



DEPARTMENT OF VETERANS AFFAIRS

Office of Inspector General

Washington DC 20420

SEP 18 2015

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is in response to your letter of June 23, 2015, concerning potential political influence in the processing of Freedom of Information Act (FOIA) requests within the Department of Veterans Affairs from January 1, 2007, through the date of your letter. Your letter also requested a certification from the Chief FOIA Officer for the Department that no non-career officials were involved in the response to any FOIA request or if involved, the involvement never resulted in the undue delay or provision of less information than would have otherwise been provided.

VA's FOIA process is highly decentralized both in the field and in VA Central Office (VACO). The Veterans Health Administration, Veterans Benefits Administration, and National Cemetery Administration are each responsible for processing information requests within their respective organizations. Many FOIA requests are handled directly by the VA field facility where a request for information is received. Other requests are processed by various offices within VACO. There are no political appointees in VA who have responsibility for responding to FOIA requests.

The Office of Inspector General (OIG) prepared a survey that was issued to all VA FOIA officers and offices through the VA Principal Deputy Assistant Secretary for Information and Technology who serves as the VA Chief FOIA Officer. Enclosed is a sample copy of the survey questionnaire. We analyzed the responses submitted by the individuals and offices who responded to the survey. The survey asked that the respondent list the date they began working as a FOIA officer. Most of the individuals who responded had not been in their positions for the time period covered by the request.

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The Honorable Ron Johnson

Only one respondent stated that a political appointee was involved in the FOIA process. This was not unexpected since the majority of FOIA requests are processed in the field, not VACO, and there are no political appointees at field locations. The positive response was from an individual in the Office of the Executive Secretariat. The respondent, who has been a FOIA official since October 2010, stated that this single incident did not result in the undue delay of a response to a FOIA request or the provision of less information than would have otherwise been provided.

To complete our analysis, we reviewed contacts to the OIG Hotline to determine whether the survey results from VA FOIA officers and offices were consistent with data collected independent from the survey. We searched from fiscal year 2007 through present and did not identify any Hotline contacts related to interference by political appointees in the FOIA process.

As requested by the Committee, we obtained the enclosed certification by VA's Chief FOIA Officer stating to the best of his knowledge and based on the survey results that only one instance of involvement by a political appointee occurred, but that it did not result in undue delay or the provision of less information than would have otherwise been provided.

Sincerely,


LINDA A. HALLIDAY
Deputy Inspector General

Enclosures

Copy to: The Honorable Tom Carper, Ranking Member, Senate Committee on
Homeland Security and Governmental Affairs

**Office of Inspector General, Department of Veterans Affairs
Survey Questionnaire to VA FOIA Officials**

To: VA FOIA Officers

In order to respond to a request for information from the U.S. Senate Homeland Security and Government Oversight Committee addressing potential political influence in the Freedom of Information Act (FOIA) process, please provide the following:

Your Name:

Title:

Duty Location:

Tenure as FOIA official: From: _____, To: _____,

For the period between January 1, 2007, to the present:

- a. Has a Political Appointee (PA) ever been involved in a FOIA response process you have been involved in: Yes _____, No _____, if so,
- b. Did the PA's involvement resulted in any undue delay of a response to any FOIA request or the withholding of any document or portion of any document that would have otherwise been released: Yes _____, No _____.

If a PA's involvement in the FOIA process did result, in undue delay of the release of, or withholding of FOIA requested material that would have otherwise been released, please provide the following:

- a. Contents of the FOIA request;
- b. Recommendation by the department or agency's FOIA officer as to what information should be disclosed in response to the request;
- c. Name(s) and position(s) of PA(s) who were involved with the response process;
- d. Details and supporting documents related to the processing of the response to the FOIA request (including ;
- e. Documents that were ultimately disclosed in response to the request;
- f. Documents or information that were not disclosed in response to the FOIA request because of the PA's(s') involvement, and
- g. Basis articulated by the PA for delaying or refusing to disclose the requested information.

The Senate has also requested a written certification from the department's chief FOIA officer reflecting that for the period between January 1, 2007 to present: 1) no non-career officials were involved in the department or agency's response to any FOIA request, or 2) if such involvement occurred, the involvement of non-career officials has never resulted in the undue delay of a response to a FOIA request or the provision of less information than would have been provided but for the involvement of the non-career officials. The HSGAC has also requested a reason from any department chief FOIA officer who refuses to provide the written certification.

**Department of
Veterans Affairs**
AUG 24 2015

Memorandum

Date:

From: Principal Deputy Assistant Secretary for Information and Technology (005A)

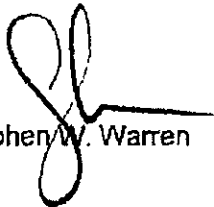
Subj: Statement Concerning Involvement of Political Appointees in Responding to Freedom of Information Requests (VAIQ #7628879)

To: Office of Inspector General (50)

1. This is in response to your request on behalf of the Senate Committee on Homeland Security and Governmental Affairs concerning the involvement of Political Appointees in responding to requests under the Freedom of Information Act (FOIA). A department wide survey was conducted to determine if any VA FOIA Officers had been contacted or had their response either influenced or delayed by Political Appointees. Only one office indicated there was Political Appointee involvement in the processing of FOIA responses but that the involvement did not result in a delay of a response or the withholding of any document or portion of any document that would have otherwise been released

2. As the designated Chief FOIA Officer for the Department of Veterans Affairs, to the best of my knowledge and based on the results of this survey, for the period between January 1, 2007 to present, there was only one instance of a Political Appointee involved in the department or agency's response to any FOIA request, and the involvement of the Political Appointee did not result in the undue delay of a response to a FOIA request or the provision of less information than would have been provided but for the involvement of the non-career official.

3. If you have any questions, contact John Buck at 202-632-7385.



Stephen W. Warren