. Reviews of DBRS requests must be completed within five business days.

- 10. Media Requests.** The Director, VHA FOIA Office or designee will respond to inquiries from VHA Communications or the VA Office of Public Affairs received to the VHA FOIA Issues mail group.
- 11. Office of General Counsel Remand Reviews.** OGC may require a field FOIA Officer to submit a remand to the VHA FOIA Issues mail group for review prior to disclosure. The designated VHA FOIA Officer will complete the review of the remand documents and respond back to the field FOIA Officer within five (5) business days.

Timothy H. Graham, J.D., LL.M, CIPP, CIPP/G
Director, Veterans Health Administration Freedom of Information Act Office

Standard Operating Procedure – FOIA Public Liaison Inquiries

SOP Number: SOP-FOIA-00X

Effective Date: [insert effective date]

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will receive, investigate, respond and track requests received for assistance by the VHA FOIA Public Liaison.

1. The FOIA Improvement Act of 2016 mandates that all FOIA Officers advise FOIA requesters of their formal right to seek assistance from the FOIA Public Liaison of the Agency. In the case of an adverse determination, the FOIA requester has the right to seek dispute resolution services from the FOIA Public Liaison of the agency. . For the Veterans Health Administration (VHA), the VHA FOIA Office serves as the FOIA Public Liaison for all VA Medical Centers, Veterans Integrated Service Networks (VISN), and VHA Program Offices with designated FOIA Officers.
2. The VHA FOIA Office has established a shared 1-800 number for receiving FOIA Public Liaison calls. The messages left on the 1-800 number should be retrieved daily by a Privacy Specialist in the VHA Privacy Office and forwarded to the VHA FOIA Issues mail group in Outlook. If the messages cannot be retrieved from the 1-800 number on a particular day, the Privacy Specialist will notate calls by date received for the VHA FOIA Officers. Additionally, FOIA requesters may contact the FOIA Public Liaison by email. Upon receipt of any emails through the VHAFOIA2@va.gov mailbox designated to receive FOIA Public Liaison requests for assistance, the Staff Assistant will provide such written requests to the VHA FOIA Officer assigned to provide field support on the given day of receipt, with a carbon copy to the VHA FOIA Issues mail group in Outlook.
3. In the instance that individual VHA FOIA Officers received Public Liaison calls or emails, if the receiving VHA FOIA Officer is not assigned to field support duties on that given day, the receiving VHA FOIA Officer will forward the public liaison call information or email to the assigned VHA FOIA Officer for field support, with a carbon copy to the VHA FOIA Issues mail group in Outlook.
4. , The VHA FOIA Officer designated to provide field support on the given day of receipt of the FOIA Public Liaison message will be responsible for addressing the FOIA Public Liaison request. If the FOIA Public Liaison request concerns a matter pertaining to interactions with the VHA FOIA Officer designated for field support on

that given day, the Director, VHA FOIA Office will reassign that Public Liaison call to another staff member or the Director, VHA FOIA Office will address directly.

(b) (5)

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6. Process for responding to FOIA Public Liaison calls.

- a) Initial contact with all FOIA requesters who have made contact with the FOIA Public Liaison will be initiated within one business day except for extenuating circumstances, e.g., unexpected leave.
- b) Initially, the assigned VHA FOIA Officer will contact the FOIA requester by the requesters preferred communication to understand the nature of the request needed. If the requester made their complaint via telephone, the VHA FOIA Office will assume that the requester's preferred communication is by telephone and will communicate with the FOIA requester by telephone unless instructed otherwise. If the requester made their complaint via email, the VHA FOIA Officer will assume that the requester's preferred method of communication is via email and will communicate with the FOIA requester by email, unless instructed otherwise.
- c) The assigned VHA FOIA Officer will make three attempts to contact the FOIA requester. A sufficient time period of two business days will be provided to the FOIA requester following each attempt before an additional attempt is made. If

(b) (5)

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- d) The assigned VHA FOIA Officer will exercise patience and diligence in understanding the complete nature of the FOIA requester's request for assistance..
- e) Once the assigned VHA FOIA Officer has collected the FOIA requester's accounting of the issue, the assigned VHA FOIA Officer will contact the facility FOIA Officer and/or alternate FOIA Officer who handled the request. The assigned VHA FOIA Officer will explain the context of the FOIA requester's issue/dispute to the facility FOIA Officer. The facility FOIA Officer is then offered an opportunity to explain the actions taken on the FOIA request. Facility FOIA Officers will be provided two business days to respond to FOIA Public Liaison inquiries. The assigned VHA FOIA Officer will make no more than two attempts to contact facility FOIA Officers. If a facility FOIA Officer does not respond

timely, after three attempts, the assigned VHA FOIA Officer will send documentation of the attempts to reach the facility FOIA Officer to the Director, VHA FOIA Office for appropriate forwarding to facility leadership.

- f) The assigned VHA FOIA Officer must explain to the facility FOIA Officer that the purpose of this communication is not to critique or analyze their FOIA response, rather it is to promote a collaborative relationship and mediate the concerns and issues between the FOIA requester and the facility FOIA Officer.
- g) In working with the facility FOIA Officer, the assigned VHA FOIA Officer will collect the necessary procedural history of the FOIA request to identify any gaps and opportunities for improvement that may satisfy the requester's issue.
 - i. If the FOIA requester has issue regarding the timeliness of processing by the facility FOIA Officer, the assigned VHA FOIA Officer will obtain information on the reason for the delay and an estimated completion date. Assistance will be provided to the facility FOIA Officer if the timeliness issue is due to difficulties in obtaining responsive records from facility staff. Such assistance may include contacting the facility staff refusing to provide the records or escalating the matter to the facility FOIA Officer's leadership.
 - ii. If the FOIA requester has issue with the initial agency decision (IAD) determination made by the facility FOIA Officer, the assigned VHA FOIA Officer will refer the requester to the VA Office of General Counsel for appeal of the IAD with one exception, i.e., no records response. The assigned VHA FOIA Officer will either obtain a copy of the facility FOIA Officer's administrative file or documentation of the search performed and conduct a cursory review to determine if an appropriate search for the records was conducted.

E

(b) (5)



Stephania H. Griffin, JD, RHIA
Acting Director, Veterans Health Administration Freedom of Information Act Office

Standard Operating Procedure – Maintenance of the VHA FOIA website

SOP Number: SOP-FOIA-003

Effective Date: September 27, 2016

Purpose: The purpose of the SOP is to describe the process for posting and maintaining documents on the VHA FOIA website. The VHA FOIA Office website houses the current roster of VHA FOIA Officers and a multitude of documents and tools that support field FOIA Officers.

- 1. Posting of Documents** – The designated VHA FOIA Officer will post documents by entering an Office of Informatics and Information Governance (OIIG) service request and providing the necessary documents/information for inclusion or removal from the website. <https://vaww.vaco.portal.va.gov/sites/OHIA/helpdesk/Lists/Service%20Requests/NewForm.aspx>
 - a) OIIG service request must contain request details to include the URL, Division (Health Information Governance – HIG), Sub-Group (VHA FOIA Office), customer and upload of any documents requiring posting.
 - b) Once notified that a new or updated document has been posted, the designated VHA FOIA Officer will review the document for accuracy on the website and follow up with the OIIG staff member when corrections are needed within two (2) business days.
 - c) The Director, VHA FOIA Office will be notified when documents are posted in order to communicate changes to field FOIA Officers.
- 2. VHA FOIA Office tabs and maintenance of documents:**
 - a) Home Page
 - i. VHA FOIA Officer Roster/Phone List will be updated and posted on a monthly basis and a copy of the current roster will be provided to the VA FOIA Service for posting on the VA FOIA Service website within two (2) business days of receipt of the updated document. The updated roster will be posted on the first Friday of each month. The updated roster will be transmitted to the VA FOIA Service by addressing the VACO FOIA Service Inbox (vacofoiase@va.gov) in Outlook on the same business day.
 - ii. A current version of the FOIA Officer Contact Sheet will be available on the VHA FOIA Office home page.

b) FOIA Field Support tab:

- i. FOIA template response letters will be posted and reviewed on an annual basis. Reviews of the template letters will be conducted prior to September 31 of each fiscal year.
- ii. FOIA fact sheets will be posted as approved by the Director, VHA FOIA Officer and reviewed on an annual basis. Such reviews of fact sheets will be conducted prior to September 31 of each fiscal year.
- iii. FOIA Officer monthly conference call minutes will be posted within five (5) business days after the VHA FOIA Officer Conference Call. The minutes will be posted listing the topics covered on the conference call along with any tools or PowerPoint presentations. Minutes will be kept in accordance with VA's records retention requirements; thus, only meeting minutes covering the most current three fiscal years will be included on the VHA FOIA Office website.
- iv. Additional Resources will be posted as approved by the Director, VHA FOIA Office within five (5) business days and reviewed on an annual basis prior to September 31 of each fiscal year.

c) FOIA Policies tab:

- i. Current versions of VA and VHA publications pertaining to FOIA will be posted and reviewed on an annual basis, prior to September 31 of each fiscal year.
- ii. Links to internal and external resources will be posted and reviewed on an annual basis, prior to September 31 of each fiscal year.
- iii. FOIA Alerts will be posted and reviewed on an annual basis, prior to September 31 of each fiscal year.

d) FOIA Staff tab:

- i. VHA FOIA Officer Biographies and photographs will be posted within five (5) business days of new staff joining the VHA FOIA Office. As staff members exit, biographies and accompanying photographs will be removed within five (5) business days. The staff tab will be reviewed on a yearly basis and biographies will be updated, if required. Such review will take place prior to September 31 of each fiscal year.

e) FOIA Training tab:

- i. All training materials developed by the VHA FOIA Office will be posted on the FOIA training tab.
- ii. My VeHU Campus Live and On-Demand Trainings will be posted including PowerPoint presentations and reviewed on an annual basis, prior to September 31 of each fiscal year.
- iii. Training that has expired or is no longer accurate or relevant will be removed from the FOIA training tab annually or upon review.

3. Yearly Review:

- a) The VHA FOIA Office website will be reviewed on an annual basis for changes and improvement. Such review will take place prior to September 31 of each fiscal year.

4. Removal of Documents – The designated VHA FOIA Officer will be responsible for the removal of documents by entering an Office of Informatics and Information Governance (OIIG) service request and providing the necessary documents/information for inclusion or removal from the website. <https://vaww.vaco.portal.va.gov/sites/OHIA/helpdesk/Lists/Service%20Requests/NewForm.aspx>

- a) OIIG service request must contain request details to include the URL, Division (Health Information Governance – HIG), Sub-Group (VHA FOIA Office), customer and a precise description of the information to be removed.
- b) When removal is complete, the service team will email the designated VHA FOIA Officer who made the change request.
- c) The designated VHA FOIA Officer will, within one business day, review the website to verify that the correct documents and/or content were removed.

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Standard Operating Procedure – Monthly VHA FOIA Officer Conference Call

SOP Number: (b) (5)

Effective Date: [insert effective date]

Purpose: The purpose of the SOP is to define the activities that support the VHA FOIA Officer Monthly Conference Call. The Director, VHA FOIA Office assigns moderator responsibility to VHA FOIA Officers via a published schedule. The VHA FOIA Officer assigned as moderator for each month is responsible for all aspects of conducting and organizing the training call and coordinating with presenters and Question Monitors to provide final minutes for posting on the VHA FOIA Office website.

1. The Moderator is responsible for preparing and presiding over the call including providing final minutes for posting on the VHA FOIA Office website.

a) Before the call

- i. At least one (1) week prior to the call the Moderator should contact any scheduled Presenter(s) to ensure the presentation material is available for the call. Materials may include a PowerPoint presentation, a “*Tips and Tools*” document, Monitoring Tools or any other information the presenter feels is important to the topic. At the time of the contact, the Moderator will review with the Presenter (s) how the call will proceed, ensure that the Presenter(s) is familiar with Lync functionality, determine who will advance the slides during the presentation, review the “Tips for Presenters”, provide them with the Moderator Access Code (14265#) and instruct them how to contact the VANTS Operator as needed.
- ii. One week before the call the Moderator will send out the Lync Meeting invite to the [VHA FOIA Officers](#) mail group. The meeting invite will specifically remove the Lync audio telephone number, replacing such information with the appropriate VANTS call in information. Participants will be specifically advised that they must not join the Lync audio or they will be unable to hear the presentation.
- iii. The Moderator will request VHA FOIA Office Staff to provide any announcements that need to be made during the call. This request should be sent two weeks prior to the call.
- iv. The Moderator will establish the Agenda and send it to the VHA FOIA Office staff at least one week in advance of the call. The agenda will be included in the Lync meeting invitation.
- v. The Moderator will use the template script found in the addendum section of this SOP. The template provides a framework for developing the opening

remarks for the call, pertinent announcements and introduction of the topic and presenters.

b) Day of the call

- i. The Moderator will send the final presentation material to all staff of the VHA FOIA Office in the event that they may need to assume the role of Moderator.
- ii. The Moderator will attach the presentation materials to the Lync session.
- iii. Thirty (30) minutes prior to the call the Moderator will open the Lync session and display the first slide of the presentation.
- iv. Ten (10) minutes prior to the call, the Moderator will dial into the VANTS line using the Moderator code 14262 and then press *5. This will put the call in Lecture mode. If you continue to hear background noise, press *0 to contact the operator and ask them to “mute” all lines except the Moderators line.
- v. Moderator will advise VANTS Operator that the Presenters will contact them to request their lines to be “unmuted”. Presenters will be required to press *0 to request the operator to place their line as open or unmuted.

c) During the call

- i. The Moderator begins the call by welcoming all participants and making announcements using the template script. The moderator introduces the topic and presenter for the call and then turns the call over to the presenter. The Moderator monitors the presentation to ensure it runs smoothly.
- ii. After the presentations, the Moderator facilitates the question and answer portion of the call and reminds participants to state their name and facility location prior to asking questions.
- iii. The Moderator will be responsible for responding to questions posed during the call.
- iv. The Moderator closes out the call.

d) After the call

- i. The Lync session should remain open for 30 minutes after the call ends. This ensures that staff have the opportunity to capture the questions that have been submitted from the participants.
- ii. The Lync session will be closed by clicking on the down arrow next to the people icon and selecting “Remove everyone and end meeting.”
- iii. The Moderator will send the final minutes and presentations to the VHA FOIA Officer designated to upload documents to the VHA FOIA Office website within one week following conclusion of the call.
- iv. When the meeting minutes have been forwarded for posting on the website, the Moderator will send the presentation materials and meeting minutes (in PDF format) to the VHA FOIA Officer mail group in Outlook, advising FOIA Officers that the materials from the call are attached to the message but will also be posted on the VHA FOIA Office website in the very near future.

- 2. If the meeting is to be cancelled, prior approval for cancelling the call must be obtained by the Moderator from the Director, VHA FOIA Office. The Moderator must justify the need for cancelling the call to the Director, VHA FOIA Office. Cancellation of the call should be significantly limited.**
- 3. The Presenters are responsible for preparing training materials to be used on the call.**
 - a) Presentations will be provided to the Moderator one (1) week prior to the scheduled training call.
- 4. The Question Monitor**
 - a) During the Call
 - i. The Question Monitor captures all questions and answers so that they can be provided to the Moderator for inclusion in the final minutes. This capture can be done using “copy and paste” of the chat bar questions into a Word document and adding the answer to the question as they were answered on the call.
 - ii. If questions concerning technical aspects of the call are asked, they should be answered immediately by the question monitor. If side bar conversations occur, this should be addressed by stating all questions will be answered at the end of the presentation or adding a statement to redirect the attention back to the presentation. During the question and answer session, if there are no questions asked “live”, the question monitor is to interject the questions asked via Lync chat bar.
 - iii. The Question Monitor will send all questions and answers to the moderator for inclusion in the final minutes for posting within two business days.
- 5. Resources: The links to the following resources will assist with the performance of duties and responsibilities as outlined in this SOP.**
 - a) (b) (5)
 - b) PowerPoint Presentation
 - c) (b) (5)
 - d) (b) (5)

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Standard Operating Procedure – On-Boarding of New Staff in VHA FOIA Office

SOP Number: SOP-FOIA-005

Effective Date: September 27, 2016

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will orient new employees to the VHA FOIA Office.

- 1. The Director, VHA FOIA Office will notify the existing VHA FOIA Office staff members of any new employees hired and the start date of the new employee.**
- 2. HR New Employee Processing – Workforce Planning and Employee Administration within the Office of Information Governance will initiate an email to the Director, VHA FOIA Office, the new employee, [VHA 10P2 OIA New Employee Processing](#), and [VHA 10P2 OIA WPEA HR Support](#). The email contains the following:**
 - a) Tour of Duty – as agreed upon between Director, VHA FOIA Office and new employee.
 - b) Payroll Organization Code - Org. code is 8032.0577
 - i. FCP 700
 - ii. T&L 406
 - c) New Employee Supervisor Checklist – to be completed within 20 business days of employee's entry on duty (EOD).
 - d) New Employee Checklist – to be completed within 20 business days of employee's EOD.
- 3. Mail groups. The new employee must be added to the appropriate VHA FOIA Office mail groups within 1 business day of the start date. The FOIA Office Staff Assistant is responsible for adding the new employee to the appropriate mail groups. If the Staff Assistant does not have the ability to add the staff members to the group (i.e. non-VHA FOIA Office owned mailgroups), the Staff Assistant will contact the owners of the mail group and request that the new employee be added. The mail groups assigned will be dependent on the position within the VHA FOIA Office.**
 - a) All employees will be added to the following mail groups:
 - i. VHA FOIA Officers
 - ii. VHA VISN FOIA Officers
 - iii. VHA HIG IAP VA Staff
 - iv. VHA 10P2C1 Privacy Staff
 - v. VHA 10P2C1 FOIA Action

- b) VHA FOIA Officer will be added to the following mail groups:
 - i. VHA FOIA Issues
 - ii. VA OPIA Stand-Up Distribution List
 - iii. VA Media Market Analysis (Daily News Briefs)
 - iv. VHA FOIA SI Review – if the employee is assigned as the designated VHA FOIA Officer to manage Substantial Interest (SI) FOIA requests.
 - v. VHA Substantial Interest Notification – if the employee is assigned as the designated VHA FOIA Officer to manage the SI FOIA requests.
- c) VHA FOIA Office Staff Assistant will be added to the following mail groups:
 - i. VHA FOIA
 - ii. VHA FOIA SI Review
 - iii. VHA Substantial Interest Notification

4. Supplies. The Director, VHA FOIA Office will notify the VHA FOIA Office Staff Assistant to provide a copy of the supply order form, as well as instructions for completion, to the new VHA FOIA Office employee.

- a) Until the new employee completes a supply order request form, within five (5) business days the VHA FOIA Office Staff Assistant will provide basic supplies for the new employees to include but not limited to:
 - i. Printer paper
 - ii. Pens
 - iii. VHA Letterhead
 - iv. Stapler
 - v. Staples
 - vi. Folders
 - vii. VHA large and small envelopes
 - viii. CDs
 - ix. CD envelopes
- b) The Staff Assistant will process the VHA FOIA Officer's request for supplies to include entering the request on the purchase SharePoint site.
- c) When supplies are received as a result of a purchase from the supply order request form, the packing slip in the package containing supplies must be scanned and emailed to [VHA 10P2 OIA Purchase Request](#) within 1 business day of receipt. A copy of the packaging slips must be provided to the Staff Assistant and the Director, VHA FOIA Office as well.

5. Equipment: Information technology (IT) support will be provided by the closest VA facility. The Director, VHA FOIA Office will complete and submit the required VA property loan forms to the closest VA facility a minimum of two (2) weeks prior to the new employee start date to assure equipment is issued by the EOD. The required IT equipment for each employee includes:

- a) Laptop

- b) Two-19 inch or equivalent monitors
- c) Docking station
- d) Mouse
- e) Keyboard
- f) High volume desktop printer/scanner.
- g) Capability to burn CDs
- h) iPhone - for VHA FOIA Officers only
- i) Adobe Professional 9.0 or higher software.

6. UPS, or equivalent, Account. The Director, VHA FOIA Office will send an email to the UPS Point of Contact to request an account for each new employee within 5 business days of the new employee start date. The employee will have a user ID and password provided via email directly from UPS upon requesting a new account from the UPS POC. Upon receipt of a UPS account, the new employee will be responsible for ordering free supplies from the mail vendor directly.

7. Time and Leave. The new employee will received an email with general instructions regarding time, leave and travel from OIA Workforce Planning and Administration. The Director, VHA FOIA Office will review time and leave procedures with the new employee to include establishing the employee's tour of duty within 5 business days of the employee's start date.

8. Required Forms

- a) VHA FOIA Office Emergency Contact Form: the VHA FOIA Office Staff Assistant will update the VHA FOIA Office Emergency Contact form within 5 business days of the new employee's start date and upload the updated sheet to the VHA FOIA Office SharePoint with the following information obtained from the new employee:
 - i. Name
 - ii. Address
 - iii. Work telephone number
 - iv. Cell phone number
 - v. Emergency contact name
 - vi. Emergency contact address
 - vii. Emergency contact phone number
- b) OIA Required Telework and Emergency Contact Forms: OIA Workforce Planning and Employee Administration will send an email to the new employee within 2 weeks of the employee's start date requesting the following required forms to be completed:
 - i. Telework
 - (1) Telework Eligibility

- (2) Telework Request Agreement
- ii. Employee Emergency Contact

9. FOIA Under Secretary for Health Delegation. The Director, VHA FOIA Office will have the designation of VHA FOIA Officer memo completed and routed for signature by the Under Secretary for Health of Policy and Procedure (10P) two (2) weeks prior to the start date of the new VHA FOIA Officer. Signed delegation letters will be placed on the VHA FOIA Office SharePoint.

10. Travel. The new employee will received an email with general instructions regarding time, leave and travel from OIA Workforce Planning and Administration.

- a) Concur Government Edition (CGE): The new employee will receive an email requesting information to be returned in order to have an account set up in the electronic travel system used by the VA. This email must be completed along with any required forms and returned to the designated point of contact within five (5) business days.
- b) Government issued credit card: The new employee will receive an email requesting information to be returned in order to have a government issued credit card. This email must be completed along with any required forms and returned to the designated point of contact within five (5) business days.
 - i. If the employee has not traveled within the past ninety (90) days, the employee must verify that the government issued credit card has an appropriate credit limit applied. If the credit limit has been decreased, prior to the start of the government travel, the credit card limit must be increased. It is the responsibility of the credit card holder to send an email to the VHA 10P2 OIA Travel Support and the VSC Travel mail groups in Outlook to assure the credit limit is increased from \$1 to be used during official government travel.
 - ii. The government issued credit card must be used only in accordance with the procedures set forth in Agency policy.

11. Access to VHA FOIA Office Operations Support Tools

- a) FOIAXpress: The Director, VHA FOIA Office will send an email to the designated VHA FOIA Officer FOIAXpress Staff Administrator to create a username and password as needed for the new employee within one business day prior to the new employee's start date.
 - i. The designated VHA FOIA Officer FOIAXpress Staff Administrator will email the log on information for FOIAXpress to the new employee within one (1) business day of request from Director, VHA FOIA Office.
- b) VHA FOIA Office SharePoint: The Director, VHA FOIA Office will send an email to the designated VHA FOIA Officer SharePoint Staff Administrator to provide

access to the SharePoint for the new employee within 5 business days prior to the new employee's start date.

- i. The VHA FOIA Office SharePoint contains the electronic FOIA administrative case files for records management, office leave calendar, Substantial Interest trackers and request folders, and VHA FOIA Office SOPs.
- c) VHA FOIA Office Network Shared Drives: The Staff Assistant will complete all of the necessary paperwork to obtain access to all shared drives for new employees within 5 business days of the new employee's start date.
- d) FOIA Lookup Tool - The Director, VHA FOIA Office will provide access to the FOIA Look Up tool for the new employee within one business prior to the new employee's start date.
 - i. The FOIA Lookup Tool allows users to search VA facilities that treated a patient and would have electronic CPRS records on that patient by entering patient name or SSN. The FOIA Lookup Tool only indicates when electronic records are available and cannot identify when a facility may have paper medical records. This tool is primarily used when responding to requests for deceased medical record or transferring requests to the field.

12. Meetings. The Director, VHA FOIA Office will review the required meetings for the new employee to attend and will assure the meeting calendar invites are added to the new employee's calendar within 5 business days of the employee's start date.

- a) VHA FOIA Officer's must attend:
 - i. Weekly VHA FOIA Office Staff Huddles: Monday, Wednesday, Friday at 9:30 a.m. EST.
 - ii. As needed, weekly Top 20 Oldest Backlogged Requests: Tuesday at 11:00 a.m. EST.
 - iii. As needed, weekly Substantial Interest Call: Thursday at 11:00 a.m. EST.
 - iv. Monthly National VHA FOIA Officers Call – 3rd Wednesday at 11:00 a.m. EST
 - v. Others as needed
- b) VHA FOIA Office Staff Assistant must attend:
 - i. Weekly VHA FOIA Office Staff Huddles: Monday, Wednesday, Friday at 9:30 a.m. EST
 - ii. Monthly National VHA FOIA Officers Call – 3rd Wednesday at 11:00 a.m. EST.
 - iii. Others as needed

13. VHA FOIA Office Performance Metrics. The Director, VHA FOIA Office will review all FOIA Office performance expectations with the new employee within 5 business days of employee start date.

14. Workload Assignment. The Director, VHA FOIA Office assigns all incoming requests according to category and on a rotational basis to assure workload is

distributed fairly and equitably. The Director, VHA FOIA Office exercises discretion to adjust the workload at any given time to ensure that the demands and continuity of office operations are adequately met.

15. FOIA Important Points of Contact - For points of contact relative to routing of FOIA requests, refer to the Routing Tip Sheet. Other important points of contact include:

- a) UPS Account Administrator – [Richard O'Neal](#)
- b) OIA Telework team - [VHA 10P2 OIA Telework](#)
- c) OIA TMS team - [VHA 10P2 OIA TMS Support](#)
- d) OIA Timekeeping team - [VHA 10P2 OIA Timekeeping Support](#)
- e) OIA Travel team - [VHA 10P2 OIA Travel Support](#)

16. Office SOPS. The VHA Office SharePoint contains all of the FOIA Office standard operating procedures. The Director, VHA FOIA Office will review the SOPs with the new employee within 5 business days of the new employee's start date. Following the new employee's start date, any new or modified SOP's will be communicated by the Director, VHA FOIA Office to all employees.

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Standard Operating Procedure – Records Management

SOP Number: SOP-FOIA-00X

Effective Date: [insert effective date]

Purpose: The purpose of this Standard Operating Procedure is to define the creation, maintenance, and protection of VHA FOIA Office program records.

1. All VHA FOIA Office staff members will comply with all Department of Veterans Affairs (VA), Veterans Health Administration (VHA), and National Archives and Records Administration (NARA) records management policies and procedures regarding the creation, maintenance, and protection of VHA FOIA Office program records.
2. The VHA FOIA Office will limit the creation of records to those records essential to perform of the office's statutory responsibilities and program responsibilities. Whenever possible, VHA FOIA Office program records will be created in an electronic format.
3. VHA FOIA Office records will be maintained in accordance with VHA's Record Control Schedule 10-1 and the General Record Schedule (GRS).
4. All VHA FOIA Office program records will be maintained in a manner that provides accessibility to all members of the VHA FOIA Office staff.

(b) (5)



6. VHA FOIA Office program records include, but not limited to:

- a) FOIA Administrative Case File – A FOIA administrative case file will be created for each FOIA request received by the VHA FOIA Office. Additional guidance on the creation and maintenance of the FOIA Administrative Case File is set forth in the VHA FOIA Office SOP **XX**.
- b) VHA FOIA Office Standard Operating Procedures – VHA FOIA Office standard operating procedures will be maintained on the VHA FOIA Office SharePoint. Procedural instructions supporting the functions of the VHA FOIA Office will be developed and issued in the form of an SOP.
- c) VHA FOIA Office has developed tools in support of VHA field FOIA Officers, including VHA FOIA Office national call meeting minutes. VHA FOIA Office tools and national call meeting minutes will be maintained on the VHA FOIA Office Intranet website.

- d) Weekly FOIA Backlog Report and Graph – The weekly FOIAXpress Backlog Report and Graph will be maintained on the VHA FOIA Office SharePoint.
- e) The substantial interest tracker is developed to track substantial interest FOIA requests as defined in SOP XX. The substantial interest tracker will be maintained on the VHA FOIA Office SharePoint.
- f) VHA FOIA Office Annual FOIA report: The VHA FOIA Office annual FOIA report submission will be maintained on the VHA FOIA SharePoint.
- g) VHA FOIA Office historical documentation: VHA FOIA Office historical documentation, in which a continuing business need has been identified, will be maintained on the VHA FOIA SharePoint until such a time the need no longer exists.

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Standard Operating Procedure – Requesting Leave

SOP Number: SOP-FOIA-001

Effective Date: September 27, 2016

Purpose: The purpose of this SOP is to define how the VHA FOIA Office staff will request all types of leave to include annual leave (AL), sick leave (SL), family care leave (CB), bereavement leave (BL), authorized absence (AA), compensatory time for travel (CTFT) or other temporary duty leave (TDY). If other types of leave need to be requested (LWOP, maternity leave, etc.) the VHA FOIA Office staff member will contact the Director, VHA FOIA Office and these requests will be handled on a case-by-case basis. Leave requests may be entered up to, but not exceeding the end of the next fiscal year. The Director, VHA FOIA Office will indicate required dates for when leave may be requested during the Thanksgiving and Christmas holidays each year to ensure continuity of operations and to ensure appropriate office coverage.

1. Requesting Leave.

- a) All leave requests must first be entered into VistA.
 - i. If the leave request is for AA for TDY, enter the required elements for the leave request (dates, time, type of leave, etc.) in addition to the travel authorization number for the travel assignment and the reason for the travel on the remarks line of the VistA request. If no travel is required for the AA (local travel or other travel approved by the supervisor) the travel authorization number is not required but the reason for the travel is still necessary.
 - ii. If the leave request is for personal leave (AL, SL, CB or BL) a brief description for the leave should be entered on the remarks line of the request. This should only be specific enough for supervisory determination of priorities in the event of conflicting leave requests within the office. The description should be noted in both the VistA remarks line and the body of the request email in Outlook (see section 1(b) of this SOP).
 - iii. If the leave request is for CTFT, AA should be requested and in the remarks field indicate: "Use Comp Time for Travel".
 - iv. If the request is for leave types other than those covered above, the Director, VHA FOIA Office should be contacted for approval and guidance prior to entry into VistA.
- b) After the leave request has been entered into VistA, the VHA FOIA Office staff member will send an Outlook email message to the Director, VHA FOIA Office, with carbon copy to the VHA 10P2 Privacy T&L mail group, informing the

Director, VHA FOIA Office that leave has been requested in VistA and requires approval.

- i. The subject line of the message for leave requests must read: LEAVE: FIRST NAME, LAST NAME – MM/DD through MM/DD/YYYY (date of leave)
 - ii. The body of the message should include enough information to describe the type of leave requested, the purpose of the leave (training, conference, vacation, sick leave, etc.) and reiterate the dates the leave will occur. This will enable the Director, VHA FOIA Office to determine if the leave will be approved or denied. If the leave is for VA required training, include the title of the class and where the training is to take place.
 - iii. Only one leave request, which may be for consecutive days, may be entered on an email request. If the staff member is making multiple leave requests, that are not for consecutive days, each leave request must be on a separate Outlook message.
 - iv. This message will serve as a record for the other managers in IAP in the event they are covering for the Director, VHA FOIA Office and will certify timecards.
- c) If a VHA FOIA Office staff member is providing coverage for the Director, VHA FOIA Office during planned leave and leave is requested during the time period of coverage, the staff member providing coverage must be included as a carbon copy on the c/c line of the Outlook message. Staff members covering for the Director, VHA FOIA Office should limit approval of leave requests to only those requests required to be approved prior to the Director's return to duty.
 - d) All VHA FOIA Office staff members are required to check VistA on a bi-weekly basis (prior to time card submission) to ensure all appropriate leave has been requested for the current pay period. This should be done when the reminder message is sent from the OIG Program Office timekeepers.

2. Entering Leave into SharePoint site

- a) The VHA FOIA Office staff member will enter the leave on the FOIA Office SharePoint calendar as: "FIRSTINITIAL.LASTNAME – UNAVAILABLE" (e.g. T.GRAHAM – UNAVAILABLE).
- b) When entering leave into the SharePoint site calendar, the exact time the leave will be taken should be entered (ex. 1:00 p.m. – 3:00 p.m.). If the leave is for all day, the staff member must select to add the leave as an all day event in the SharePoint calendar.

3. Approving and Denying Leave

- a) The Director, VHA FOIA Office or their designee, other IAP manager or the Director of IAP will respond to the Outlook email message as to whether the requested leave is approved or denied. Approvals or denials in VistA will be completed by the Director, VHA FOIA Office, or other IAP manager.

- b) If the leave request is denied, the Director, VHA FOIA Office will deny the request in VistA. If the VHA FOIA Office staff member wishes to discuss the leave denial, the Director, VHA FOIA Office or other IAP manager responsible for the denial should be contacted for further discussion.

4. Retracting or Changing Leave

- a) If a VHA FOIA Office staff member needs to alter or retract a leave request which has already been approved, the change or retraction must be reflected in the VistA leave request. A follow-up email to the VHA 10P2 Privacy T&L mail group must be initiated advising of such alteration or retraction.

5. Out of Office Messages in Outlook and Voicemail

- a) When a VHA FOIA Office staff member has initiated planned leave, the staff member should ensure that an out of office message is turned on in their Outlook mail account as well as their telephone voicemail account. The Outlook out of office message should direct all customers (internal and external) to contact the VHA FOIA Issues mail group for urgent inquiries. Additionally, the out of office message must clearly indicate when the VHA FOIA Office staff member will return to the office.

TIMOTHY H GRAHAM
105816

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Director, Veterans Health Administration Freedom of Information Act Office

Standard Operating Procedure – Review and Redaction of OSC Reports

SOP Number: SOP-FOIA-00X

Effective Date: [insert effective date]

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will address requests to review and redact reports to be provided to the Office of Special Counsel.

1. Requests to review and redact reports for the Office of Special Counsel (OSC) may come to the VHA FOIA Office from various sources, although typically through the VHA Office of Executive Correspondence.

- a) Responsibility for reviewing and redacting requests for reports for the OSC will reside with the VHA FOIA Officer who is currently on rotation to provide field support.
- b) Immediately upon receipt of the request to review and redact such reports, the assigned VHA FOIA Officer will acknowledge receipt of the request.
- c) Review of the reports and the completed redacted report will be returned to the assigning office (b) (5) absent a more stringent deadline imposed by the OSC, Office of General Counsel (OGC) or other office.
- d) If the reports cannot be reviewed and redacted within two business days, the assigned FOIA Officer must immediately notify the Director, VHA FOIA Office. Once the Director, VHA FOIA Office has concurred on the alternate timeframe and provide such concurrence back to the assigned VHA FOIA Officer, the assigned VHA FOIA Officer will provide notice to the assigning office of the delay and provide an estimated timeframe for completion. The Director, VHA FOIA Office may exercise discretion to redistribute the workload to accomplish the review within the requested timeframe. In such instances, the Director, VHA FOIA Office will notify the assigning office that the review assignment has been reassigned to another VHA FOIA Officer.

2. Procedure for reviewing and redacting reports for the OSC.

- a) The assigned VHA FOIA Officer must first conduct a cursory review of the documents to ensure that all requested documents are being provided and that such provided documents are the correct documents. If all documents are not provided, the assigned VHA FOIA Officer must request the missing documents from the assigning office.
- b) The assigned VHA FOIA Officer must also determine whether the whistleblower associated with the OSC report has waived their privacy interest in the disclosure of their name. If the whistleblower has waived their privacy interest in the disclosure of their name, the assigned VHA FOIA Officer will not redact the

whistleblower's name. Whether the whistleblower has waived their privacy interest is typically noted in the OSC report or OSC's incoming request for review and redaction. If the assigned VHA FOIA Officer has any questions pertaining to whether the whistleblower has waived their privacy interest, such questions should be addressed with the assigning office for follow-up to OSC.

- c) In conducting a review of the OSC report, the assigned VHA FOIA Officer must conduct a line-by-line review of the report, paying particular attention to information that may have a protectable privacy interest. Specifically, OSC advises that to prevent public disclosure of personally identifiable information (PII), OSC requests that the VHA FOIA Office ensure that the report does not contain any sensitive PII, such as social security numbers, home addresses and phone numbers, personal e-mail addresses, dates and places of birth, and personal financial information. With the exception of patient names, OSC does not consider names and titles to be sensitive PII requiring redaction.
- d) Unlike FOIA requests, OSC reports are redacted in a different manner, consistent with the preferences of the OSC and based on guidance from VA's OGC.
- e) If the assigned VHA FOIA Officer determines that redaction of the names of individuals other than those who have been found to have engaged in wrongdoing is warranted, the redacted version of the report must be made in accordance with OSC's preferred method of redaction. OSC's preferred method of redaction is that individuals' names must be replaced with generic titles so that a reader can follow the narrative and understand what actions were performed by which employees. If names are not present in the narrative of the report, the overlay with generic titles is not required.
- f) The following titles are some examples of the format in which OSC prefers redactions be made:
 - i. **Whistleblower**, Whistleblower
 - ii. **Service Chief**, Chief, Radiation Oncology Service
 - iii. **Supervisor**, Supervisory Therapeutic Radiologic Technologist
 - iv. **Employee #1**, Secretary
 - v. **Employee #2**, Radiation Therapy Technician
 - vi. **Employee #3**, Dosimetrist
 - vii. **Employee #4**, Medical Administrative Assistant
 - viii. **Privacy Officer**, Health Care System Privacy Officer
 - ix. **Admin Officer**, Acting Administrative Officer in 2013
- g) All redactions must be redacted in Adobe Professional (or equivalent system) and must be marked in black color with a white text overlay. The white text overlay will not cite a specific FOIA exemption. Rather, the text overlay will contain the generic title requested by OSC, if required.
- h) The completed, redacted, version of the OSC will report will then be transmitted to the requesting office.

- i) In transmitting the completed reports to the requesting office, the assigned VHA FOIA Officer's email must specifically state: "In accordance with the Office of General Counsel guidance, no titles have been redacted within the attached reports." If the whistleblower has consented to the release of their name, the transmittal email will state: "Due to the fact that the whistleblower has consented to the release of his/her name, the whistleblower's name has not been redacted in this report."

3. Records Maintenance Expectations.

(b) (5)



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Standard Operating Procedure – Substantial Interest (SI) Review Process

SOP Number: SOP-FOIA (b) (5)

Effective Date: [insert effective date]

Purpose: The purpose of the SOP is to define how the VHA FOIA Office will handle all substantial interest (SI) FOIA requests received for review from the field FOIA Officers in accordance with the VHA Substantial Interest FOIA Memorandum dated August 5, 2016. The SI review process is to facilitate improved and proactive communication between VHA Central Office and field facilities regarding FOIA requests prior to release that may result in media attention.

- 1. The Director, VHA FOIA Office will designate a VHA FOIA Officer within the VHA FOIA Office to serve as the designated VHA FOIA Officer for managing the substantial interest process.**
- 2. SI FOIA notification email, addressed to the VHA FOIA SI Review mail group, is received from the field FOIA Officer including FOIA Request and the details regarding the request.**
 - a) Director, VHA FOIA Officer or designee will determine if a SI FOIA review is required.
 - i. If a review is required, the field FOIA Officer is notified of the need for SI review, and the VHA FOIA Office Staff Assistant adds the request to the SI Tracker spreadsheet. (b) (5)
 - ii. If review is required, the Director, VHA FOIA Officer or designee will forward the SI notification email to the VHA Substantial Interest FOIA Notification mail group in Outlook.
 - iii. If a specific office and/or individual receiving the notification email responds that they require review, the review requirement will be added to Tab 2 of the SI Review spreadsheet.
 - iv. The designated VHA FOIA Officer saves the email for future tracking of the SI FOIA review.
 - b) If a SI FOIA review is not required, the Director, VHA FOIA Officer, or designee responds to the field FOIA Officer notifying that a review is not required.
- 3. If a review is not required, the request is not added to the SI Monitoring Tracker spreadsheet. Weekly, the Director, VHA FOIA Officer will send the SI Tracker spreadsheet to the designated program offices (10A, 10B, 10N, OSVA,**

OAR) at least 24 hours in advance of the weekly SI conference call. The Director, VHA FOIA Officer and the designated VHA FOIA Officer will conduct a weekly call with the program offices to determine which offices require review of each SI request.

- a) The Director, VHA FOIA Officer and/or the designated VHA FOIA Officer will update the SI Tracker spreadsheet with the Program Offices that have indicated a review of the request is required prior to release. (b) (5)

(b) (5)

- b) In the instance that a program office is not available for the weekly SI conference call, such offices will have until noon on Friday to provide the Director, VHA FOIA Officer and designated VHA FOIA Officer with a listing of requests requiring their review. Failure to respond by noon on Friday will lead to the assumption that such offices do not require review of any of the responses added during the given week.

(b) (5)

4. When the facility FOIA Officer has completed process the FOIA request, the FOIA Officer will initiate the SI FOIA Review. SI FOIA Review email is received from the field FOIA Officer via the VHA FOIA SI Review mail group.

- a) The designated VHA FOIA Officer will review, within one business day whether program offices require review. If no program office requires review, the designated VHA FOIA Officer will indicate such to the field FOIA Officer and no additional review will be required.
- b) If program offices require review, the designated VHA FOIA Officer will review, within one business day, the SI FOIA review email to determine if all of the required documents are attached to the SI FOIA review email. The review email will include the FOIA request, proposed initial agency decision (IAD), responsive records as intended for disclosure, and Vaughn Index. If the designated FOIA Officer determines that all of the required documents are not provided the email will be returned to the field FOIA Officer with instructions for completion before the review process can be initiated. The designated VHA FOIA Officer continues to return the emails for corrections to field FOIA Officer until all required documents are received to conduct the SI review process. If, after three attempts, the field FOIA Officer continues to fail to provide the required documents, the designated FOIA Officer will notify the Director, VHA FOIA Office, for appropriate notification to VISN or facility leadership.

5. For VHA FOIA Officers in the VHA FOIA Office, when requests require review through the SI process, the VHA FOIA Officer will first request concurrence from the Director, IAP. Once concurrence from the Director, IAP is obtained, the SI review request will be forwarded by the processing VHA FOIA Officer to

the designated VHA FOIA Officer for the SI process. The process will then resume in accordance with the remainder of this SOP.

- 6. The designated VHA FOIA officer conducts a review of the SI email submitted by the field or VHA FOIA Officer. The review consists of review of the request, the Initial Agency Decision (IAD) letter, proposed responsive records and the Vaughn Index when FOIA Exemptions are cited to withhold documents or portions of documents.** (b) (5)

(b) (5)

- a) Request: The request is reviewed to assure that all requested items have been addressed in the IAD and response documents are appropriate with what was requested.
- b) IAD: The IAD is reviewed to assure compliance with the language required by the FOIA Improvement Act for any adverse determinations, to include:
 - i. Appeal rights (90 days)
 - ii. VHA FOIA Liaison contact information
 - iii. Office of Government Information Service (OGIS) contact information
- c) Responsive Records: Conduct a cursory review to determine if redactions are appropriately applied. If upon initial review there are inconsistencies, the reviewed request is returned to the field or VHA FOIA Officer along with the VISN FOIA Officer, if applicable, to make the changes and corrections for concurrence with the facility determination. The designated VHA FOIA Officer will not make corrections for the facility and the comments offered by the designated VHA FOIA Officer constitute recommendations only. Refusal by the facility FOIA Officer to make the suggested changes, following review of the designated VHA FOIA Officer's recommendations, will not impact the ability to submit the request in the review process. If a facility FOIA Officer does not accept the designated VHA FOIA Officer's recommendations, the VHA FOIA Office will not provide support to the decision on appeal or in the course of litigation.
- d) Vaughn Index: Must to be included when FOIA Exemptions are used to withhold documents as required in the Administrative Record.
- e) The designated VHA FOIA Officer will only make three attempts to resolve disagreements in the handling of a FOIA request. Following three attempts, the request will be forwarded for review to the applicable program offices with a notation that the VHA FOIA Office does not concur with the response, but indicating the facility's refusal to make recommended changes.

- 6. The designated VHA FOIA Officer will determine what VHA Central Office Program Offices have indicated a review of the request is required by checking the SI Tracker spreadsheet.** (b) (5)

- 7. Once the designated VHA FOIA Officer completes the initial review of the field or VHA FOIA Officer submission and all issues are resolved, the designated VHA FOIA Officer sends, via email, the request along with attachments to the respective Program offices for review with a 5 business day suspense and includes VHA FOIA SI Review mail group in Outlook.**
 - a) If the attachments are too large to send via email, the designated VHA FOIA Officer creates a folder on the FOIA Office SI SharePoint with the FOIAXpress request number and uploads all responsive records for proposed review.
 - b) The designated VHA FOIA Officer provides a link to the SharePoint via email to Program Office to review attachments for clearance to release.
 - c) The designated VHA FOIA Officer waits for a response from the Program Office. If response is not received within 5 business days, a follow-up email is sent to the Program Office requesting a status update.
 - d) If a response is received from the Program Office with feedback (such as why are records being disclosed or feedback on IAD), then the designated VHA FOIA Officer returns the request to the field FOIA Officer for consideration of modifications to IAD/proposed responsive records based upon feedback received from the Program Office. Once the field FOIA Officer returns the request with proposed modifications, return back to step 5 for review process to be re-initiated.
- 8. The designated VHA FOIA Officer updates the SI Review Spreadsheet, (b) (5) [REDACTED] with the request number to track the timeliness of requests pending review from Program Offices.**
 - a) As responses are received from Program Offices, the designated VHA FOIA Officer updates the SI Review spreadsheet.
 - b) For special cases, if other offices, such as OGC, require additional review, this is notated in the comments of the SI Review Spreadsheet.
 - i. These requests are tracked on tab 2 of the SI Review Spreadsheet and are sent to the respective agency component for review, only after all other offices have completed their review.
 - ii. Special case reviews should be limited to a minimal number of SI FOIA Requests. If the Director, VHA FOIA Officer or designated VHA FOIA Officer becomes aware that special case reviews are being required more frequently, consideration will be given to adding these offices to the complete review process.
- 9. Once the designated VHA FOIA Officer has obtained concurrence from all applicable program offices, the designated VHA FOIA Officer will notify the field or VHA FOIA Officer, via email, that the review is complete and that the facility FOIA Officer may proceed with the release.**

- 10. Once the review process is complete, the designated VHA FOIA Officer will remove all records pertaining to the specific request from the VHA FOIA Office SharePoint site.**
- 11. The designated VHA FOIA Officer will hide the completed review on the SI Review spreadsheet at the conclusion of the review process.**
- 12. Once the request has been approved for release, the Staff Assistant will remove the entry from the SI Tracker spreadsheet within one business day.**

(b) (5)



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Standard Operating Procedure – Processing FOIA Requests Received by VHA Central Office

SOP Number: SOP-FOIA-00X

Effective Date: [insert effective date]

Purpose: The purpose of the SOP is to establish procedures on how the VHA FOIA Office will handle and process all incoming FOIA requests to VHA's Central Office.

1. Receiving and Acknowledging FOIA Requests.

- a) FOIA requests may be received by the VHA FOIA Office through multiple means. Requesters may submit FOIA requests via facsimile, electronic mail or by postal mail. If requests are submitted via email, such requests must be sent to vhafoia2@va.gov.
- b) Requests that are sent to individual employees and/or program office via email are not accepted. If a misdirected FOIA request is sent to the VHA FOIA Office, the Director, VHA FOIA Office will inform the individual or program office of the correct process for submission of FOIA requests. The individual or program office will then redirect the FOIA requester to make their request to the appropriate email address.
- c) The VHA FOIA Office may also receive requests on referral from another VA component, a VHA facility or VISN. Referred requests will not be accepted by the VHA FOIA Office until such request has been reviewed by the Director, VHA FOIA Officer or their designee. This review will limit the likelihood of further misdirected FOIA requests.
- d) Immediately, upon receipt of a FOIA request, the Director, VHA FOIA Office will review the FOIA request to determine if the request meets the requirements of the FOIA statute, VA's implementing FOIA regulations and VA/VHA Directives and Handbooks.
 - i. If the incoming request meets the requirements of a perfected FOIA request, the request will be assigned to a VHA FOIA Officer for processing in accordance with the rotational assignment schedule.
 - ii. If the incoming request fails to meet the requirements of a perfected FOIA request, the Director, VHA FOIA Office will inform the Staff Assistant of the issues associated with the incoming request. The Staff Assistant will draft an interim response letter for the Director's signature outlining how the incoming request does not meet VA requirements, but also informing the requester what actions are required from the requester prior to processing. The letter will also explain to the requester how they may make their request once those actions are resolved.

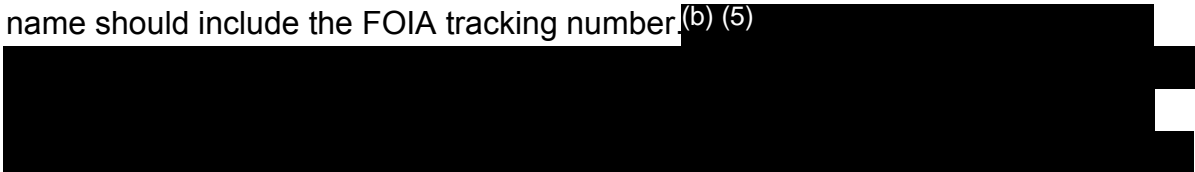
- e) Once a request is perfected, the FOIA request will be sent by the Director, VHA FOIA Office to the Staff Assistant for initial acknowledgement and entry into the electronic FOIA tracking system.
 - i. The initial communication to the Staff Assistant will specifically indicate the VHA FOIA Officer assigned to the request. The assigned VHA FOIA Officer will be included on the assignment email addressed to the Staff Assistant. The initial assignment email will also inform the Staff Assistant whether the request falls under the simple or complex track type, in addition to whether a substantial interest notification is required.
 - ii. Upon receipt, the Staff Assistant will convert the request to PDF format. For requests received by fax or postal mail, this is accomplished by scanning the document in a PDF format. For electronically mailed FOIA requests, this is accomplished by converting the original incoming email to PDF format. Once in PDF format, the Staff Assistant will electronically date stamp the FOIA request. The date stamp will include, at a minimum, the following:
 - (1) Receiving Office Location: "VHA FOIA Office"
 - (2) Date Received
 - (3) FOIA Tracking Number
 - (4) The initials of the individual receiving the request.
 - iii. The Staff Assistant will log the request into the electronic FOIA tracking system. In logging the request into the electronic FOIA tracking system, the Staff Assistant will pay close attention to detail by ensuring that all data fields in the electronic FOIA tracking system are completed in their entirety. The Staff Assistant will upload the date stamped PDF version of the request under the Correspondence Log in the electronic FOIA tracking system. The request will use the file name "<FOIA Tracking number> - Incoming Request".
 - iv. The electronic FOIA tracking system will automatically generate a FOIA tracking number. The tracking number will be utilized on every piece of correspondence issued regarding that specific FOIA request.
 - v. Once the tracking number is obtained, the Staff Assistant will draft the acknowledgement letter. Acknowledgement letters will be completed and transmitted to the FOIA requester within one business day. The Staff Assistant will utilize the templated acknowledgement letter for the VHA FOIA Office for consistency purposes and to ensure that all required elements are contained in the acknowledgement letter. Acknowledgement letters will be transmitted to the FOIA requester by the FOIA requester's preferred communication status. If the requester has made their initial request through email, the VHA FOIA Office will assume that the requester's preferred communication method is email. If the requester has made their initial request through postal mail, the VHA FOIA Office will assume that the requester's preferred communication method is postal mail, absent an indicator within the requester's FOIA request that states that the VHA FOIA

Office may/should communicate with the requester via an email provided in the FOIA request.

(b) (5)



- vii. Once the acknowledgement letter is prepared, the Director, VHA FOIA Office's electronic signature is placed on the letter. All acknowledgement letters are to be signed by the Director, VHA FOIA Office.
- viii. When the acknowledgement letter is complete, the Staff Assistant will upload the acknowledgement letter in electronic FOIA tracking system under the Correspondence Tab. The acknowledgement letter's file name will be "<FOIA tracking number> – Acknowledgement Letter".
- ix. The Staff Assistant will send the acknowledgement letter to the FOIA requester, with blind carbon copy to the assigned VHA FOIA Officer. In the instance that the acknowledgement letter is mailed, the Staff Assistant will send a separate email to the VHA FOIA mail group and the assigned VHA FOIA Officer advising that the request has been assigned. It is only in the instance that the acknowledgement letter cannot be sent via electronic mail that this email is generated.
- x. The Staff Assistant will draft the substantial interest FOIA notification email for the Director, VHA FOIA Office review. After the Director, VHA FOIA Office has reviewed the draft substantial interest notification, the Director will transmit the notification, to include a date stamped copy of the incoming FOIA request, to the VHA Substantial Interest FOIA Notification mail group in Outlook. The assigned VHA FOIA Officer for the specific tracking number will be included on the notification email. The assigned VHA FOIA Officer will annotate their request as a reminder that the request requires review as part of the substantial interest process.

- 2. Email Management and Folders.** The assigned VHA FOIA Officer will begin processing the request by creating an electronic mail folder to store all correspondence related to the FOIA request that is received via email. The folder name should include the FOIA tracking number (b) (5)
- 

(b) (5)



(b) (5)



(b) (5)



3. The FOIA Officer must then create a working folder for where the FOIA Officer will store documents while processing the FOIA request. The working folder location is at the discretion of the assigned FOIA Officer. The working folder may be stored on the FOIA Officer's computer hard drive, a network drive or SharePoint. The working folder is a temporary folder that is only maintained during the time period for which the FOIA Officer is processing the request. Once the FOIA administrative file for the request is compiled, the contents of

the working folder will be included in the FOIA administrative file and stored in accordance with SOP XX

4. Assigning and Routing Requests for Responsive Records.

- a) The assigned FOIA Officer will then assign the search request within five business days, absent extenuating circumstances, to the appropriate program offices for response. (b) (5)

If a program office provides sufficient justification to the assigned VHA FOIA Officer, the assigned VHA FOIA Officer can exercise discretion to allow extensions on search requests. For each search assignment, a copy of the incoming date stamped request must be attached to the assignment. (b) (5)

- b) If response is not received from the program office by the deadline specified in the search assignment, the FOIA Officer will obtain a written, weekly status check until such time that the program office has provided a satisfactory response.

5. Requests for Clarification.

- a) There are times when a request may require clarification either before the request is assigned initially to a program office or after a program office receives the request and is unable to understand the precise nature of the request. In those instances, when the assigned FOIA Officer determines that clarification is required, the FOIA Officer may seek such clarification.
- b) All requests for clarification, except those which qualify under section (c) below, will be documented through formal written correspondence with the FOIA requester. The clarification template letter available on the VHA FOIA Office website may be utilized for this purpose. When a FOIA Officer seeks clarification through written correspondence, the FOIA requester must be afforded 30 calendar days to provide such clarification. The requester must be advised of the anticipated actions that will result for failure to clarify the request in a timely manner. For example, the requester will be advised that the request will be closed and no further action will be taken on the request.
- c) If the clarification is simple (i.e. minor date clarification) and may be accommodated by telephone or email, the assigned VHA FOIA Officer may contact the requester by telephone or email to obtain clarification. In those

instances, however, the assigned FOIA Officer will follow-up such telephone conversation with a letter or email summarizing the discussion with the requester. In those instances, the assigned FOIA Officer must offer the requester the opportunity to state any objections to the summary of the discussion within a designated period of time.

- d) The clarification letter or email transmitted to the FOIA requester will be uploaded in the electronic FOIA tracking system within one business day following transmittal to the FOIA requester.
- e) Once the clarification letter or email is transmitted to the FOIA requester, the assigned VHA FOIA Officer will ensure that the request is placed in a “perfected” status and place the request “On Hold” in electronic FOIA tracking system. When placing the request “on hold” the assigned FOIA Officer should indicated in the comments section the basis for placing the request on hold, as well as the due date for the clarification response.
- f) If clarification is not received by the due date specified in the clarification letter, the FOIA Officer will transmit an administrative closure letter to the FOIA requester. The administrative closure letter will identify the reason that the request is being closed (for failure to clarify). The FOIA Officer will remove the request from “on hold” status in the electronic FOIA tracking system and close the request. The request will be closed with a status of “Records Not Reasonably Described”.
- g) If clarification is received, the assigned FOIA Officer will remove the request from an “on hold” status in the electronic FOIA tracking system immediately and continue processing the request.

6. Assessing Fees.

- a) The assessment of fees is at the discretion of the assigned VHA FOIA Officer. The assessment of fees is highly encouraged on every FOIA request. If the FOIA Officer determines that fees will be assessed, the FOIA Officer will assign the request to the applicable program offices for a fee estimate. (b) (5)

[REDACTED]

- b) Fee estimates will be accompanied by a letter and an invoice to the FOIA requester. The letter will specifically provide a due date for which fees must be agreed upon (if less than \$250) or paid in full (if greater than \$250). FOIA requesters will be provided 10 business days to respond to a fee estimate. The requester must be provided appeal rights, as well as the right to contact the VHA Public Liaison and the Office of Government Information Services (OGIS).

- c) Templates for the fee estimate are available for use on the VHA FOIA Office website.
- d) The invoice submitted to the FOIA requester must be detailed. Creation of the invoice is the responsibility of the assigned FOIA Officer. (b) (5) [REDACTED]
[REDACTED] The invoice must include, at a minimum, the following:
 - i. The total amount of estimated fees owed;
 - ii. A breakdown of the fees to include:
 - (1) A line-by-line listing of the salary costs associated with search, to include the locality of the employee, the hourly rate of the employee, the additional 16 percent overhead assessment, total hourly cost of the employee (base rate plus 16 percent), total number of hours to conduct search or review and grade and step of the employee.
 - (2) A line-by-line listing of the salary costs associated with review to include the same data as requested in paragraph (6)(d)(ii)(1) above.
 - (3) Total amount of duplication fees, showing a breakdown of the estimated number of pages multiplied by \$0.15 per page. A total amount of duplication costs should also be indicated.
- e) The fee estimate letter and invoice transmitted to the FOIA requester will be uploaded in the electronic FOIA tracking system within one business day following transmittal to the FOIA requester.
- f) Once the fee estimate letter is transmitted to the FOIA requester, the assigned VHA FOIA Officer will ensure that the request is “perfected” in the electronic FOIA tracking system and place the request “On Hold” in the electronic FOIA tracking system. When placing the request “on hold” the assigned FOIA Officer should indicated in the comments section the basis for placing the request on hold, as well as the due date for the fee estimate response.
- g) If response to the fee estimate is not received by the due date specified in the fee estimate letter, the FOIA Officer will transmit an administrative closure letter to the FOIA requester. The administrative closure letter will identify the reason that the request is being closed (for failure to agree upon or pay the associated fees). The FOIA Officer will remove the request from “on hold” status in the electronic FOIA tracking system and close the request. The request will be closed with a status of “Fee-Related Reason”.
- h) If affirmative response to the fee estimate is received, the assigned FOIA Officer will remove the request from an “on hold” status in the electronic FOIA tracking system immediately and continue processing the request.

7. Receiving Responsive Records.

- a) At the conclusion of the timeframe for search assignment, the FOIA Office will receive a pool of responsive records.

- b) Once the responsive records are received, the assigned FOIA Officer will place the responsive records in their working folder.
- c) All records will be reviewed for completeness by the assigned FOIA Officer. Particular attention should be given to ensuring that attachments are provided to all documents and emails. If the assigned FOIA Officer determines that the records are not complete, he/she will respond to the assignment response by the program office and seek the additional documents required to make the responsive records complete.
- d) If additional records are submitted by the program office, the additional records will be placed in the assigned FOIA Officer's working file.

8. Reviewing and Redacting Responsive Records.

- a) The assigned FOIA Officer will conduct a line-by-line review of all responsive records to determine if:
 - i. The records provided by the program office are, in fact, responsive. If the assigned FOIA Officer determines that the records provided by the program office are not responsive to the FOIA request, the subject records will be marked as non-responsive and placed into a subfolder within the working folder labeled "Non responsive records".
 - ii. If the records are responsive to the FOIA request, the assigned VHA FOIA Officer will review the records to determine if one or more of the FOIA exemptions apply to the request. Application of the FOIA exemptions must be made in accordance with the FOIA statute and VA/VHA policy.
 - iii. If records require redaction, the following standards for redaction are required:
 - (1) All redactions must be in black, with a text overlay in white. The text overlay must indicate the specific exemption being cited.
 - iv. The redacted records must be stored in the working file until such a time that the FOIA administrative file is complete. The file name for the redacted records must include the FOIA tracking number and the word "Redacted". If redacting the records in Adobe Professional, the assigned FOIA Officer must also store a copy of the redacted records in which the redactions have not been applied. The file name for this copy of the records must include the FOIA tracking number and the words "Redactions Not Applied".

9. No records responses.

- a) In the event that a program office responds to the search assignment with a "no records" response, the assigned FOIA Officer exercises discretion to question and/or challenge the adequacy of the search to the extent required to defend the "no records" determination upon appeal.
- b) When program offices provide "no records" responses, the assigned FOIA Officer must always ask the program offices whether there are additional offices within

the Department that may have responsive records. If the program offices identify additional response, the assigned FOIA Officer should follow the referral procedures contained in this SOP.

10. Referrals.

- a) When the assigned VHA FOIA Officer determines that the request must be referred to another agency component, the assigned FOIA Officer must contact the office or component to determine if the referral to such office or component is appropriate. The assigned VHA FOIA Officer must provide all offices or components with a deadline for response not to exceed 10 business days. The referral consultation must include a statement that if the VHA FOIA Officer does not receive a response by the deadline requested, the VHA FOIA Officer will assume that the office/component has no objections to the referral.
- b) The assigned FOIA Officer will upload a copy of the signed referral notification to the Correspondence Tab in the electronic FOIA tracking system.
- c) Using the “transfer” function in the electronic FOIA tracking system, the assigned FOIA Officer will refer the request to the correct agency component in the electronic FOIA tracking system consistent with VA and VHA policy. When using the “transfer” function in the electronic FOIA tracking system, the assigned VHA FOIA Officer will place a comment indicating that VHA Central Office initiated the transfer by documenting in the “comments” section. If the referral is to the VA Office of Inspector General, such referrals will be made manually and not in the electronic FOIA tracking system.
- d) In referring requests, the assigned FOIA Officer will ensure that the facility is changed in the electronic FOIA tracking system and that all members of the VHA FOIA Office are effectively removed from the FOIA request assignment in the electronic FOIA tracking system.

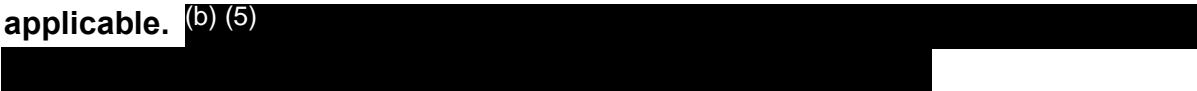
11. Issuance of the Initial Agency Decision.

- a) When the assigned FOIA Officer has completed their review of the responsive records and redacted the records, if required, they should begin drafting the initial agency decision.
- b) The initial agency decision serves as VHA’s response to the FOIA request. As the appeals authority for all FOIA requests received by VA, the Office of General Counsel (OGC) retains responsible for providing the final agency decision.
- c) A template for the initial agency decision is available on the VHA FOIA Office website. Under any circumstances, the initial agency decision must include the following:
 - i. The FOIA tracking number;
 - ii. A procedural history of the FOIA request, to include the date of receipt, the cut-off date for the records search and any procedural history regarding referrals;

- iii. A description of the records sought;
 - iv. An explanation of the basis for the FOIA Officer's determination, including an explanation of any exemptions being cited. If the FOIA Officer exercises discretion to withhold portions of the records under an exemption, the FOIA Officer must also articulate the harm associated with the release of such records.
 - v. If an adverse determination is being made, the requester must be advised of their right to appeal the FOIA Officer's initial agency decision to the VA OGC.
 - vi. If an adverse determination is being made, the requester must also be advised of their right to seek assistance from the VHA FOIA Public Liaison and OGIS.
 - vii. Any other requirements imposed by VA or VHA policy.
- d) Once the initial agency decision is transmitted to the FOIA requester, a copy of the initial agency decision must be uploaded in the electronic FOIA tracking system.

12. Prior to the issuance of the initial agency decision, the assigned FOIA Officer will determine if the request requires review through the substantial interest process. If SI review is required, the assigned FOIA Officer will obtain concurrence on the initial agency decision from the Director, Information Access and Privacy Office, or designee. Once Director, IAP, or designee has concurred, the assigned FOIA Officer will follow the Substantial Interest SOP XX.

13. Following the SI review process, if applicable, the assigned FOIA Officer will transmit the response to the FOIA requester. The response will include the signed initial agency decision letter, as well as any responsive records, if applicable. (b) (5)


A large black rectangular redaction box covers the text following the word 'applicable' in paragraph 13.

14. When the FOIA Officer has issued the initial agency decision, the FOIA Officer must close the request in the electronic FOIA tracking system. Closure of the FOIA request in the electronic FOIA tracking system must occur on the same day in which the initial agency decision was transmitted to the requester.

15. When the FOIA request has been closed in the electronic FOIA tracking system, the FOIA Officer must compile the final administrative file. All administrative files must be maintained in electronic form. The administrative file must be compiled and maintained in accordance with SOP XX.

16. Following completion of the administrative FOIA file in accordance with SOP XX, the assigned FOIA Officer will delete all temporary working files.

17. (b) (5)



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Director, Veterans Health Administration Freedom of Information Act Office

VA



U.S. Department
of Veterans Affairs

Name of Presentation

Name of Presenter

Title of Presenter

Veterans Health Administration

Office of Informatics & Information Governance



Slide title

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Slide title

VA



U.S. Department
of Veterans Affairs

Section Insert

Sub-title

Other information



Title slide

VISION

This sample shows how offices can provide vision and other information specific to their programs.

MISSION

Sample....

Provide key points here and add office specific branding as appropriate:

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Add slide title

- bullets





Title



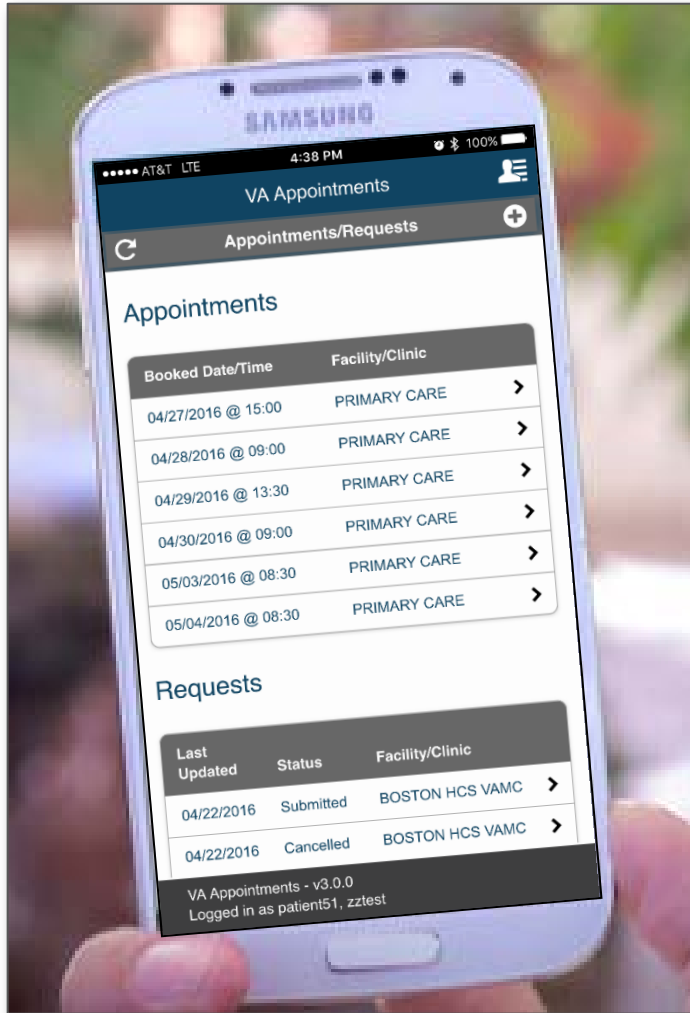
U.S. Department
of Veterans Affairs

Slide Divider/Insert





Title slide



- Remember to use visuals to highlight content:
 - point
 - point
 - point



Title slide



CONTROL

- Another layout option



EFFICIENCY

- Another layout option



Title slide

- Use photos to highlight key points



- Bullet
- Bullet



Title Slide with Images



Track tasks and Schedules



Configuring scheduling profiles, use of app within clinics

**Training
Materials**



(Guides, videos, FAQs)



Collection of communication artifacts to be used for local marketing (Ex. Posters, videos, newsletters, presentations, etc.)



Slide with Image Only



Comparison Slide

VA



U.S. Department
of Veterans Affairs

Q&A Discussion



Questions

Provide details about contact and where to get more information.

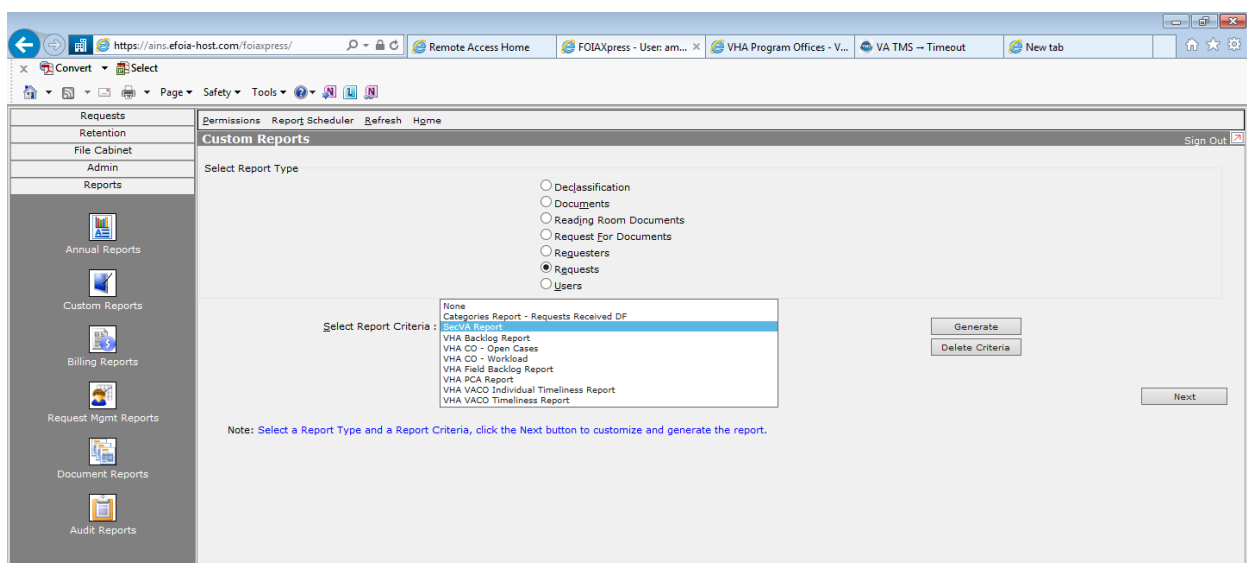


Back-up Slides

Summary: FOIA data requests are submitted to the VHA FOIA Office via the VHA FOIA, vhafoia2@va.gov, mail group. The requested FOIA data is included in the Trip Pack for the VA Secretary's site visit to local VA medical centers. The VHA FOIA Officer assigned to answer questions submitted to VHA FOIA Issues mail group will be responsible for generating the facility FOIA data report for the VA Secretary..

The FOIA data report is generated from FOIAXpress. Follow the below steps to generate the requested report:

1. Log onto FOIAXpress
2. Go to Reports Tab
3. Click on Custom Reports
4. Under Select Report criteria, choose VASec Report from the drop down box & click Next



5. The-report parameters are already defined in this custom report.
6. Select the dates of report to generate. Under "Received Between" Use the drop down box to select either **Previous Fiscal Year** or **Current Fiscal Year** (based on the data request from the VA Secretary's office). ***TIP: choose Previous Fiscal Year report first as it may take longer to generate the report.

7. Scroll down to the bottom half of page under Additional Information to select the facility FOIA data has been requested.
8. Under **Responsible Facilities** use the drop down to select the corresponding Facility.

2

9. Go to the top right corner of page and select **Generate** to create the report.

The screenshot shows the FOIAExpress web application interface for generating a report. The browser address bar shows the URL <https://ains.efoia-host.com/foiaexpress/>. The application has a sidebar on the left with navigation links: Requests, Retention, File Cabinet, Admin, and Reports. The main content area is titled 'Requests Report (Criteria : SecVA Report)' and includes a 'Generate' button in the top right corner. Below the title, there are several sections for configuring the report: 'Report Header Display Options' with radio buttons for 'Display on 1st page', 'Display on all pages', and 'Do not display on any pages'; 'Select Options' with a 'Group By' dropdown; 'Filter By' with a 'Request #' dropdown and a 'Request Type' list (All, Appeal, Consultations, FOIA, FOIA/PA, Referral, etc.); 'Multi-Track Type' with a dropdown; 'Priority' with a dropdown; 'Payment Status' with a dropdown; 'Fee Waiver Status' with a dropdown; 'Review Status' with a dropdown; 'Expedite Status' with a dropdown; 'Received Mode' with a dropdown; 'Delivery Mode' with a dropdown; 'Requested between' with a date range selector; 'Received between' with a date range selector; 'Original closed between' with a date range selector; 'Closed between' with a date range selector; 'Remaining' with a dropdown; 'Request Age *' with a dropdown; 'Processed' with a dropdown; 'Request Status' with a dropdown; 'Receiving Office (Request)' with a dropdown; 'Requester Assigned To' with a dropdown; 'Receiving Office (User)' with a dropdown; 'User Group' with a dropdown; 'Include Inactive Users' checkbox; 'Assigned User' radio button; 'Primary User' radio button; 'Select User' dropdown; 'Requester Details' with 'Include On Behalf Of' checkbox; 'Requester Filter Criteria' with 'Requester Filter Criteria' radio button; 'Individual Requester' radio button; 'Requester Filter Criteria' with 'First Name', 'Last Name', 'Default Category', 'Organization', and 'State/ Province' dropdowns; and a '+ Show Redaction Codes' link.

10. The generated report will display on the screen.

11. At top right hand corner of Screen, select Export to export the report into Excel spreadsheet.

12. The Export Report pop-up box will display. Under Export Report, “Microsoft Excel” is to be checked. Under Page Range, “All” is to be checked. Both should display has the default selection. Select “Save”. TIP: It may a few seconds before the “Do you want to open or save SECVA Report from ains.efoia-host.com?” message appears.

13. Select open. TIP: It may be a few seconds before the report will be displayed.

14. Remove the report headers, e.g. the VA seal, VACO’s address, the time and date the report was ran, etc.

15. Format spreadsheet for readability by adjusting column width.

16. Save the spreadsheet as an Excel document with the naming convention, “VA Sec Report Station # & Name of VA facility – City, State”

a. For example, “VA Sec Report Station 676 Tomah VA Medical Center – Tomah WI”

17. Change the spreadsheet tab to name the worksheet, “Station # and Fiscal Year” i.e. “Station 676 FY 2015” that corresponds with the report generated in FOIAExpress.

18. Sort data in Excel by Closed Data to see if there are any open requests, and if any pending requests are backlogged (over 20 days old). Write this number down for the summary report.

19. Insert a new tab in the workbook and rename the tab "Summary"
20. The Summary spreadsheet should have the below format to include:
 - a. Station Number and Name
 - b. Closed, Open, Total, & Backlogged for Request Column Headers
 - c. Received 10/1/2014 thru 9/30/2015 (FY2015) for Row Header
 - d. Received 10/1/2015 thru 5/24/2016 (FY2016) for Row Header
 - e. Totals
21. Data for each column/row is obtained by sorting the spreadsheet to total the report generated from FOIAXpress

Station 676 Tomah VA Medical Center	Closed	Open	Total	Backlogged
Received 10/1/2014 thru 9/30/2015 (FY2015)	133	1	134	1
Received 10/1/2015 thru 5/24/2016 (FY2016)	87	3	90	2
Total	220	4	224	3

Validation Process

It's important to validate the report to assure data provided is as accurate as possible. FOIAXpress is only as accurate as the data entered into the system. For example, during the transfer of a request in FOIAXpress the facility may not have been changed to the facility receiving the referral and therefore the request would not be pulled into report generated by facility name. The following steps will allow for a review of the data integrity of the reports generated prior to submission to Director, VHA FOIA Office. First step is to identify the names of the individuals assigned FOIAXpress licenses for the facility. The most recent FOIA Officers roster will identify the names of the primary & alternate FOIA Officers for the facility. One can

also generate a report in FOIAXpress by user, as a few facilities have opted to have their second assigned to an individual in Release of Information or have been approved for a third FOIAXpress license. .

1. Sort data in Excel by Primary User column to assure all requests generated in the report were assigned to the primary or alternate FOIA Officer for the facility. This will validate that the requests are corresponding to the facility.
2. If there is a request that is not the facility primary or alternate FOIA Officer, pull up the individual request to review to attempt to determine if the request should be assigned to the facility & included in the report totals. If the request was not processed by an individual associated with the facility, delete the request from the report and adjust the numbers on the summary page as necessary.
3. Total the requests by user (each FOIA Officer) & write down this number to save for future validation steps.
4. Return to FOIAXpress and generate a VASec Report using assigned Primary User instead of facility. Do not select a facility for this report. This report will generate all the requests assigned to the selected primary user for the selected timeframe regardless of the assigned facility.
 - a. Report by Primary User will need to be generated for all individuals holding a FOIAXpress license for the facility, e.g. both the Primary and Alternate FOIA Officers.

5. Compare the total number of assigned cases to to the report total noted for each FOIA Officer above when the report was generated by Facility. If the numbers do not match, export the report generated by assigned primary user using the above steps and sort by facility. Identify the cases not assigned to the facility, e.g. assigned to CFM, OAL, etc., and copy the row over to the VA Sec report for inclusion in the Trip Pak. Adjust the numbers on the summary page as necessary. If the numbers match, no further action is necessary.
6. Repeat step 4 and 5 for each time frame requested, e.g. reports for the current fiscal year for each assigned FOIAXpress user and reports for the previous fiscal year for each assigned FOIAXpress user.
7. Run another VASEC Report by each identify primary user with the Request Status selecting "All Overdue Requests (includes on hold)" and the "received between" date blank to determine if there are any backlogged requests outside the specified timeframes and not already included in the summary numbers. This report will return all open overdue requests by assigned primary user. TIP: Generate the three reports, current fiscal year, previous fiscal year, and overdue on an assigned primary user before moving the next assigned primary user. After selecting the assigned primary user and generating one report, select the "back" button and making the necessary adjustments for the next report, e.g. change timeframe from current fiscal year to previous fiscal year.
 - a. If a backlogged request is found by running this report and it is not already accounted for in the summary numbers, utilize an *** on the summary page to denote an explanation for the rational why the total does not add up from the 2 fiscal year (see below)

	A	B	C	D	E	F	G	H	I	J	K	L
1	Station 676 Tomah VA Medical Center	Closed	Open	Total		Backlogged						
2	Received 10/1/2014 thru 9/30/2015 (FY2015)	133	1	134		1						
3	Received 10/1/2015 thru 5/25/2016 (FY2016)	87	3	90		2						
4	Total	220	4	224		4*						
5												
6	* one backlogged FOIA request for FY 2014											
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Summary Station 676 FY 2016 Station 676 FY 2015