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Department of Veterans Affairs  
810 Vermont Ave NW (10P2C1)) VACO  
Washington, DC 20420  
Fax: (202) 273-9387  
Email: [vhafoia2@va.gov](mailto:vhafoia2@va.gov)

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In Reply Refer To: **FOIA Request 21-08256-F**

August 26, 2021

This letter is the initial agency decision to your August 7, 2021, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Department of Veterans Affairs, Veterans Health Administration (VHA) Central Office FOIA Office requesting “a copy of the ROI Practice Brief, a document used in the VHA FOIA Office and the VHA Privacy Office. It was developed in approximately early May 2021”. Your FOIA request was received in my office on August 9, 2021.

Based on the information provided in your request, I have classified you as an “all other” FOIA requester. As an all other requester, VA FOIA implementing regulations found at 38 C.F.R. § 1.555 state that the first 100 pages of duplication and first two hours of search time will be furnished without charge. In addition, 38 C.F.R. § 1.561(e)(5) states whenever a total fee calculated under (d) of this section is less than \$25, no fee will be charged. Your request took less than two hours of search time and there is no charge for duplication. Therefore, no fees are assessed. However, please be advised that we reserve the right to assess fees as appropriate under the FOIA on any and all future FOIA requests.

A search for documents responsive to your request was conducted by utilizing the VHA FOIA Office SharePoint site, searching for “ROI Practice Brief”. At the conclusion of the search, one (1) document, totaling twelve (12) pages, was determined to be responsive to your request. 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.

Please be advised you may appeal this full grant response to:

Office of the General Counsel (024)  
Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420  
Email: [ogcfoiaappeals@va.gov](mailto: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 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](mailto:vhafoia2@va.gov)  
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)  
Email: [ogis@nara.gov](mailto: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

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact me at (319) 530-7694 or via email at [Amber.Heim@va.gov](mailto:Amber.Heim@va.gov).

Sincerely,  
  
Amber Heim  
VHA FOIA Officer

Enclosure:

12 pages – Practice Brief – ROI Procedures for Processing Third Party Health Records Requests 508

# Practice Brief

April 2021

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## Release of Information (ROI) Procedures for Processing Third Party Health Records Requests

In order to disclose health records to a third party, there must be legal authority under all the applicable federal privacy and confidentiality statutes and regulations. If there is no legal authority to disclose the requested records under one or more of the applicable federal privacy and confidentiality statutes and regulations, the health record or portions of the record must then be processed under the Freedom of Information Act (FOIA). All health record requests processed under the FOIA must be entered into FOIAXpress.

Patient health records are protected by the following federal privacy and confidentiality laws and regulations:

- The Privacy Act, 5 U.S.C. 552a, implemented by 38 C.F.R. § 1.575-1.582
- The VA Claims Confidentiality Statute, 38 U.S.C. § 5701, implemented by 38 C.F.R. § 1.500-1.527
- Confidentiality of Drug Abuse, Alcoholism, and Alcohol Abuse, Human Immunodeficiency Virus (HIV) Infection, and Sickle Cell Anemia Health Records, 38 U.S.C. § 7332, implemented by 38 C.F.R. § 1.460-1.496
- Health Insurance Portability and Accountability Act (HIPAA) implemented by 45 C.F.R. Parts 160 and 164

In addition to legal authority to disclose to certain third parties found in each of the above laws and regulations, the individual to whom the health records pertain or his/her legal representative can provide a valid signed, written authorization to disclose the individual's health records to a third party. If the individual to whom the health records pertain is deceased, the individual's next-of-kin or personal representative can provide a valid signed, written authorization to disclose the individual's health record to a third party, with the exception of information protected under 38 U.S.C. § 7332 unless the purpose is to obtain survivorship benefits. Please refer to VHA Directive 1605.01 and VHA Privacy Office Practice Brief, "Completion of VA Form 10-5345, Request for and Authorization to Release Health Information" for additional information on what constitutes a valid signed, written authorization, the definition of next-of-kin and personal representative, and disclosure of 38 U.S.C. § 7332 protected information.

## **Processing Third Party Requests for Copies of Health Records:**

Upon receipt of a written third party health record request, the ROI staff will datestamp the request and log the request into ROI Plus. The ROI Staff will review the request to determine if the request describes the record(s) sought and if there is legal authority to disclose the records in their entirety under all the applicable federal privacy and confidentiality laws and regulations. **NOTE:** The legal authority may be in the form of a valid authorization included with the request or some other legal authority, such as to a health care provider for treatment of the Veteran. A third party request does not have to contain the signature of the third party for the request to be considered a valid request. Please refer to VHA Privacy Office Fact Sheet, "Written Requests for Records".

## **Health Request Requests on Living Individuals**

### **1. Disclosure in Full:**

If there is legal authority to disclose the requested record(s) in their entirety under all the applicable federal privacy and confidentiality statutes and regulations, the ROI staff will release all the requested health records to the third party requester. **NOTE:** Legal authority to disclose may be a combination of a valid authorization and statutory authority, such as under 38 U.S.C. § 7332. The request is closed in ROI Plus using the "Closed-Granted" status. No entry in FOIAXpress is required.

### **2. Unable to Disclose Requested Record(s) in Full as Clarification, Valid Authorization, or Additional Information Required:**

If the request does not (1) describe the record(s) sought, (2) does not contain a valid authorization when one is required, (3) does not contain legal authority to disclose 38 U.S.C. § 7332 protected information and the requested records contain 38 U.S.C. § 7332 protected information or (4) cannot be processed due to other reasons; the ROI staff will place the request in a pending clarification status in ROI Plus for 30 calendar days. The ROI staff will contact the third party requester in an attempt to resolve the issues, e.g., obtain clarification or obtain a compliant authorization. **NOTE:** Internal comments in ROI Plus should be used to notate actions taken to obtain a compliant authorization.

Once a response is received from the requester or the 30 calendar days have passed, the request status in ROI Plus must be changed from pending clarification to pending which will restart the clock. Disclosure of the requested records will be determined by the response received from the requester:

- A. The requester resolved the issues, e.g., provided clarification or a valid authorization within the 30 calendar days which allows for full disclosure.

Since there is legal authority to disclose the requested record(s) in their entirety under all the applicable federal privacy and confidentiality statutes and

regulations, the ROI staff will release all the requested health records to the third party requester. **NOTE:** Legal authority to disclose may be a combination of a valid authorization and statutory authority, such as under 38 U.S.C. § 7332. The request is closed in ROI Plus using the “Closed-Granted” status. No entry in FOIAXpress is required.

- B. The requester provided a valid authorization within the 30 calendar days. However, the authorization does not permit disclosure of the 38 U.S.C. § 7332 protected information, there is no statutory authority to permit disclosure under 38 U.S.C. § 7332, and the records contain 38 U.S.C. § 7332 protected information. **NOTE:** There is now legal authority to disclose 38 U.S.C. § 7332 protected information for treatment and health care services, payment or billing purposes and certain health care operations without an authorization.

#### Partial Disclosure – Release Segregable Information

Since there is legal authority to disclose the requested record(s), except for 38 U.S.C. § 7332 protected information, the releasable information is processed under the Privacy Act and the 38 U.S.C. § 7332 protected information is processed under the FOIA. The ROI staff will process the request by withholding the 38 U.S.C. § 7332 protected information under FOIA Exemption 3 and Exemption 6. Please refer to VHA Privacy Office Practice Brief, “Redacting 38 U.S.C. § 7332 protected Information” for additional information. It is inappropriate to deny the request in its entirety if portions of the requested records can be released to the requester. All segregable information must be released. If segregable information can be released, the request is closed in ROI Plus as “Closed-Partial”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “Granted/Denied in Part” under FOIA Exemption 3 with the statute code of 38 U.S.C. § 7332 and FOIA Exemption 6.

**NOTE:** 38 U.S.C. § 7332 is never cited in the response letter to the third party. The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, “VHA Freedom of Information Act Program”. The response letter must indicate that information has been withheld under FOIA Exemption 3 and FOIA Exemption 6 and include all FOIA Initial Agency Decision required information.

#### Full Denial – No Segregable Information

Since there is legal authority to disclose the requested record(s), except for 38 U.S.C. § 7332 protected information, the releasable information is processed under the Privacy Act and the 38 U.S.C. § 7332 protected information is processed under the FOIA. If, at the conclusion of the ROI staff review it is determined that all the requested records contain 38 U.S.C. § 7332 protected

information and no segregable information can be released, the request is denied in its entirety under FOIA Exemption 3 and Exemption 6. The request is closed in ROI Plus as "Closed-Denied". The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as "Denied in Full" under FOIA Exemption 3 with the statute code of 38 U.S.C. § 7332 and FOIA Exemption 6.

**NOTE:** 38 U.S.C. § 7332 is never cited in the response letter to the third party. The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, "VHA Freedom of Information Act Program". The response letter must indicate that all information has been withheld under FOIA Exemption 3 and FOIA Exemption 6 and include all FOIA Initial Agency Decision required information.

- C. The requester provided an authorization within the 30 calendar days, but upon review it is still invalid for reasons unrelated to 38 U.S.C. § 7332. The request will be denied in its entirety under FOIA Exemption 3 citing 38 U.S.C. § 5701 and Exemption 6. The request is closed in ROI Plus as "Closed-Denied". The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as "Denied in Full" under FOIA Exemption 3 with the statute code of 38 U.S.C. § 5701 and FOIA Exemption 6.

**NOTE:** The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, "VHA Freedom of Information Act Program". The response letter must indicate that all records have been withheld under FOIA Exemption 3, citing 38 U.S.C. § 5701, and Exemption 6 and include all FOIA Initial Agency Decision required information.

- D. No Response: If the requester did not respond within the 30 calendar days and the request or any portion of the request cannot be processed as requested, e.g., requested records are not reasonably described, the request will be closed in ROI Plus as "Other Nondisclosure, Not Described" and referred to the FOIA Officer or designee, to provide the response letter to the requester. The FOIA Officer will enter the request into FOIAXpress and send the response letter to the third party indicating that the request was administratively closed due to lack of clarification. The request is closed in FOIAXpress as "Records not reasonably described" under "other reasons".

### **3. Not All Requested Records Located**

At the conclusion of the search the requested records or a portion(s) of the requested records are not located, the "no records" portion(s) of the request is processed under

the FOIA. **NOTE:** Prior to issuing a “no records” response, ROI staff should check paper records, as applicable to the request.

### Partial Response

If there is legal authority to disclose the records that are found, they are disclosed in their entirety under the applicable privacy laws and regulations. The portion of the request that is not located is processed under the FOIA. The request is closed in ROI Plus as “Closed-Partial Granted”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “Granted/Denied in Part” and selecting “Partial Grant/Denial with no exemption codes applied- (based on some requested records are found and released in full and other requested records are not found)”.

**NOTE:** The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, “VHA Freedom of Information Act Program”. The response letter must indicate which records are processed under the applicable privacy laws and regulations and which records are unable to be located and processed under the FOIA. The response letter must include all FOIA Initial Agency Decision required information.

### Full “No Records” Response

The request is processed as a FOIA request by the facility FOIA Officer or designee. The request is closed in ROI Plus as “Other Nondisclosure- No Record”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “other reasons” and selecting “no records”. The single facility response letter must include all FOIA Initial Agency Decision required information.

## **Health Record Requests on Deceased Individuals**

The personal representative of a deceased patient has the same rights as the deceased individual that the personal representative is representing. If, under applicable law, an executor, administrator, or other person has authority to act on behalf of a deceased individual or on behalf of the deceased individual’s estate, VHA must disclose to the personal representative the individually-identifiable health information, but only to the extent that the information is relevant to such personal representation, excluding 38 U.S.C. § 7332-protected information [VHA Directive 1605.01](#). A personal representative may be:

- a. Executor or administrator of the estate;
- b. Legal guardian;

- c. Healthcare Power of Attorney (POA), if POA remains valid after death and covers disclosure of health information; or
- d. Next of kin or other family member that is a blood relative. Ex-spouse, step-children or step-parents are not blood relatives.

Deceased patient health records are protected by the following privacy and confidentiality laws and regulations:

- 38 U.S.C. § 5701 – Survives death
- 38 U.S.C. §7332 – Survives death
- HIPAA – Survives death
  - 45 CFR § 164.510(b)(5) authorizes the release of information to family members for deceased patients.
  - 45 CFR § 164.502(b)(4) authorizes individuals under applicable law (i.e. executors, administrators, or other) to be treated as a personal representative and has the authority to act on the behalf of a deceased individual.
- **NOTE:** Privacy Act – No longer applies; Deceased individuals do not have any Privacy Act rights, nor do executors or next-of-kin. See OMB Guidelines, 40 Fed. Reg. 28,948, 28,951 (July 9, 1975)

### **1. Disclosure in Full:**

If there is legal authority, such as a valid authorization signed by the personal representative, to disclose the requested record(s), including the 38 U.S.C. § 7332 protected information if the information pertains to survivor benefits, in their entirety under all the applicable federal privacy and confidentiality statutes and regulations, the ROI staff will release all the requested health records to the third party requester. The request is closed in ROI Plus using the “Closed-Granted” status. No entry in FOIAXpress is required.

**NOTE:** The legal next of kin or personal representative can sign an authorization for the disclosure of the 38 U.S.C. § 7332 protected information to a third party only if the request pertains to survivor benefits. Survivor benefits includes both VA benefits and non-VA benefits, e.g., benefits from a life insurance company or Social Security Administration.

### **2. Records containing 38 U.S.C. § 7332:**

The legal next of kin or personal representative cannot sign an authorization for the disclosure of the 38 U.S.C. § 7332 protected information to a third party if the request does not pertain to survivor benefits. If there is no legal authority to disclose the 38 U.S.C. § 7332 protected information, the information must be withheld under FOIA Exemption 3 and FOIA Exemption 6.

Partial Disclosure – Release Segregable Information

If there is legal authority to disclose the requested record(s), except for 38 U.S.C. § 7332 protected information, the releasable information is processed under the applicable privacy laws and regulations and the 38 U.S.C. § 7332 protected information is processed under the FOIA. The ROI staff will process the request by withholding the 38 U.S.C. § 7332 protected information under FOIA Exemption 3 and Exemption 6. Please refer to VHA Privacy Office Practice Brief, “Redacting 38 U.S.C. § 7332 protected Information” for additional information. It is inappropriate to deny the request in its entirety if portions of the requested records can be released to the requester. All segregable information must be released. If segregable information can be released, the request is closed in ROI Plus as “Closed-Partial”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “Granted/Denied in Part” under FOIA Exemption 3 with the statute code of 38 U.S.C. § 7332 and FOIA Exemption 6.

**NOTE:** 38 U.S.C. § 7332 is never cited in the response letter to the third party. The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, “VHA Freedom of Information Act Program”. The response letter must indicate that information has been withheld under FOIA Exemption 3 and FOIA Exemption 6 and include all FOIA Initial Agency Decision required information.

#### Full Denial – No Segregable Information

If there is legal authority to disclose the requested record(s), except for 38 U.S.C. § 7332 protected information, the releasable information is processed under the applicable privacy laws and regulations and the 38 U.S.C. § 7332 protected information is processed under the FOIA. If at the conclusion of the ROI staff review it is determined that all the requested records contain 38 U.S.C. § 7332 protected information and no segregable information can be released, the request is denied in its entirety under FOIA Exemption 3 and Exemption 6. The request is closed in ROI Plus as “Closed-Denied”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “Denied in Full” under FOIA Exemption 3 with the statute code of 38 U.S.C. § 7332 and FOIA Exemption 6.

**NOTE:** 38 U.S.C. § 7332 is never cited in the response letter to the third party. The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, “VHA Freedom of Information Act Program”. The response letter must indicate that all information has been withheld under FOIA Exemption 3 and FOIA Exemption 6 and include all FOIA Initial Agency Decision required information.

### **3. Clarification or Additional Information Required:**

If the request does not (1) describe the record(s) sought, (2) does not contain a valid authorization or other supporting documentation, e.g., death certificate, birth certificate, executor of the estate, etc. when one is required (3) unable to determine if the request pertains to survivor benefits and the records contain 38 U.S.C. § 7332 protected information or (4) cannot be processed due to other reasons; the ROI staff will place the request in a pending clarification status in ROI Plus for 30 calendar days. The ROI staff will contact the requester in an attempt to resolve the issues, e.g., obtain clarification or obtain a compliant authorization. **NOTE:** Internal comments in ROI Plus should be used to notate actions taken to obtain a compliant authorization.

Once a response is received from the requester or the 30 calendar days have passed, the request status in ROI Plus must be changed from pending clarification to pending which will restart the clock. Disclosure of the requested records will be determined by the response received from the requester:

- A. The requester resolved the issues, e.g., provided clarification or a valid authorization signed by the personal representative received within the 30 calendar days provides for full disclosure.

Since there is legal authority to disclose the requested record(s), including the 38 U.S.C. § 7332 protected information if the information pertains to survivor benefits, in their entirety under all the applicable privacy and confidentiality statutes and regulations, the ROI staff will release all the requested health records to the third party requester. The request is closed in ROI Plus using the "Closed-Granted" status. No entry in FOIAXpress is required.

- B. The authorization received within the 30 calendar days, but upon review it is still invalid for reasons unrelated to 38 U.S.C. § 7332. The request will be denied in its entirety under FOIA Exemption 3 citing 38 U.S.C. § 5701 and Exemption 6. The request is closed in ROI Plus as "Closed-Denied". The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as "Denied in Full" under FOIA Exemption 3 with the statute code of 38 U.S.C. § 5701 and FOIA Exemption 6.

**NOTE:** The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, "VHA Freedom of Information Act Program". The response letter must indicate that all records have been withheld under FOIA Exemption 3, citing 38 U.S.C. § 5701, and Exemption 6 and include all FOIA Initial Agency Decision required information.

C. No Response: if the requester did not respond within the 30 calendar days and the request or any portion of the request cannot be processed as requested, e.g. requested records are not reasonably described, the request will be closed in ROI Plus as “Other Nondisclosure, Not Described” and referred to the FOIA Officer or designee, to provide the response letter to the requester. The FOIA Officer will enter the request into FOIAXpress and send the response letter to the third party indicating that the request was administratively closed due to lack of clarification. The request is closed in FOIAXpress as “Records not reasonably described” under “other reasons”.

#### **4. Not All Requested Records Located**

At the conclusion of the search the requested records or a portion(s) of the requested records are not located, the “no records” portion(s) of the request is processed under the FOIA. **NOTE:** Prior to issuing a “no records” response, ROI staff should check paper records, as applicable to the request.

##### **Partial “No Records” Response**

If there is legal authority to disclose the records that are found, they are disclosed in their entirety under the applicable privacy laws and regulations. The portion of the request that is not located is processed under the FOIA. The request is closed in ROI Plus as “Closed-Partial Granted”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “Granted/Denied in Part” and selecting “Partial Grant/Denial with no exemption codes applied- (based on some requested records are found and released in full and other requested records are not found)”.

**NOTE:** The single facility response letter must be signed by an individual with signature authority for FOIA requests, such as the facility FOIA Officer or designee. Only the facility Director can designate signature authority to an individual for FOIA requests. Please refer to VHA Directive 1935, “VHA Freedom of Information Act Program”. The response letter must indicate which records are processed under the applicable privacy laws and regulations and which records are unable to be located and processed under the FOIA. The response letter must include all FOIA Initial Agency Decision required information.

##### **Full “No Records” Response**

The request is processed as a FOIA request by the facility FOIA Officer or designee. The request is closed in ROI Plus as “Other Nondisclosure-No Records”. The request must also be entered into FOIAXpress. The request is closed in FOIAXpress as “other reasons” and selecting “no records”. The single facility response letter must include all FOIA Initial Agency Decision required information.

**Attachment:**

ROI Plus and FOIAXpress Disposition Table for Third Party Health Records Requests

**Dissemination:**

Please share with program offices or facility departments you feel would benefit from this information.

**References:**

VHA Directive 1605.01, *Privacy and Release of Information*

VHA Directive 1935, *FOIA Program*

VHA Privacy Office Practice Brief, *Completion of VA Form 10-5345, Request for and Authorization to Release Health Information*

VHA Privacy Office Practice Brief, *Redacting 38 U.S.C. § 7332 Protected Information*

VHA Privacy Office Fact Sheet, *Written Requests for Records*

**Recession(s):**

None

For Privacy related questions, please contact the VHA Privacy Issues Mail group ([VHAPrivIssues@va.gov](mailto:VHAPrivIssues@va.gov)) or visit the [VHA Privacy Office SharePoint](#). For FOIA related questions, please submit your questions through the FOIA Office SharePoint [Help Button](#). For Health Information Management (HIM) related questions, please contact the HIM VA Staff Mail group ([VHAHIGHIMVASTaff@va.gov](mailto:VHAHIGHIMVASTaff@va.gov)).

## ROI Plus and FOIAXpress Disposition Table for Third Party Health Records Requests

Individual to Whom the Records Pertain	Original Release Determination	Place in Pending Clarification Status in ROI Plus for 30 Calendar Days	Second Release Determination	ROI Plus Closure	FOIAXpress Closure
Living Individual	Legal authority to disclose in full	No	N/A	Closed-Granted	No entry in FOIAXpress
	Request cannot be processed due to one or more of the following: <ul style="list-style-type: none"> <li>• Records not described</li> <li>• No valid authorization</li> <li>• No legal authority to disclose 7332 protected information contained in the records</li> <li>• Cannot be processed due to other reasons</li> </ul>	Yes	All issues resolved which allows full disclosure	Closed-Granted	No entry in FOIAXpress
			Legal authority does not permit disclosure of 7332 protected information	Segregate information and disclose what you can, closed partial, citing exemptions 3 and 6	Granted/Denied in Part, FOIA exemption 3 (7332) and 6
				All records contain 7332 protected information, closed-denied, citing exemptions 3 and 6	Denied in full, FOIA exemption 3 (7332) and 6
			Invalid authorization	Closed-denied, citing exemption 3 38 USC 5701 and 6	Denied in full, FOIA exemptions 3 (5701) and 6
			No response	Other nondisclosure, not described	Other reasons, records not reasonably described
	Legal authority to disclose, however only part of the records located	No	N/A	Closed-Partial Granted, no records	Granted/Denied in Part, Partial grant/denial with no exemption codes applied.
	Legal authority to disclose, however none of the records located	No	N/A	Other nondisclosure-no record	Other reasons, No records

## ROI Plus and FOIAXpress Disposition Table for Third Party Health Records Requests

Individual to Whom the Records Pertain	Original Release Determination	Place in Pending Clarification Status in ROI Plus for 30 Calendar Days	Second Release Determination	ROI Plus Closure	FOIAXpress Closure
Deceased Individual	Legal authority to disclose in full, including 7332 protected information as request pertains to survivorship benefits	No	N/A	Closed-Granted	No entry in FOIAXpress
	Legal authority to disclose, except for 7332 protected information. No legal authority to disclose 7332 protected information, e.g., request does not pertain to survivor benefits.	No	N/A	Segregate information and disclose what you can, closed partial, citing exemptions 3 and 6	Granted/Denied in Part, FOIA exemption 3 (7332) and 6
				All records contain 7332 protected information, closed-denied, citing exemptions 3 and 6	Denied in full, FOIA exemption 3 (7332) and 6
	Request cannot be processed due to one or more of the following:  <ul style="list-style-type: none"> <li>• Records not described</li> <li>• No valid authorization</li> <li>• Cannot be processed due to other reasons</li> </ul>	Yes	All issues resolved which allows full disclosure	Closed-Granted	No entry in FOIAXpress
			Invalid authorization, unrelated to 7332 information	Closed-denied, citing exemption 3 38 USC 5701 and 6	Denied in full, FOIA exemptions 3 (5701) and 6
			No response	Other nondisclosure, not described	Other reasons, records not reasonably described
	Legal authority to disclose, however only part of the records located	No	N/A	Closed-Partial Granted, no records	Granted/Denied in Part, Partial grant/denial with no exemption codes applied.
	Legal authority to disclose, however none of the records located	No	N/A	Other nondisclosure-no record	Other reasons, No records