



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

May 26, 2023

Ms. Catherine McMullen
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036

Re: OSC File No. DI-22-000680-000682-000742

Dear Ms. McMullen:

This is in response to your August 2, 2022, letter regarding allegations reported by a Department of Veterans Affairs (VA) whistleblower concerning conduct and related matters in Washington, DC.

We would like to request a 5th 60-day extension for submission of the report. While the Office of Information and Technology (OIT) has completed interviews of the whistleblowers and management officials in the VA Privacy and FOIA offices and consultation with IT security subject matter experts, additional witnesses are planned for interview to fully document the circumstances surrounding the allegations. As a result, additional time is needed to ensure continuity in VA's response and to continue the concurrence process as well as obtain approval from VA leadership.

As is custom with multiple extension requests, we are providing you with the findings from our review. Preliminary findings are updated as follows:

- Allegation #1: At the onset of this investigation, this allegation was fully substantiated. Actions have since been implemented and others planned for implementation that will provide some protection to whistleblowers identities, their submissions, and PII in VIEWS. These actions and plans are being evaluated and recommendations are being developed to enhance these protections as may be necessary.
- Allegation #2: At the onset of this investigation, this allegation was fully substantiated. Actions have since been implemented and others planned for implementation that will provide some protection to Veteran PII in VIEWS. These actions and plans are being evaluated and recommendations are being developed to enhance these protections as may be necessary.

The below two allegations were added after interviewing the whistleblowers.

- Allegation #3: Unable to substantiate that VA Officials fail to include VIEWS in FOIA and Privacy Act requests. When asked, the VA FOIA Office was able to quickly identify at least three recent cases where VIEWS was searched, and

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material was reviewed for relevancy and ultimate release to the requester. The Privacy Service was unable to provide similar results, however, the nature of VIEWS taskings would almost never have a Privacy Act nexus.

- Allegation #4: Unable to substantiate that VA Police use VIEWS as a source of information on people who are being investigated or suspected of criminal activity. Current capabilities for tracking VIEWS user activity are limited and do not provide user browsing or viewing history. Although several VA Police Services have active VIEWS users, there is currently no definitive way to analyze the viewing activities of these users. Recommendations are being developed to improve VIEWS audit logging capabilities.

Thank you for your consideration of this request. Should you have additional questions, please contact [REDACTED] at [REDACTED] or [REDACTED]

Sincerely,

[REDACTED]