

## Follow-up to Compliance Assessment of the Freedom of Information Act (FOIA) Program at the U.S. Department of Veterans Affairs

Date OGIS Report Issued: September 26, 2025

Date of OGIS 120-day Follow-up Package<sup>1</sup>: March 24, 2026

Date of VA Response: May 22, 2026

The Freedom of Information Act (FOIA), which established the Office of Government Information Services (OGIS), 5 U.S.C. § 552(h), mandates that the office review agencies' FOIA policies, procedures and compliance. We assessed the FOIA program at the U.S. Department of Veterans Affairs (VA) and issued a report of our findings and recommendations on September 26, 2025. As part of our compliance assessment, we follow up with agencies 120 days later to understand the actions that the agency took and/or plans to take to address our recommendations for improving the administration of FOIA.

**Finding 1: VA acknowledged requests in an average of two weeks after receipt in fiscal year (FY) 2024, but veterans seeking their own records from the Veterans Benefits Administration (VBA) waited an average of five months to receive records.**

*Recommendation 1: VA should be transparent about the time it takes veterans to obtain their own benefits records.*

**Agency Response:** In February 2026, the Department of Veterans Affairs (VA) FOIA Service added estimated completion dates (ECD) to the Department FOIA response templates as required by FOIA. We appreciate the importance of setting clear expectations and providing accurate, timely information to Veterans seeking access to their records.

VBA will update their Privacy Act request website to include ECD by July 1, 2026.

**Finding 2: VA's handling of first-party requests, particularly with regard to the intersection between FOIA and the Privacy Act, is complex and confusing.**

*Recommendation 2: VA should consider whether its current processes best serve the needs of veterans who are requesting their own records.*

**Agency Response:**

VA recognizes that first-party requests, particularly those implicating both the Privacy Act and the FOIA, can involve complex procedural and legal considerations. In October 2025, VA completed redesigning the public-facing FOIA website into a single, concise page with eight clearly defined, user-friendly links, enabling requesters to quickly

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<sup>1</sup> OGIS counted the 120 days from November 14, 2025, after the government shutdown between October 1, 2025, and November 12, 2025.

identify the type of FOIA or Privacy Act request they need to submit and access the resources most relevant to their type of request.

Across administrations and staff offices, VA will continue to actively evaluate and refine its processes to ensure they effectively serve Veterans requesting their own records. These efforts, including improved communication, enhanced training, system updates, standardized procedures, and dual-statute review to maximize access, reflect VA's commitment to improving both operational efficiency and the overall Veteran experience.

**Finding 3: VA's confusing communication to veterans seeking their own benefits records prevents them from knowing whether they can expect administrative rights under FOIA. (Recommendations 3-5)**

*Recommendation 3. VBA should remove administrative appeal rights from its first-party request acknowledgment letters and add those rights to final determination letters in accordance with FOIA.*

**Agency Response:**

In April 2025, during the OGIS Compliance assessment, VBA revised its acknowledgment letter to remove administrative appeal rights from the initial acknowledgment correspondence. VBA now includes appeal rights, as appropriate, in final determination letters, ensuring compliance with FOIA and clearer communication to requesters regarding when appeal rights are triggered.

*Recommendation 4. When VBA uses FOIA exemptions to withhold information from veterans benefits files, it should inform requesters of the correct 90-day appeal window in all final determination letters in accordance with FOIA.*

**Agency Response:**

In April 2025, VBA revised its "Partial Grant" and "Full Grant" determination letter templates. Both letter templates now clearly provide the required 90-calendar-day timeframe for submitting an administrative appeal following an adverse determination.

*Recommendation 5. When VBA uses FOIA exemptions to withhold information from veterans benefits files, it should inform requesters of the availability of its FOIA Public Liaison and OGIS.*

**Agency Response:**

In April 2025, VBA revised its "Partial Grant" and "Full Grant" determination letter templates. Both templates now inform requesters of the availability and contact information for the Office of General Counsel for appeals, the VBA FOIA Public Liaison (FPL), and OGIS.

**Finding 4: VA is not consistently complying with the FOIA statutory requirement to provide requesters with estimated dates of completion (EDCs) upon request. (Recommendation 6)**

*Recommendation 6. If VA tells requesters that records will be processed under FOIA, VA should comply with FOIA's statutory mandate of providing estimated dates of completion upon request.*

**Agency Response:**

In February 2026, the VA FOIA Service added ECDs to the Department FOIA response templates as required by FOIA. We appreciate the importance of setting clear expectations and providing accurate, timely information to Veterans seeking access to their records.

The Veterans Health Administration (VHA) FOIA Office added the requirement to provide ECDs to the May 2026 agenda for its national monthly training call with all VHA FOIA Officers. The VHA FOIA Office will reinforce this requirement throughout the year and provide guidance on documenting ECDs within the agency's electronic FOIA case management system.

VBA FOIA Office added ECDs to the FOIA response acknowledgment templates in May 2026. For the VBA Privacy requests for Veteran Claims Files (C-Files) that are required to be processed under both the FOIA and Privacy Act, the ECD will be provided when interacting with requesters and cited on the Privacy Act website.

**Finding 5: Letters from VA's FOIA program to requesters are not written in plain language. (Recommendation 7)**

*Recommendation 7. VA should review all requester communications related to the FOIA program and re-write as needed all template letters to remove confusing, technical, or legal jargon, and ensure plain language.*

**Agency Response:**

In August 2025, the VA FOIA Service initiated a review of all FOIA Program templates and completed revisions by March 2026 to ensure the template letters comply with the Plain Writing Act, Department of Justice FOIA guidance, and VA policy.

In March 2026, the NCA and VBA FOIA Offices confirmed their template revisions were also complete. VHA is continuing to review and revise their template letters with an ECD of June 2026.

**Finding 6: VA's reporting on the administration of FOIA appears to be inconsistent, complicating review of the FOIA program's performance. (Recommendations 8-10)**

*Recommendation 8. VA should establish new procedures and quality control checks to ensure consistency in the statute's data reporting requirements.*

**Agency Response:**

For the FY 2025 VA Annual FOIA Report, the VA FOIA Service established new procedures and quality control checks to ensure consistency in the statute’s data reporting requirements by conducting monthly and weekly reviews of various datapoints to ensure accurate reporting.

*Recommendation 9. VA should use the final determination date rather than the acknowledgement date for annual FOIA reporting in accordance with FOIA.*

**Agency Response:**

VA uses the final determination date for annual FOIA reporting in accordance with FOIA.

*Recommendation 10. Congress should consider asking the Government Accountability Office (GAO) to conduct an audit of VA’s compliance with FOIA’s data reporting requirements in accordance with the statute, 5 U.S.C. § 552(i).*

**Agency Response:**

As this recommendation is directed at Congress, VA recognizes that any decision to initiate such an audit rests with the legislative branch. VA remains committed to cooperating fully with congressional oversight activities and any review conducted by GAO.

**Finding 7: VA’s decentralized system for obtaining records relies on collateral duty staff to locate records and process requests for records which slows the process. (Recommendation 11)**

*Recommendation 11. The Veterans Health Administration (VHA) and VBA should each review the structure of their FOIA programs to align their workforce with the FOIA needs of each component.*

**Agency Response:**

VA’s ongoing agency reorganization and realignment efforts present an opportunity to consolidate FOIA processing where appropriate. The VHA FOIA Office supports centralizing processing of non-health record FOIA requests in dedicated, full-time units.

VBA reports that collateral duty staff process less than 1% of its total FOIA inventory. Full-time FOIA Officers provide support to these collateral duty staff as needed, ensuring both continuity and adherence to statutory requirements while maintaining workforce efficiency.

**Finding 8: The technology and systems that VA uses to maintain records and process FOIA requests are siloed and not always efficient. Multiple programs**

**are used to process FOIA requests and the platforms are unable to communicate with each other. (Recommendation 12)**

*Recommendation 12. VA should ensure that systems used to maintain records and process FOIA requests are able to efficiently meet statutory requirements, and allow the primary FOIA case management system to assist with management controls and records management.*

**Agency Response:**

VA recognizes that modern, integrated systems are essential for timely processing, accurate reporting, and consistent oversight of FOIA and Privacy Act requests. Ensuring that case management tools effectively track requests, facilitate retrieval, and support compliance with statutory deadlines is a priority for the Department.

**Finding 9: Communication about VA’s FOIA program on the agency’s website is not always clear and consistent, and there is no FOIA handbook as required by the FOIA statute. (Recommendations 13 and 14)**

*Recommendation 13. VA should finish and post the FOIA handbook to the VA FOIA webpage in accordance with 5 U.S.C. § 552(g)(3).*

**Agency Response:**

VA continues to refine the content available on the agency’s website with detailed information regarding how to submit a FOIA request to obtain various types and categories of public information from VA in accordance with 5 U.S.C. § 552(g)(3). The latest revisions, completed in October 2025, included specific instructions for the public to request personal health records (VHA), burial records (NCA) and administrative and operations records (FOIA Service) and of course benefits (VBA).

*Recommendation 14. VA should review its FOIA library as well as the VA FOIA website to ensure all information about veterans records and the FOIA process is current and written in plain language.*

**Agency Response:**

In October 2025, VA completed the redesign of our public-facing FOIA website to include the FOIA Library, to ensure accurate information written in plain language.

**Finding 10: VA’s FOIA program contact information and FOIA Public Liaison information on FOIA.gov, the government’s central website for FOIA, is often not correct. (Recommendation 15)**

*Recommendation 15. VA should establish a quality control process to ensure all of its agency and subcomponent offices’ contact information is up-to-date and current on [FOIA.gov](https://www.foia.gov).*

**Agency Response:**

The VA FOIA Service reviews the agency and subcomponent offices' contact information and FPL information monthly on the VA FOIA.gov website to ensure they are current.