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CHAPTER 294. AVAILABILITY OF OFFICIAL INFORMATION

1. SCOPE

This chapter contains the policy, procedures and instructions applying to the release of information from personnel records in the custody of the VA, including information under the jurisdiction and control of the OPM.

2. POLICY

Within the guidelines set forth in 5 CFR 294, the VA will honor requests for information from personnel records established and maintained under OPM regulations and instructions. These records, outlined in OPM's Guide To Personnel Record Keeping, are under the jurisdiction and control of OPM. Field station heads will, in each instance, assure that the release of information from personnel records meets the criteria established by the OPM.

3. REFERENCES

- a. OPM's Guide To Personnel Record Keeping
- b. OPM's Guide To Processing Personnel Actions
- c. 5 CFR 294.
- d. MP-6, part V, supplement No. 1.5.

4. RELEASE OF OFFICIAL PERSONNEL FOLDERS

Persons authorized access to personnel folders shall be informed that the information contained in the folders is for official use and must be kept confidential. Individuals having custody of personnel folders will assure themselves that folders are released only to authorized persons. The procedures in, OPM's Guide To Personnel Record Keeping will be followed prior to disclosure of an Official Personnel Folder.

5. PERSONS AUTHORIZED ACCESS TO PERSONNEL INFORMATION

a. VA Officials. Responsible VA operating and administrative officials may have access to personnel information when in the performance of their official duties or responsibilities. These officials include EEO counselors and investigators and members of promotion panels.

b. Other Federal Officials. Officials of OPM, the General Accounting Office, and other Federal officials, in the performance of their official duties and presenting appropriate identification, may have access to personnel information and records. The method of transmission and receipt of such information should safeguard its confidential nature and protect its security.

6. RESPONDING TO REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

a. General. Requests for information from personnel records will be considered to have been made under the Freedom of Information Act (FOIA) whether or not they are so identified by the requester. Requests from individuals for access to records pertaining to them from a "system of records" will be processed under chapter 297. Requests from individuals for information pertaining to them which is contained in other than a published "system of records" (e.g., merit promotion files) will be processed as a FOIA request. Requests under FOIA will be in writing unless the information requested is so easily accessible that the request could more efficiently be requested and answered verbally. The responsible station official, the field station head or designee, must promptly evaluate each requests, determine within 10 working days after receipt whether the station will comply with the requests, based on the criteria set forth in CSC Regulation 294 and this chapter, and notify the requester immediately. In unusual circumstances, as outlined in VA Regulation 553.1, an extension of the 10 working day requirement may be made. The requester will be notified in writing of the delay and the request will be answered in not more than 10 additional work-days.

b. Records Under OPM Jurisdiction. Those records and files required by 5 CFR 293, including Official Personnel Folders, are maintained by the VA, but are under the control of the OPM. When information contained in these records cannot be released, the requester will be informed of the specific reason, citing the applicable regulation or OPM reference. The requester will also be advised that the information being sought comes under the control of OPM and that he or she may appeal the denial, within 10 workdays, to the Assistant Executive Director for Freedom of Information and Privacy, U.S. OPM, 1900 E Street, NW, Washington, D.C. 20415.

c. Other Personnel Records. Other personnel records, such as VHA professional standards board action folders, MPI folders, etc., are under VA control. If a request for information from such records is denied, the requester will be told the reason for the denial, citing the applicable VA regulation which prohibits the release, and of the right to appeal the denial to the Secretary of Veterans Affairs, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, D.C. 20420.

d. Denials. All denials for information from records maintained by the VA will be made a matter of record (VA Form 07-7259) and will be included in the station's "Annual Report of Compliance with the Freedom of Information Act" (RCS 075-2).

e. Fees. Charges for information, if any, will be determined based on section 555 of VA regulations. If a fee is involved for a listing from the PAID System, the Austin DPC will not proceed to prepare the listing until it has been notified by the station that payment of the estimated fee has been made. Any adjustments of the fee will be made at the time the information is delivered to the requester. The station will notify the Austin DPC when a request has been withdrawn.

7. REQUESTS FOR INFORMATION FROM PERSONNEL RECORDS

a. Information Available from the PAID System

(1) Standard Listings. If it is determined that the information may be released, and if the information can be readily prepared locally, it will be prepared by the station and furnished the requester. If the preparation of the information creates an undue workload at the station, one of the standard listings supplied through the PAID System may be requested, as appropriate. These standard listings are outlined in VA Manual MP-6, Part V, supplement No. 1.5, chapter 6. A request for a standard listing will be made to the Director, Austin DPC, and the requester advised as to when the listing will be available and of the charges involved, if any.

(2) Nonstandard Listings. If the information may be released but the standard listings available are not appropriate and the information can be retrieved from the PAID System, a request will be forwarded to the Office of Human Resources Management, PAID Systems, (054C2), VACO through channels, with station-prepared details on the desired format and the specific information requested. Upon receiving a reply from Central Office, the station will advise the requester when the information will be available and the charges involved, if any.

b. Medical Information. The VA will adhere to the policy outlined in OPM's Guide To Personnel Record Keeping and 5 CFR 294 response to requests for medical information from the medical records which are controlled by OPM. Medical information about an applicant or employee is not made available to the public. Medical information from these records about an applicant or employee may be disclosed to the applicant, employee or to a representative designed in writing, except that medical information concerning a condition of such a nature that a prudent physician would hesitate to inform a person suffering from it of its exact nature and probable outcome, may be disclosed only to a licensed physician designated in writing for that purpose by the individual or by the individual's designated representative.

c. Members of the Public. The name, present and past position titles, grade, salary and duty station (including room numbers and other identifying information regarding buildings or places of employment) of a VA employee are public information and may be released to a member of the public except as prohibited in OPM's Guide To Personnel Record Keeping and 5 CFR 294.

d. Credit Firms. Information available to the public under paragraph c above will be provided, upon request. In addition, the following information may be verified for credit purposes: tenure of employment, Civil Service status, and length of service with the VA and the Federal Government. If a written request from an employee who has applied for credit is provided, additional information may be supplied.

e. Examination Papers and Related Material. Information about or in examination papers, qualification questionnaires, and related material attached to examination papers is not available to the public. The qualification questionnaire obtained in the examining process is obtained under a pledge of confidence that it will be reviewed only by OPM, the VA and persons authorized to review OPM's investigative material.

8. INFORMATION FROM OPM INSPECTION REPORTS

In response to requests from sources outside the Federal Government for information from OPM inspection reports, the VA will handle those reports in the manner outlined in 5 CFR 294.

9. REQUESTS FOR INFORMATION FROM OTHER RECORDS

a. The VA will adhere to the guidelines of 5 CFR 294 in response to requests for information contained in other files and records regulated and controlled by OPM and established by the VA in connection with investigative reports, appeals, leave and retirement.

b. Information pertaining to claims filed with the Office of Workers Compensation programs may be released only upon prior approval of the Department of Labor.