



VA Connecticut Healthcare System
950 Campbell Ave.
West Haven, CT. 06516

RE: FOIA Request 26-02515-F

September 4, 2026

James Flannery
jim-flannery@proton.me

Dear Mr. Flannery:

This letter is the initial agency decision to your November 24, 2025, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the VA Connecticut HCS FOIA Office for the following records:

*“Any and all medical records pertaining to patient harm resulting from iatrogenic affects due to electroconvulsive treatment at West Haven VA Medical Center, not to exclude those resulting from *involuntary* electroconvulsive treatment, as well as equipment maintenance records for the electroconvulsive treatment equipment that was used.”*

(Date Range for Record Search: From 01/01/2015 To 12/31/2024)

Request Procedural History

As indicated in their November 25, 2025, letter, the VHA FOIA Service referred to your request to VA Connecticut HCS FOIA Office for further processing and direct response to you under the FOIA tracking number of 26-02515-F. My office received your FOIA request on November 25, 2025, under the above-mentioned FOIA tracking number. Please include this tracking number in all future communications concerning this FOIA request. As expressly authorized under the FOIA, the VA processes requests using multitrack processing which allows us to process requests on a first-in, first-out basis in either a simple or complex processing track. This allows us to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records. Your request was placed in the Complex processing category.

Expedited Processing

In your request letter you also sought expedited processing of your FOIA request. As indicated in my April 8, 2026, letter, I informed you that your request for expedited processing was denied.

Search

On April 8, 2026, a search inquiry was sent to Quality Management (QM) and Healthcare Technology Management (HTM) requesting they conduct a search for documents responsive to your request. The search was conducted by utilizing the search criteria of the equipment name and date range provided. At the conclusion of their search, QM did not locate any documents pertaining to patient harm, therefore you are receiving no records response for the first portion of your request. In addition, HTM was able to locate 35 documents pertaining to the second portion of your request, totaling 252 pages, as responsive to your request.

Initial Agency Decision:

Upon completion of my review, I have determined that the document contains information which falls within the disclosure protections of FOIA Exemption 6, 5 U.S.C. § 552(b)(6). As a result of my determination, I am withholding information under FOIA Exemption 6 as indicated on the enclosed pages by the notation of "(b)(6)."

Exemption 6 protects information about individuals in "personnel and medical files and similar files" when disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. In determining whether Exemption 6 protects against disclosure, courts require agencies to follow a four-step analysis: first, determine whether the information at issue is a personnel, medical or "similar" file; second, determine whether there is a significant privacy interest in the requested information; third, evaluate the requester's asserted FOIA public interest in disclosure; and finally, if there is a significant privacy interest in nondisclosure and a FOIA public interest in disclosure, balance those competing interests to determine whether disclosure "would constitute a clearly unwarranted invasion of personal privacy."

To determine if Exemption 6 was applicable, I had to first conclude if the information met the threshold of records covered by the exemption. I have determined the information does meet the threshold of records covered by Exemption 6, as courts have made it clear that all information that applies to a particular living individual meets the threshold of requirements of Exemption 6 protection.

The next step in the Exemption 6 analysis is to determine if there is a significant privacy interest in the requested information. Individuals who performed maintenance on the equipment have a significant privacy interest in the disclosure of their names and email address to avoid unsolicited questions or harassment.

The third step in the Exemption 6 analysis is to evaluate the requester's asserted FOIA public interest in the disclosure of the information to which individuals have a significant privacy interest in its release. To constitute a FOIA public interest in the disclosure, the information must shed light on an agency's performance of its statutory duties. Information that does not directly reveal government operations or activities falls

outside of the scope of public interest. See United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 773 (1989).

Stated another way, I must consider whether disclosure of the withheld information would shed light on VA's performance of its statutory duties. While requesters typically are not required to provide the reasons for requesting information, when disclosure could result in an invasion of personal privacy, the requester bears the burden of establishing that disclosure would serve a FOIA public interest. A requester's personal interest in disclosure is irrelevant to the public interest analysis. In evaluating your asserted FOIA public interest in the disclosure of the information, I have determined there is no public interest in the disclosure of employee names and email addresses as disclosure would not shed light on VA's performance of its statutory duties.

Since I have determined there is no public interest in the disclosure, there is no balancing test under the last step of the analysis. Therefore, I am withholding employee names and email addresses under Exemption 6. As indicated in the above paragraphs, the individuals associated with this information have a personal privacy interest that outweighs any public interest served by disclosure of the information under FOIA.

Fee Category Determination

The FOIA, 5 U.S.C. § 552(a)(4)(A)(ii), places all FOIA requesters in one of three categories for fee purposes. The three categories of FOIA requesters are (1) commercial use requesters; (2) educational institutions, noncommercial scientific institutions and representative of the news media; and (3) all other requesters. I have determined your request to be in the category of All Other. My determination to classify this request as an All-Other request is based on the fact that you do not fall under any other category.

As an all-other requester, VA FOIA implementing regulations found at 38 C.F.R. §1.561(c)(4) state that the requester will be charged search fees for all time spent searching for responsive records, except the first two hours of search time are free, and for the cost of reproduction of the records only, excluding charges for the first 100 pages. In addition, VA FOIA regulation 38 C.F.R. § 1.561(h)(1) states that the VA will not charge the requester if the fee is \$25 or less. Moreover, all other requesters will be charged the cost of searching for and reproducing the records even if there is ultimately no disclosure of records. There is no search charges associated with this request as total search time was less than two hours. In addition, there are no duplication costs associated with this request as the total number of pages is less than 100. Consequently, there are no processing fees associated with FOIA request 26-02515-F.

This concludes my response to FOIA request 26-02515-F. If you disagree with my determinations set forth in this response, please be advised you may appeal to the VA Office of General Counsel. Appeals may be submitted electronically or mailed to the following address:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420
ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request from VHA's FOIA Public Liaison and/or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
vhafoiahelp@va.gov
Phone: 833-880-8500

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
ogis@nara.gov

If you should have any questions, please feel free to contact me at 203-932-5711 ext. 4109 or VACT.VAFOIA@VA.GOV.

Sincerely,

Walter Jofre
VA Connecticut HCS FOIA Officer

Enclosure: 252 pages