

Certification of the Department of Veterans Affairs Compliance with Freedom of Information Act Reading Room Requirements

A. Statement of Internal Review of Agency FOIA Reading Room

In order to comply with Department of Justice (DOJ) instructions to certify that VA is in compliance with the FOIA's Reading Room requirements, the Department of Veterans Affairs (VA) conducted an internal review of its FOIA Reading Room for purposes of determining whether it was in compliance with the legal requirements for FOIA Reading Rooms.

Internal Review Methodology

Although VA is a highly decentralized agency consisting of three Administrations and several Staff Offices and Organizations, it has only one FOIA Reading Room, which is maintained by the Agency Chief FOIA Officer (ACFO). On August 21, 2008, the ACFO took a snapshot of the contents of the VA's Reading Room to assess whether it satisfied the requirements of the FOIA. Where a deficiency was identified it was remediated as described later in this report.

Discussion

The four categories of records that are required to be made available for "public inspection and copying," are:

1. Final Opinions;
2. Agency Policy Statements;
3. Administrative Staff Manuals and Instructions to staff that affect a member of the public; and
4. Frequently Requested Documents.

(5 U.S.C. § 552(a)(2)).

When the FOIA was first enacted, agencies complied with the reading room requirement by maintaining physical premises where the public could inspect and copy records. However, with the advent of the internet, and the E-FOIA Amendments of 1996, agencies were required to make records that were created on or after November 1, 1996, available to the public by "electronic means." The E-FOIA amendments gave rise to the use of electronic Reading Rooms on their FOIA websites.

A review of the VA's FOIA Reading Room (located at http://www.foia.va.gov/FOIA_ReadingRoom.asp) revealed that VA was

substantially in compliance with FOIA Reading Room requirements. Three of four categories of records were available via the VA's E-Reading Room:

- Agency Policy Statements were posted at:
http://www1.va.gov/vapubs/search_action.cfm?dType=1
- Administrative Staff Manuals and Instructions to staff that affect a member of the public were posted at:
http://www1.va.gov/vapubs/search_action.cfm?dType=2; and
- Frequently Requested Documents were posted at:
http://www.foia.va.gov/FOIA_Frequently.asp

In addition, at the time the snapshot was taken, the Reading Room further met the spirit and letter of the law in other ways:

- It was organized in an easily navigable fashion;
- All documents were indexed and hyperlinked;
- The FOIA Reading Room contained a link to the VA Publications website where copies to all department-wide policies, handbooks and directives are publicly available; and
- All frequently requested records were indexed by providing a link to each document.

The minor issues discovered were some information in the reading room was either (1) outdated; or (2) not available, discussed in more detail below. Corrective steps were taken to remedy the errors, and now each category listed above is available to the public through VA's Reading Room.

B. Two Reading Room Deficiencies Identified and Corrective Actions Taken

Deficiency 1 – Outdated information posted in the Reading Room

The second heading in the FOIA Reading (see attachment 1) "FOIA Reading Room," contains a chart that lists the Central Office locations that maintain physical Reading Rooms. The ACFO contacted the FOIA Officer for each office listed to verify the accuracy of the information in the chart and made changes to the chart as appropriate.

The majority of VACO components no longer maintain a conventional Reading Room. The result of the survey revealed that only three offices in VA Central Office (VACO) maintain a traditional Reading Room. These offices

will continue to be identified in the chart. This section of the Reading Room has been modified to include the following statement to visitors of the site:

Upon request, access to the VA's electronic Reading Room will be provided by contacting the FOIA Officer for the office whose records you wish to review. A list of VACO FOIA Officers is available at http://www.foia.va.gov/FOIA_Offices.asp.

Deficiency 2 – Required Information Not Posted in Reading Room

As discussed earlier in this report, the FOIA requires that four categories of information be included in a reading room. The August 21, 2008 Snapshot shows the Reading Room page contains a link to the VA Publications page, which in turn contains a list with hyperlinks to all VA handbooks and directives, as well as other policy documents pertaining to the Office of Information and Technology, under which the ACFO is located. However, a deficiency existed in that final opinions, policy statements, administrative staff manuals and instructions of VA's Administrations (VHA, VBA, and NCA) were not listed on the Department's FOIA Reading Room. The ACFO addressed and corrected this deficiency by creating links to the Administration publications that were not located in the FOIA Reading Room.

C. Certification

After reviewing and remedying the two deficiencies discussed above, I certify that the VA Reading Room is in compliance with the requirements of the FOIA.