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Description of document:	Department of Veterans Affairs (VA) Number of Living Former Prisoners of War (POW) Listing, 2018
Requested date:	06-June-2020
Release date:	12-June-2020
Posted date:	05-October-2020
Source of document:	Department of Veterans Affairs FOIA Request 810 Vermont Avenue, NW (20M33) VACO Washington, DC 20420 Fax: (202) 273-9386 Email: vhfoia2@va.gov

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U.S. Department of Veterans Affairs

Office of Enterprise Integration

June 12, 2020

VIA EMAIL

FOIA Request #: 20-07180-F

This letter is the initial agency decision to your April 9, 2020, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to VACO FOIA Service at the Department of Veterans Affairs (VA), which was subsequently referred to the Office of Enterprise Integration (OEI) under FOIA number **20-07180-F**. For reasons outlined below, your request is granted in full.

Initial Request

On June 6, 2020, you submitted a request for the following information:

“I am studying the statistics on the numbers of American former Prisoners of War. I request the following records from the Veterans Affairs National Center for Veterans Analysis and Statistics (NCVAS): 1) Records describing the number of living Former Prisoners of War (FPOW), or estimating that number. 2) Records regarding the project to develop more accurate numbers for living Former POWs. 3) Any memos, reports, plans or emails regarding the project to develop more accurate numbers for living Former POWs. 4) Any correspondence with other agencies regarding this project. I agree to limit my request to the time frame January 1, 2019 to the present.”

Requester Category & Fees

Please be aware that the FOIA, 5 U.S.C. § 552 (A)(4)(a)(II), places all FOIA requesters in one of three categories for fee purposes. The three categories of FOIA requesters are 1) commercial use requesters; 2) educational institutions, noncommercial scientific institutions, and representatives of the news media; and finally, 3) all requesters "all other" who do not fall within either of the preceding two categories.

We have determined your request to be a "**All Other**" request. Our determination to classify this request as a **All Other** request is based on the FOIA Improvement Act of 2016 and VA FOIA regulations found at 38 C.F.R §1.561.

No fees were estimated/charged for your request.

Relevant Law

We have thoroughly reviewed your submission under the provisions of the FOIA, which provides that federal agencies must disclose records requested unless they may be withheld in accordance with one or more of nine statutory exemptions. 5 U.S.C. § 552(b).

Search and Analysis

By way of background, on June 6, 2020, your request was sent to VA and referred to OEI. The National Center for Veterans Analysis and Statistics (NCVAS) conducted a comprehensive search on June 9, 2020. A search of our system of records resulted in a no records result for the data you requested, but we included one page of records in the interest of providing you with a similar data set as to item number one in your request, “records describing the number of living Former Prisoners of War (FPOW), or estimating that number.” This data is from 2018, which is outside the scope of the original request, which limited the search period.

Courts have long recognized that agencies are not required to create records in response to a FOIA request (*Poll v. U.S. Office of Special Counsel*, No. 99-4021, 2000 WL 14422, at 5 n.2 (10th Cir. Jan. 10, 2000) (recognizing that FOIA does not require agency “to create documents or opinions in response to an individual’s request for information” (quoting *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985))).

Furthermore, courts have determined the reasonableness of an agency’s search can depend on whether the agency properly determined where responsive records were likely to be found and searched those locations. [See *Iacoe v. IRS*, No. 98-C-0466, 1999 WL 675322, at *4 (E.D. Wis. July 23, 1999) (recognizing that agency “diligently searched for the records requested in those places where [agency] expected they could be located”)].

Our office took reasonable steps to search for responsive records. See *Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Veterans Affairs*, 69 F.Supp.3d 115, 121 (D.D.C. 2014) (Recognizing that an adequate search entails a good faith effort, using reasonable methods, but that the search does not need to be exhaustive to be adequate).

Decision

In light of the foregoing, we believe the efforts taken to locate the information were sufficient to satisfy the duty of the Department under the FOIA to conduct a reasonable search for the requested records. Accordingly, we are releasing all the responsive data available to the agency in full.

For future data requests or questions regarding Veteran data, you may email NCVAS at any time at vancvas@va.gov.

Mediation and Appeal Rights

Please be advised that you may appeal this decision 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.

In addition to filing an appeal with the Office of General Counsel regarding this determination, you may also seek assistance and/or dispute resolution services regarding your FOIA request from VA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VA FOIA Public Liaison:
Director, VA FOIA Service
810 Vermont Avenue, NW (005R1C)
Washington, DC 20420

E-mail: vacofoiaservice@va.gov
Telephone: 1-877-750-3642
Facsimile: 202-632-7581

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

Sincerely,


Jennifer Jessup
Office of Enterprise Integration

Enclosure

Prisoners of War (POW) Listing
Department of Veterans Affairs
June 2020

Living POWs as of 2018 by Gender			Living POWs as of 2018 by Branch		
	Frequency	Percent		Frequency	Percent
Female	30	0.9	Army	1,862	55.88
Male	3,302	99.1	Coast Guard	1	0.03
Total	3,332		Air Force	485	14.56
			Marines	81	2.43
Living POWs as of 2018 by Race			Navy	230	6.9
	Frequency	Percent	Others	100	3
White	2,878	86.37	Unknown	573	17.2
Black/African American	192	5.76			
American Indian/Alaskan Native	23	0.69	Living POWs as of 2018 by Rank		
Asian	122	3.66		Frequency	Percent
Native Hawaiian/ Pacific Islander	1	0.03	Enlisted	1,109	33.28
Asian or Pacific Islander Unspecified	5	0.15	Officer	481	14.44
Other	58	1.74	Warrant Officer	15	0.45
Unknown	53	1.59	Unknown	1,727	51.83
Living POWs as of 2018 by Period of Service					
	Frequency	Percent			
World War II	1,888	56.66			
Korean Conflict	774	23.23			
Vietnam Era	1,085	32.56			
Gulf War I	182	5.46			
Gulf War II	54	1.62			

Source: USVETS_2018v2