

The National Security Archive

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March 8, 2007

Via Facsimile

Sally Wallace
Agency Chief FOIA Officer (005G)
Office of eGov and Records Management
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, D.C. 20420

Dear Ms. Wallace:

We are writing to give you advance notice of our findings about the Department of Veterans Affairs' FOIA performance. We have just completed the National Security Archive's fifth government-wide audit, "The Knight Open Government Survey."

As part of our ongoing efforts to ensure agency compliance with the FOIA, the Archive recently audited nearly 150 government agency and component Web sites to assess whether they had implemented the 1996 E-FOIA Amendments. The audit included the FOIA Web sites of all 91 agencies subject to FOIA and 58 agency components that received more than 500 FOIA requests in fiscal year 2005. The Web site reviews were completed at the end of February 2007.

Our reviewers followed a standardized methodology to assess each site. They examined whether the sites included required records in their electronic reading rooms and whether the sites included mandatory guidance materials and other essential information for FOIA requesters. Our report, including our specific findings for each agency, will be released March 11, 2007 and will be available on our Web site at www.nsarchive.org.

Our audit identified the Department of Veterans Affairs as one of the worst agencies with regard to E-FOIA compliance. We found several areas where your FOIA Web site fails to fulfill both the letter and the spirit of the 1996 E-FOIA Amendments. Specifically:

- FOIA requires that each agency provide a handbook for obtaining various types and categories of public information from the agency. Our review of the VA FOIA Web site found that several key elements necessary for a handbook were missing. These include information on fees, how to apply for a fee waiver or expedited processing, information on the FOIA exemptions, and how the FOIA requester can check on the status of his/her FOIA request.
- FOIA requires that each agency shall make available to the public: agency rules, opinions, orders, records, and proceedings. At present, the electronic reading room of the VA FOIA page – under the "Agency Policy" heading – provides links to numerous documents such as manuals,

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handbooks, and directives, among others. These links, however, do not work and lead a FOIA user to a “page cannot be found” error message.

- Additional nonfunctioning links include the following: manuals, handbooks, and directives under “Budget and Financial Management”; all links under “Human Resources Management”; all links under “Information and Technology”; and all links under “General Management and Administration.”

We hope that you will take this opportunity to review your agency’s FOIA Web site and make improvements that will bring your agency in line with Congress’s vision when it passed the E-FOIA amendments ten years ago. Please do not hesitate to contact us to discuss your FOIA Web site or any questions you may have regarding our audit.

Sincerely,

Thomas S. Blanton
Executive Director

Meredith Fuchs
General Counsel