through 1.526, appeal such denial. Such appeal, stating the circumstances of the denial, should be addressed, as appropriate, to the field facility, administration, or staff office head.

(b) A denial action not reversed by a field facility, administration, or staff office head on appeal, will be referred through normal channels to the General Counsel.

(c) The final agency decision in such appeals will be made by the General Counsel or the Deputy General Counsel.


RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS OTHER THAN CLAIMANT RECORDS

NOTE: Sections 1.550 through 1.559 concern the availability and release of information from files, records, reports, and other papers and documents in Department of Veterans Affairs custody other than those pertaining to claims under any of the laws administered by the Department of Veterans Affairs. As to the release of information from Department of Veterans Affairs claimant records, see §§ 1.500 through 1.527. Section 1.550 series implement the provisions of 5 U.S.C. 552.

[40 FR 12656, Mar. 20, 1975]


§ 1.550 General.

The Department of Veterans Affairs policy is one of disclosure of information from agency records to the extent permitted by law. This includes the release of information which the Department of Veterans Affairs is authorized to withhold under 5 U.S.C. 552(b) (see § 1.554) if it is determined: (a) By the Secretary of Veterans Affairs or the Deputy Secretary that disclosure of such information will serve a useful purpose or (b) by an administration, staff office, or field facility head or designee under § 1.556(a) that disclosure will not adversely affect the proper conduct of official business or constitute an invasion of personal privacy.

[40 FR 12656, Mar. 20, 1975]
or promulgated after July 4, 1967, that
affects any member of the public may
be relied upon, used, or cited as prece-
dent against any private party unless
it has been indexed and either made
available or published as provided in
this section or unless that private
party shall have actual and timely no-
tice of the terms thereof.

§ 1.553 Public access to other reason-
ably described records.

(a) Except for requests for records
which are processed under §§ 1.551 and
1.552 of this part, unless otherwise pro-
vided for in title 38, Code of Federal
Regulations, all requests for records
shall be processed under paragraph (b)
of this section, as well as under any
other VA law or regulation governing
access to or confidentiality of records
or information. Records or information
customarily furnished to the public in
the regular course of the performance
of official duties may be furnished to
the public without reference to para-
graph (b) of this section. To the extent
permitted by other laws and regula-
tions, VA will also consider making
available records which it is permitted
to withhold under the FOIA if it deter-
mines that such disclosure could be in
the public interest.

(b) Reasonably described records in
VA custody, or copies thereof, other
than records made available to the
public under provisions of §§ 1.551 and
1.552 of this part, or unless otherwise
provided for in title 38, Code of Federal
Regulations, requested in accordance
with published rules stating the time,
place, fees (if any), and procedures to
be followed, will be promptly
available, except as provided in § 1.554
of this part, to any person upon re-
quest. Such request must be in writing,
over the signature of the requester and
must contain a reasonable description
of the record desired so that it may be
located with relative ease. The request
should be made to the office concerned
(having jurisdiction of the record de-
sired) or, if not known, to the Director
or Veterans Service Center Manager in
the nearest VA regional office; the Di-
rector, or Chief, Medical Administra-
tion Service, or other responsible offi-
cial of VA medical facility where most
recently treated; or to the Department
of Veterans Affairs Central Office, 810
Vermont Avenue NW., Washington, DC
20420. Personal contacts should nor-
mally be made during the regular duty
hours of the office concerned, which
are 8 a.m. to 4:30 p.m. Monday through
Friday for VA Central Office and most
field facilities.

(Authority: 5 U.S.C. 552(a)(3))

§ 1.553a Time limits for Department of
Veterans Affairs response to re-
quests for records.

(a) When a request for records made
under § 1.551, § 1.552 or § 1.553 is received
it will be promptly referred for action
to the proper employee designated in
accordance with § 1.556 to take initial
action on granting or denying requests
to inspect or obtain information from
or copies of the records described.

(b) Any such request will then be
promptly evaluated and a determina-
tion made within 10 days (excepting
Saturdays, Sundays, and legal public
holidays) after the receipt of the re-
quest whether the Department of Vet-
erans Affairs will comply with the re-
quest. Upon determination to comply
or deny the request the person making
the request will be notified imme-
diately of the determination and the
reasons therefor, and of the right of
the person to appeal to the Secretary of
Veterans Affairs any adverse deter-
mination. Records to be furnished will
be supplied promptly.

(c) Upon receipt of such an appeal
from an adverse determination it will
be evaluated and a further determina-
tion made within 20 days (excepting
Saturdays, Sundays, and legal public
holidays) after receipt of the appeal. If
on appeal the denial is in whole or in
part upheld the Department of Vet-
erans Affairs will notify the requester
of the provisions for judicial review of
this determination. (See §§ 1.557 and
1.558.)

(d) In unusual circumstances, specifi-
cally as follows, the time limits in
paragraphs (b) and (c) of this section
may be extended by written notice to
the requester setting forth the reasons