



**DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT
OFFICER REPORT**

MARCH 2010

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UNITED STATES DEPARTMENT OF AGRICULTURE

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

USDA Response

- The USDA FOIA Officer held a FOIA Community meeting in fall 2009 to discuss in detail the Department's expectations and role as it relates to the President's FOIA Memorandum and the Attorney General's subsequent FOIA Guidance. The FOIA Officer also provided real life examples on how to apply the "presumption of openness" to open requests for information pursuant to the FOIA.
- The USDA Open Government ("Open Gov") webpage – www.usda.gov/open – is prominently linked on the USDA website. The Open Gov page contains links to High Value Data Sets and incorporates interactive features including a discussion area for public sharing of ideas on government transparency, collaboration, and innovation. This site has already elicited useful ideas from the public about how USDA can become more transparent and forthcoming with information. These ideas are already under review by USDA's Open Government Steering Committee.
- USDA has established a process to continually review new High Value Data Sets from the Office of the Secretary and all USDA component agencies for incorporation on the Open Gov site, and to elicit public feedback on the usefulness of this information.
- The Open Gov site has been designed for ease-of-use and logical arrangement of functions with the diverse set of USDA customers in mind.
- USDA will publish its Open Government Plan on April 7, 2010.
- USDA publishes its combined Annual FOIA Report on the Open Gov website and tracks public comments on the Report.
- Review of records for public release, and application of all FOIA exemptions, are treated according to the guidelines set forth in the 2009 Memoranda by the President and the Attorney General, wherein a high threshold has been set for withholding information. Information that is embarrassing to agency officials, or which shows evidence of agency errors or omissions, is not withheld for those reasons.
- USDA also maintains a FOIA Electronic Reading Room, which is an index of our most frequently requested documents, special interest collections, other information that the public is likely to take interest in, or information which have been previously released in response to FOIA requests.

Part II. Steps Taken to Ensure Your Agency Has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

USDA Response

- In Fiscal Year 2009, USDA conducted a thorough review of its Departmental programs and services which, among other decisions, resulted in a reorganization of its FOIA function. The Department's FOIA Program, which previously resided in the Office of the Secretary, was repositioned to the Office of the Chief Information Officer. Because of the inherent functionality of information management and dissemination, it was determined that an effective system for the management of FOIA was best served with the Chief Information Officer.
- USDA is in the process of expanding its FOIA Service Center (the "Service Center"). This Service Center serves as a focal point for FOIA requests to the Department and the Office of the Secretary (OSEC). In addition to processing FOIA requests at the Department level, the Service Center also handles many daily incoming FOIA requests from the public. The USDA website advises requesters to direct FOIA requests to the Service Center when uncertain about which agency to address a request exist to.
- FOIA requests are currently tracked with a Microsoft Excel Spreadsheet. When a FOIA request is received at the Service Center, it is logged into the tracker, assigned an identification number, and tasked to the appropriate program for search and retrieval of responsive information. When requests need to be more specific, the Service Center contacts the requester for clarification and "perfection" of the request, thereby reducing processing time. Customers also appreciate the level of personal attention given to their requests, in the form of direct, timely telephone or email contact. If requested information has already been posted to one of USDA's websites, the Service Center directs the requester to the appropriate site for faster access to information.
- Where a FOIA request elicits voluminous information, responsive records are provided in electronic formats such as CD-ROM. Many customers – especially members of the news media – appreciate receiving records in electronic format, and a goal of the Service Center is to encourage fulfillment of FOIA requests electronically rather than by paper. Documents are scanned in PDF format which allows them to be searchable. Electronic request fulfillment also enables easier review and redaction of documents which saves considerable time and labor.
- The USDA FOIA Officer and the FOIA Officers of all USDA component agencies are evaluating enterprise-wide comprehensive FOIA tracking and management software packages and intend to implement such a program in FY2010. This will greatly streamline and facilitate FOIA tracking and response time across USDA, with the goal of increasing ease and accuracy of reporting and reducing the incidence of untimely responses to FOIA requests.

Part III. Steps Taken to Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

USDA Response

- The home page of the USDA website contains a variety of information chosen to proactively satisfy the public need for information about USDA activities, including transcripts, video and audio files. When graphical display of data can be beneficial, it is presented alongside substantive factual information. For example, prominently linked to USDA's main website is the USDA site on the American Recovery and Reinvestment Act (ARRA) which includes an overview of Recovery Act data in the form of graphs.
- The Service Center tracks the most frequent FOIA requests and may request that CD-ROMs be produced to quickly satisfy public demand, particularly from the news media. When requests for particular data sets become significant, the Service Center notifies the Office of the Chief Information Officer (OCIO) for possible inclusion on the Open Government website as a High Value Data Set.

Part IV. Steps Taken to Greater Utilize Technology

1. Does your agency currently receive requests electronically?

The Service Center fields an average of eight new FOIA requests per day, including referrals to other agencies inside and outside of USDA. Approximately one-half of our requests arrive by e-mail, and of those, approximately one-quarter can be fulfilled with a single e-mail.

The Service Center uses an electronic spreadsheet to track all FOIA requests and capture information including requester's name, date of request, subject matter of request, number of days to close request, and whether information was provided in full or withheld under a FOIA exemption.

The USDA FOIA Officer is currently exploring enterprise-wide electronic FOIA tracking and management systems for immediate use within USDA. This state-of-the-art platform will enable real-time tracking, management, and centralized oversight and quality control over not just the Service Center, but all USDA FOIA operations across every component agency as well.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

The Service Center works with the Office of the Executive Secretariat (OES) to process FOIA requests electronically by conducting computerized searches for responsive documents through PC hard drives and servers where relevant data resides.

Requests are often fulfilled on electronic media such as CD-ROM. The Service Center is making an effort to move towards greater use of CD-ROM as a release medium in order to rely less on paper records.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

5. Does your agency use technology to process requests?

Currently the Service Center uses an electronic spreadsheet to capture, collate and calculate values for the FOIA Annual Report.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

With the adoption of the USDA enterprise-wide electronic FOIA tracking/management system (see above), the process of capturing, collating and calculating values for the Annual Report will be enhanced and fully automated. This will enable tracking of these values in real time and the ability to obtain a “snapshot” of the activities of every agency at any given time.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness of Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

USDA Response

- The Department has recently implemented new steps to reduce backlogs and improve timeliness in responding to requests. Measures to enhance our FOIA Service Center include fully staffing and resourcing the center and implementing a USDA-wide FOIA electronic tracking system. These things, coupled with better communication and training within the FOIA community, will have a positive impact on backlog reduction and response timeliness.

*** Because the USDA FOIA program is decentralized, each Mission Area and Agency chose to include a separate Chief FOIA Officer Report, which will better assist the public in understanding our FOIA operations and obstacles. Their reports are attached and described in full below.**

AGRICULTURAL MARKETING SERVICE (AMS)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

AMS Response

- The President's Memorandum and the Attorney General's guidelines were widely disseminated within AMS. The clear presumption in favor of disclosure was shared with senior management during staff meetings and retreats. The AMS FOIA Officer discussed the memorandum and guidelines with all AMS staff handling FOIA requests. As a result, AMS has significantly increased the percentage of records released in full, with over 40% released in full for Fiscal Year 2009, compared to 26% full releases in Fiscal Year 2008.
- These new guidance documents were posted on the AMS portal site, AGNIS, which allows AMS employees to share, modify, and discuss information electronically with others in special project teams, their branches and programs, or with the entire agency.
- Numerous briefings with AMS program staff were provided by AMS FOIA officials. An example took place on April 21, 2009 when the AMS FOIA Officer provided a presentation during the Research and Promotion Functional Committee meeting. This committee is made up of representative of the research and promotion programs overseen by AMS and who handle numerous FOIA requests.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

AMS Response

2009: 110 received, 44 in full, 47 partial

2008: 127 received, 34 in full, 63 partials

Part II. Steps Taken to Ensure Your Agency Has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

AMS Response

- The AMS FOIA Officer serves as the agency's FOIA expert and works to ensure that responding to requests is effective and efficient. She works closely with the various program staff persons responsible for processing FOIA requests. The system for processing FOIA

requests is regularly evaluated and revised if necessary. AMS has an electronic tracking system to ensure that FOIA requests are processed in a timely manner. The FOIA Officer is available to help provide any IT support which the programs' FOIA professionals may require.

- The AMS FOIA Officer provides the day-to-day administration of the FOIA by initiating/coordinating search efforts to locate documents responsive to individual requests, examining responsive documents, and providing authoritative conclusions on disclosures required by the Acts or allowable withholdings pursuant to exemptions contained in the Acts. When necessary in processing individual requests, the FOIA Officer contacts program offices and appropriate staff members to ensure adequacy of search for responsive documents to determine originator of information, or to clarify the potential adverse impact of a specific disclosure to an identified government or personal privacy interest protected by exemptions in both Acts.

Part III. Steps Taken to Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

AMS Response

- For a number of years, AMS has worked to increase the amount of materials on its website. The agency is continuing these efforts under the Obama administration. The President's memorandum and the Attorney General's guidelines were widely disseminated within AMS. The clear presumption in favor of disclosure was shared with senior management during staff meetings and retreats. The AMS FOIA Officer discussed the memorandum and guidelines with all AMS staff handling FOIA requests. During all of these outreach efforts, program staff were encouraged to make as much information as possible available on the AMS website.
- A recent example of a proactive disclosure that has been made since issuance of the new FOIA guidelines is the Perishable Agricultural Commodities Act (PACA) Reparations Index. The PACA provides for damages to be paid by those not meeting their contractual obligations in buying and selling fresh and frozen fruits and vegetables. USDA is required to suspend the license of a business that fails to pay PACA reparations awarded against it. AMS posted an index listing recent Decision and Orders by case number and businesses involved.

Part IV. Steps Taken to Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes. AMS FOIA requests can be received through several mediums, including facsimile, email or telephonically.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

N/A

3. Does your agency track requests electronically?

Yes. AMS currently utilizes Microsoft Excel for tracking FOIA requests.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

N/A

5. Does your agency use technology to process requests?

Yes. AMS uses high-speed scanners and printers for dissemination of FOIA-related information

6. If not, what are the current impediments to your agency utilizing technology to process requests?

N/A

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

Yes. AMS uses Microsoft Excel in preparation of our Annual FOIA Report.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

N/A

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness of Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

AMS Response

- For requests, the backlog was 9 for FY 2008 and 8 for FY 2009. For FY 2008, the range of days pending for requests was from 17 to 248 days. For FY 2009, the range was from 2 to 393 days. It should be noted that AMS received 7 requests in the last 10 business days of FY 2009. AMS' oldest pending request at the end of Fiscal Year 2008 was dated March 11, 2008, and October 20, 2008 for Fiscal Year 2009.
- For appeals, the backlog was 5 in FY 2008 and 6 in FY 2009. For FY 2008, the range of days pending for administrative appeals was from 3 to 1,407 days. For FY 2009, the range was from 13 to 1,027 days. The FY 2009 appeals backlog would have been less than that of FY 2008 if not for the fact that 2 appeals were received in the last 10 business days of FY 2009. The oldest pending appeal at the end of both fiscal years 2008 and 2009 was dated September 26, 2008.
- The backlog of appeals did not decrease in Fiscal Year 2009 since AMS received two appeals at the end of that year. The 20-day response time carried over into Fiscal Year 2010. As a result, AMS has dedicated additional resources and has work closely with the Office of General Counsel to expedite the processing of appeals.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

AMS Response

- Timeliness can be improved by increasing awareness and knowledge of FOIA requirements among AMS program personnel and FOIA staff. Another step being taken by AMS is to increase the accessibility of public information posted on the agency website. Making frequently requested information available on the webpage decreases the number of incoming requests and therefore allows for more resources to be dedicated to answering existing requests and appeals in a timely manner.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

APHIS Response

- The Animal and Plant Health Inspection Service (APHIS) FOIA Office has informed the Agency of the President's new FOIA Memorandum and the Attorney General's FOIA Guidance through various meetings and training initiatives. APHIS continues to provide training and guidance to various components within the Agency. Our focus is mainly directed to the program offices and FOIA liaisons located at headquarters and in the regional offices. We provide guidance on implementing the FOIA and respond to any questions that may arise regarding the processing of requests. All regional FOIA personnel are encouraged to call the agency FOIA Officer with questions that may arise on a daily basis regarding the processing of requests or the implementation of the Act.
- APHIS FOIA Office made discretionary disclosures of our most frequently requested documents under the FOIA. Specific examples of our discretionary disclosures include:
 - In May 2009, APHIS posted Animal Care (AC) inspection reports online. APHIS has created a searchable database which allows the public access to approximately 50,164 inspection reports for years 2006, 2007, and 2008. Once the AC inspection reports were posted, the number of incoming FOIA requests were reduced by nearly 35%.
 - APHIS has also posted 3923 AC annual reports for years 2006 through 2008. The documents are support the significant increase in public interests to our animal welfare community.
 - APHIS has implemented a universal foreseeable harm standard to determine the appropriate withholdings under FOIA Exemptions 2, 5 and 7(f).

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

APHIS Response

- The APHIS FOIA Office consistently seeks to release as much information as possible in response to FOIA requests. In Fiscal Year 2009 the APHIS processed 1,656 requests, of which 138 were released in full and 1099 released in part. In Fiscal Year 2008 the agency processed 1249 FOIA requests, of which 104 were released in full and 832 released in part.
- APHIS FOIA personnel are directed to review agency withholding under 5, and to evaluate the information for discretionary release. We have also increased our attention to decreasing the dependency of Exemption 5. We continue to segregate information contained in the

documents which, if released, could adversely affect the agency's internal decision making process.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

APHIS Response

- As the Attorney General emphasized in his FOIA Guidelines, “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.”
- The APHIS FOIA Office's procedures allow for immediate acknowledgment of requests received. Our acknowledgement letters include the name and telephone number of the FOIA Specialists assigned to the case. This allows the requester direct access for contacting the analyst when checking on the status of their request. Once the FOIA Specialists receive their assigned requests, they are reviewed and, if necessary, the Specialist communicates with the requester if clarification is needed. The Specialists also provide information to the requesters to assist them in receiving the information available in the public domain, i.e., referring them to information contained on the APHIS website.
- Analysts also assist requesters in narrowing their requests by asking questions to ascertain the specific information that the requesters are seeking and explaining specific records APHIS is likely to have that would be responsive to their requests.
- The APHIS FOIA Office has taken steps to increase communication with the program offices. Late reports are generated and are forwarded to the program offices. These reports reflect outstanding search requests for records. In addition, they also keep the lines of communication open and inform the appropriate individuals of the need to perform a search for records that may be responsive to a FOIA request.
- The APHIS FOIA Office has created a Project Manager position to support the needs of the FOIA Office. The position will enhance the effectiveness of the APHIS FOIA Program and provide an additional means to ensure timely responses to FOIA requests.
- The APHIS FOIA Office is in the process of implementing a nationally automated FOIA Tracking System, FOIAXpress, which will integrate our FOIA request management functions. The web-based system includes redacting software which will allow records to be redacted in a more efficient manner. The system will minimize the administrative processes, thus allowing more time to respond to the requesters.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

APHIS Response

- Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.
- The APHIS FOIA Office has worked diligently with our programs in making Inspection Reports, Annual Reports and Horse Industry Organizations Suspension Lists and Audit Reports available. In addition to posting these reports on the web, the APHIS FOIA Office has collaborated with the Public Affairs staff and, through press releases, has made responsive documents available to the public without submitting a FOIA request. The posting of this information to our website is a significant step in our ongoing efforts to be as transparent as possible. This effort is consistent with the direction given to Federal agencies by President Obama regarding openness and transparency.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes. FOIA requests can be submitted via email or facsimile. The APHIS FOIA Office created a special email in-box for the submission of FOIA requests.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

Yes. While awaiting the implementation of our new tracking system, we are utilizing an Access database which is used to maintain incoming FOIA requests and appeals.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes. The FOIA Office scans all records received from the programs and is using the Abode redaction software to apply the exemptions. Responsive records are burned to a CD-ROM and provided to the requester for their viewing.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare you agency Annual FOIA Report?

Yes, we use our tracking system which is an Access database that captures 90% of the data needed to produce the annual reports.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year; and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

APHIS Response

- We currently have a 367 request in backlog consisting of request from FY06-FY09. Our office has and still is working diligently to reduce our backlog. From FY08 to FY09 we have reduced our backlog from 881 to 424.
- We also have 74 administrative appeals which are currently backlogged.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

APHIS Response

- The APHIS FOIA Office understands the importance of being responsive to requests in a timely manner. Therefore, management has provided the resources necessary to effectively manage the current FOIA program as well as meet any new requirements that may be forthcoming. We have filled all vacant FOIA positions. The Program Offices provided numerous detailees to assist our office in reducing our backlog cases. Strike teams were implemented that focused on the programs with a high volume of backlogged requests. We have also created an appeal, privacy and FOIA team to address the current backlog issue. In addition, a Project Manager will be brought on board to oversee these efforts.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS (OASCR)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

OASCR Response

- The Office of the Assistant Secretary for Civil Rights (OASCR) leadership fully supports the presumption of openness. Several briefings have occurred to ensure that they understand the President's FOIA Executive Memorandum and Attorney General's FOIA Guidelines. Additionally, several FOIA training sessions have been conducted to promote awareness of the FOIA, and to educate OASCR employees on their responsibilities and methods to identify a request they may receive for information under the FOIA.
- The presumption of openness cannot be applied to discrimination complaints arising from Federally-assisted and conducted programs operated by USDA until a Final Agency Decision has been issued. Further, since issuance of the new FOIA Guidelines, we have released significantly more information in FY 2009 than in previous years. As a result, we did not receive any new appeals during FY 2009, as evidenced by the table below:

	Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
Fiscal Year 2009	1	0	1	0
Fiscal Year 2008	3	4	6	1

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

OASCR Response

- OASCR does not show an increase as compared with FY 2008. However, the number of FOIA requests that were received in FY 2009 were fewer than in FY 2008 and is, therefore, commensurate with the numbers below:

	# of Full Grants	# of Partial Grants
Fiscal Year 2009	3	10
Fiscal Year 2008	5	15

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests.

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

OASCR Response

- Requests are reviewed and, if necessary, the FOIA Specialist communicates with the requester for clarification purposes. The Specialist provides information to the requesters to assist them in locating information available on the public domain. The Specialist also assists requesters in narrowing their requests by explaining the complaint process and/or business process within the Department, and asking questions to ascertain the specific information that the requester wants and explaining specific records that OASCR is likely to have that would be responsive. Our acknowledgement letters includes the name, telephone number and email address of the FOIA Specialist. This allows the requester direct access to contact the Specialist in order to obtain the status of their request.
- We have promoted awareness of the FOIA throughout OASCR by conducting several FOIA training sessions to our employees, in particular to program investigators and customer service personnel who have direct contact with the public. These sessions have taught them how to identify a request for information that should be handled under the FOIA.
- Further, the FOIA Specialist works with the IT and records management staff on a regular basis and receives full cooperation in coordinating requests for information.

Part III. Steps Taken To Increase Proactive Disclosures.

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

OASCR Response

- OASCR's Web site contains many documents which relate to USDA's civil rights mission, *e.g.* complaint filing procedures, policy statements, and civil rights regulations and manuals. Since the issuance of the new FOIA Guidelines, OASCR has added several items that generate public interests, *i.e.* litigation regarding the Black Farmer's Settlement ([Pigford v. Glickman](#)), and documents regarding Secretary Tom Vilsack's civil rights' policy and vision at USDA. However, because of the nature of our core mission, the presumption of disclosure is limited. Specifically, all records pertaining to Final Agency Decisions and Determinations rendered in the adjudication of program and employment complaints are protected from public disclosure under Title VI and Title VII of the Civil Rights Act of 1964 and, therefore, cannot be posted.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes. OASCR has a special email in-box for the submission of FOIA requests and appeals, which the public can access from our website. FOIA requests are also received by facsimile.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

Yes. OASCR is currently using a table created in Microsoft Word to track requests.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes. OASCR has purchased several high-speed color printers and high-speed scanners, and has contracted with an outside vendor to scan our complaint files into electronic formats. These mechanisms will further enhance our responsiveness.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

No.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

OASCR is currently working with USDA's Office of Chief Information Officer to implement an enterprise FOIA tracking system. The system will automatically produce the Annual FOIA Report and will have the capability to create custom ad hoc reports.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests.

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

OASCR Response

- N/A (OASCR does not have a backlog).

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

OASCR Response

- Unlike the larger USDA agencies, OASCR is a Staff Office and, therefore, has only one full-time position allotted to handle FOIA. This position remained vacant for over a year, but was filled during FY 2009. Since a FOIA Specialist has been hired, OASCR has been able to meet the time requirements set forth in the FOIA, as well as increase our average response time for simple requests to less than five days and complex cases to less than 20 days. Additionally, OASCR is considering a web-based application, which includes redaction software, to interface with our enterprise systems that will provide online access to an entire case file in real-time. This system will minimize the administrative processes, thus saving more time to respond to the requesters.

DEPARTMENTAL MANAGEMENT (DM)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

DM Response

- Departmental Management's reviews of records for public release, and application of all FOIA exemptions, are conducted in accordance with the expectations set forth in the President's FOIA Memorandum of 2009 and the subsequent Attorney General's FOIA Guidelines.
- In response to these new FOIA standards, Departmental Management submitted two High Value Data Sets for consideration and posting on our Open Government website.
- Departmental Management processed 60 requests in 2008 and 61 requests in 2009. A large portion of the Fiscal Year 2009 requests were for procurement contracts and personnel records. This accounts for the increase in partial grants from zero in Fiscal year 2008 to 17 in Fiscal year 2009. Both procurement contracts and personnel issues require extensive and careful redaction under the law.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

DM Response

Of the 60 requests received in 2008:

- 55 were full grants.
- 2 were no records responses
- 1 was withdrawn
- 1 was not an agency record
- 1 was referred to another component or agency.

Of the 61 requests received in 2009:

- 22 were full grants
- 17 were partial grants
- 2 were full denials based on Title 5 CFR 2634.604
- 5 were no record responses
- 4 were referred to another component or agency
- 5 were withdrawn
- 3 were closed for fee related reasons
- 1 the records were not reasonably described

- 1 was not an agency record
- 1 was a duplicate request

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

DM Response

Departmental Management has taken the following steps to ensure an effective system for responding to requests.

- Departmental Management shares the USDA established FOIA Service Center website. The Service Center serves as the primary means for the submission of FOIA requests to Departmental Management and the Office of the Secretary. Additionally, we encourage requesters to use the webpage when uncertainty exists as to where to direct a particular request.
- In June 2009, Departmental Management improved the business approach to processing FOIA requests by converting our paper log to a Microsoft Excel tracking system. Presently, requests are immediately assigned a tracking number, reviewed to determine whether the information sought was previously released, and then provided to the requester. This new process reduces the processing time and costs associated with FOIA requests.
- Use of Microsoft Task Manager to manage processing of requests allows Departmental Management to create electronic “tickler” that automatically send suspense date reminders to both the responsive office and the FOIA Officer. Identification of specific persons to handle the FOIA requests for their areas has facilitated the tracking process from initiation to closure, thereby improving the business approach of the program.
- Requesters are increasingly asking that records be transmitted electronically or placed on CD-Rom. Departmental Management has responded by converting hardcopy paper records to digital format and transferring the responsive records electronically or to CD. The use of electronic mediums reduces the amount of time a requester has to wait for responsive records.
- Departmental Management is committed to supporting an effective system for responding to FOIA requests. Several commercial demonstrations are currently under review in which our electronic system will be more streamlined wherein Departmental Management will share in an enterprise-wide FOIA tracking system.

Part III. Steps Taken Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency’s website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

DM Response

- Departmental Management receives several requests per year for information related to purchase card transactions, credit card holder lists, and contract information. Quarterly, we order compact discs containing this highly sought information to ensure rapid responses.
- In addition, Departmental Management has recommended to the USDA FOIA Officer that they include this information on the Open Government website.

Part IV. Steps Taken To Greater Utilize Technology

Departmental Management uses the following methods to increase productivity and take advantage of current technology

- Use of facsimile machines and electronic mail enable the program to provide alternative delivery methods, which reduce or eliminate mail transport time for requests.
- Scanners to convert paper copy requests and responsive documents to electronic records.
- Electronic mail and telephones are used to communicate with the requester to clarify or re-scope an ill-defined request.
- Electronic mail is used to transfer requests to responsible offices, embed suspense dates and receive records from the responsive office.
- Computer Software applications are used to track requests from receipt to closure in addition to assisting with the preparation of the Annual FOIA Report.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

DM Response

- Increased FOIA visibility and management support led to a decrease in the reported backlog of 8 requests as of the end of Fiscal Year 2009.
- The backlog of 8 requests at the end of fiscal year 2009 has been reduced to 1 unresolved request. The request is 6 months old and must be cleared through the Secretary's Office before they can be released.
- Departmental Management has no backlogged appeals.

FARM SERVICES AGENCY (FSA)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

FSA Response

- FSA published a formal Notice INFO-36, on May 6, 2009, alerting all FSA offices of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and providing guidance on how to apply them. The content of this Notice was discussed on the monthly teleconference that FSA holds with State FOIA/PA Officers and staff of its National FOIA offices. State FOIA/PA Officers discussed the content of this Notice with their respective County Offices.
- FSA applies the presumption of openness whenever possible and appropriate, particularly as a result of the President's FOIA Memorandum and the Attorney General's subsequent FOIA Guidelines.
- The nature of FSA programs do not always lend themselves entirely to the applicability of discretionary disclosures. However, where such discretionary disclosures are appropriate, information is increasingly released to the public in full grants. Where full grants are not possible, the use of partial denials is then applied.
- In FY 2009, FSA improved its implementation of the presumption of openness in responding to FOIA requests, as illustrated by the change in the ratio of partial grants to full denials based on exemptions that occurred between FY 2008 and FY 2009, as provided in the following table:

Fiscal Year	# of Partial Grants	# of Full Denials
2008	193	333
2009	384	280

- As these figures indicate, in FY 2009, FSA nearly doubled the number of instances in which partial releases were made when full disclosure was not possible in response to FOIA requests.
- In its FOIA appeals process, FSA has long applied the presumption of openness. In FY 2008, for example, 89% of all appeals (based on exemptions) that were processed were partially or completely reversed with additional information being released. Understandably, in FY 2009, only 71% of all appeals (based on exemptions) processed needed to be partially or completely reversed because FSA released so much more information in response to the FOIA requests at the initial request level.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

FSA Response

- See response to question 1, above, with respect to records released in part. With respect to requests where records were released in full, the total number of full grants within FSA remained approximately the same from 2008 to 2009. FSA has historically granted in full a significant proportion of the total number of FOIA requests received within the agency.

Fiscal Year	# of Full Grants
2008	4,960
2009	4,937

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

FSA Response

- In FY 2008, FSA automated the process of responding to the annual FOIA report by developing and implementing a system (FOIA-CAP) that allows FOIA requests to be logged and tracked.. In FY 2009, FOIA-CAP was enhanced to enable “real-time” use for the day-to-day monitoring of the status of FOIA requests in process. It was also modified to enable FSA to determine, at any point in time, which requests were in backlog status. In FY 2009, the use of FOIA-CAP enabled FSA to complete its annual FOIA report by the end of October, 2009.
- Also in FY 2009, FSA tested and implemented an electronic FOIA redaction system in its National FOIA offices and in its FOIA appeals office. Additional redaction system licenses were purchased for all of the 50 state offices and Puerto Rico. FSA plans to train all of its State FOIA/PA Officers in the use of electronic FOIA redaction in FY 2010.
- In FY 2010, the Washington DC National FOIA Office implemented an electronic case file system to support its manual administrative files.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency’s website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

FSA Response

- Despite the fact that so much of FSA’s data is protected by either the Privacy Act and or Section 1619 of the 2008 Farm Bill, a new exemption 3 statute, FSA program offices already provide significant amounts of aggregate and/or statistical data on the agency’s website. In FY 2009, FSA made plans to assist FOIA requesters seeking access to FSA data in electronic format by expanding information pertaining to these records on the “frequently requested records” portion of its FOIA website. The planned implementation date of this project is mid-2010.

- FSA is in the process of designing a “frequently requested records” page for its public FOIA website. On this page, FSA plans to post copies of all signed USDA Section 1619 Cooperator Memorandum of Agreements, and other documents which might prove to be of interest to the public.
- FSA currently publishes an enormous amount of aggregate and statistical data to its public website, along with program handbooks and instructional guides.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes. FSA has an electronic FOIA request form on its FOIA website and accepts FOIA requests in electronic format via email. Both National FOIA Offices have designated FOIA “mailboxes” for receiving these requests.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

Yes, as discussed in response to question II above, FSA tracks its FOIA requests through FOIA-CAP.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes, as discussed in response to question II above, FSA processes documents responsive to FOIA requests via an electronic redaction system in its National FOIA Offices and appeals office, and is in the process of expanding this use of technology to its state offices in FY 2010.

FSA also releases data requested in electronic format. The larger of FSA’s two National FOIA Offices primarily handles FOIA requests seeking data in electronic format.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

Yes, as discussed in response to question II above, FSA produces its Annual FOIA Report through FOIA-CAP.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

FSA Response

- FSA's backlog of initial FOIA requests and FOIA appeals is decreasing, as illustrated by the following table:

Fiscal Year	FOIA Requests	FOIA Appeals
2008	25	26
2009	4	6

- The age of those backlogged FOIA requests that remain pending with FSA has also decreased. In FY 2008, the oldest backlogged request was older than 1 year old (416 days); in FY 2009, the oldest backlogged request was less than 1 year old (209 days). Unfortunately, the three oldest pending administrative appeals in FY 2008 were still pending at the end of FY 2009, due to delays in legal review outside of FSA's control.
- Date of oldest request for FY 2008 was 2/7/2007 and 12/3/2008 for FY 2009
- Date of oldest appeal for FY 2008 was 4/22/2002 and 4/22/2002 for FY 2009 (with OGC for legal sufficiency review throughout FY 2009)

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

FSA Response

- FSA is monitoring the timeliness of processing initial FOIA requests through its electronic FOIA tracking system, FOIA-CAP. It is routing FOIA requests within FSA and USDA via email to minimize delay. It is supplying the FOIA appeals process with copies of responsive records and other documents that are at issue in administrative appeals via electronic means to minimize delay. It is incorporating timeliness of responding to FOIA requests into the performance standards of FOIA processors in offices where FOIA responsibilities comprise a significant portion of employees' assignments.

FOOD AND NUTRITION SERVICE (FNS)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

FNS Response

- Information on the Open Government Directive is posted on FNS' SharePoint site which is accessible to all employees. This information was sent to our Regional FOIA coordinators to distribute throughout their region. Training for FNS' FOIA Coordinators was conducted in FY 2009, to include the new FOIA guidelines.
- Open Government Initiatives are also discussed during supervisory training.
- With the majority of FNS' FOIA requests being investigatory records on participating retail stores for trafficking in the Supplemental Nutrition Assistance Program (SNAP), we are now releasing records in full produced from Anti-fraud locator sites using electronic benefits transaction data and store redemptions information. This information was previously withheld in full.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

FNS Response

	Received Requests	Full Release	Partial Denial	Full Denials	Other
Fiscal Year 2008	133	41.3%	27%	6%	24.8%
Fiscal Year 2009	142	40.8%	26%	3.5%	29.6%

Part II. Steps taken to ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

FNS Response

- Once request are received by the FNS FOIA officer they are logged into the tracker, assigned a number, and tasked to the appropriate program. Any request received by Regional/Field FOIA coordinators are sent to the FNS FOIA officer for proper handling. Requests are then sent to the program responsible for the requested records. When requests

need to be more specific, the program contacts the requester instead of clarifying through the FNS FOIA officer thus reducing processing time. If requested information is already posted to the public, the FOIA coordinators direct requestors to the websites to obtain information faster and at less cost.

- FNS employees who are active in the processing of FOIA requests have extraordinary IT support. FOIA requests are tracked with a Microsoft Excel Spreadsheet. This allows the FOIA officer to retrieve previous request more rapidly. Programs provide requesters with voluminous requested information on CDs or electronically. Multipage scanners connected to the FNS domain are used for scanning requested documents and providing a faster response to requesters via email. Documents are scanned in pdf format which allows the documents to be searchable.

Part III. Steps taken to increase proactive disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

FNS Response

- FNS maintains public websites for each program where volumes of information are indexed. FNS also maintains a Data and Statistics website where public disclosure of information can be located. FNS' website also contains our FOIA guidelines, System of Records Notices, Forms, and index of records available to the public. FNS has been proactive with posting organization charts, phone directories, and commonly requested statistics.

Part IV. Steps taken to greater utilize technology

1. Does your agency currently receive requests electronically?

FNS receives request electronically via email.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

FOIA requests are tracked with a Microsoft Excel Spreadsheet (previously Access database). The database did not allow a key word search which made it difficult to retrieve information on previous requests.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

5. Does your agency use technology to process requests?

FNS uses email to task requests and to communicate with requesters. Any coordination with FOIA requests are electronically filed in a designated area on the FNS shared drive.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

The Annual FOIA Report is created using MS Word Document. Any preparation such as median or average is calculated using MS Excel.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps taken to reduce backlogs and improve timeliness in responding to requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

FNS Response

In FY 09, 26 requests did not meet the 20 working day suspense. In FY 09, five appeals were pending at the end of the year

- 564 total days
- 522 total days
- 282 total days
- 202 total days
- 121 total days

In FY 09, six requests were pending at the end of the year. However, none were backlogged.

In FY 08, seven appeals were pending at the end of the year.

In FY 08, four requests were pending at the end of the year.

FNS' backlog is continuing to fluctuate. Currently there is an increase in the appeal backlog and a decrease in the initial request backlog. The amount of time that OGC takes on reviewing appeals contributes to FNS' appeal backlog along with all of the appeals pertaining to one program.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

FNS Response

- Programs that receive a high number of requests have internally implemented Standard Operating Procedures. These programs are utilizing Excel to track their program's request and to compare their track with the primary FNS tracker to ensure their tracker is current. This program has increased the number of employees to assist with processing request or appeals.

FOOD SAFETY AND INSPECTION SERVICE (FSIS)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

FSIS Response

- FSIS has continued to expand the amount of data already available in its comprehensive Electronic Reading Room Website:
http://www.fsis.usda.gov/FOIA/FSIS_Electronic_Reading_Room/index.asp.
- For example, having received numerous FOIA requests from consumer groups for microbiological testing data on pathogens such as Escherichia coli O157:H7 and Salmonella, FSIS now proactively posts this data on its Website:
http://www.fsi.usda.gov/science/data_collection_&_reports/index.asp
- In an effort to educate agency employees, industry stakeholders, and the general public, FSIS posted a two-part podcast concerning agency records being maintained and therefore subject to release: http://origin-www.fsis.usda.gov/News_&_Events/Food_Safety_Inspection_Podcasts/index.asp.
- Distributing via an internal agency newsletter, FSIS published an article titled “Your Responsibility Under the FOIA” in June 2009. The article exhorted employees of the need to be responsive to FOIA requests, and it highlighted the President’s January 21, 2009, Memorandum for the Heads of Executive Departments and Agencies, directing them to “adopt a presumption in favor of disclosure.” In addition, the article highlighted the March 19, 2009 FOIA guidance issued by Attorney General Eric H. Holder, Jr., wherein he noted that, “the responsibility for effective FOIA administration belongs to all of us – it is not merely a task assigned to an Agency’s FOIA staff.”
- FSIS published another article in May 2009, titled “Understanding the Freedom of Information Act and Your Rights Under it,” and distributed it via the FSIS publication, Small Plant News. In addition to educating industry stakeholders of their rights under the FOIA, it explained the nuances of what types of records are frequently requested and the type of material that is generally exempt from release.
- FOIA training is frequently provided to agency employees, program offices, and senior management, always with an emphasis on the need to be vigilant in promptly carrying out FOIA responsibilities. In August 2009, District Managers and Deputy District Managers from all over the Country came to the District of Columbia for training on a variety of subjects – one of which was FOIA. In the FOIA presentation, the attendees were reminded of their responsibilities under the FOIA. They were also presented with key portions of the President’s January 21, 2009, Memorandum, and the Attorney Generals’ March 19, 2009, FOIA guidance.

	# of Full Grants	# of Partial Grants
Fiscal Year 2008	85	156

	# of Full Grants	# of Partial Grants
Fiscal Year 2009	85	166

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

FSIS Response

- FSIS routinely receives FOIA requests via regular mail, e-mail, facsimile, and through our online FSIS FOIA Mailbox (fsis.foia@usda.gov).
- Once received, FSIS promptly loads each request into an electronic FOIA case management program, wherein an acknowledgement letter is produced and an e-mail is launched to various program offices designated to conduct a search for responsive records. Each program office has designated liaisons responsible for record searches and for clearing completed FOIA response packages for signature. Program offices regularly increase or decrease the number of personnel for these functions as needs require.
- FSIS successfully transitioned its manual FOIA clearance processes to a streamlined electronic clearance using the USDA Enterprise Content Management Module (ECMM). Prior to transitioning to ECMM, FOIA packages were cleared for review and signature by carting stuffed folders throughout the building. This process often resulted in misplaced folders that required countless hours to duplicate and physically transport from one office to the next for review. With ECMM, FSIS has dozens of active FOIA cases in clearance at any given time, with more in the pipeline; and each of the cases are controlled, tracked, and accounted for with the ease of a few key strokes. In addition, simple reviews that took days to turn around may now take a matter of minutes.
- FSIS' FOIA program receives the support it needs from the FSIS Information Technology (IT) staff. Because the majority of FSIS' FOIA processing is electronic, adequate support from the IT staff is essential. IT staff routinely assists with hardware and software issues, such as installing 22 inch monitors for more efficient redacting, external hard drives for increased storage capacity, and a production grade scanner able to scan thousands of pages of responsive records.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

FSIS Response

- As mentioned above, FSIS continues to expand the amount of data available in its comprehensive Electronic Reading Room Website. In addition to the numerous records already available, an example of frequently requested records that have been posted

subsequent to the issuance of the new FOIA Guidelines would be the addition of the Meat, Poultry and Egg Product Inspection (MPI) Directory in a Microsoft Excel format. Due to a large number of FOIA requests received for our MPI directory, FSIS posted the PDF version in the Electronic Reading Room: http://origin-www.fsis.usda.gov/Regulations_&_Policies/Meat_Poultry_Egg_Inspection_Directory/index.asp

- However, because the PDF version of the MPI Directory provided a rigid format that did not allow for sorting or compiling in different formats frequently requested by the general public, consumer groups, or industry stakeholders, FSIS has since posted the MPI directory in an Excel Spreadsheet, available in a version sorted by “Establishment Name”: http://origin-www.fsis.usda.gov/xls/MPI_Directory_by_Establishment_Name.xls, or a version sorted by “Establishment Number”: http://origin-www.fsis.usda.gov/xls/MPI_Directory_by_Establishment_Number.xls.
- Before issuance of the new FOIA Guidelines, FSIS documents released under the FOIA, categorically disclosed the names of senior management officials, such as Assistant Administrators, Deputy Assistant Administrators, and members of the Senior Executive Service – primarily because these were the Agency policy-makers and the ones most often presented to the public for policy/issue comments. Under the new FOIA Guidelines, FSIS now releases the names of Division Deputy Director level and above because the new guidelines support the Agency’s determination that the “public’s right to disclosure” threshold has been met for these positions. The public’s right to know the identities and contact information for these Agency policy-makers outweigh their individual’s right to privacy.

Part IV. Steps Taken to Greater Utilize Technology

- FSIA routinely receives FOIA requests via regular mail, electronic mail, facsimile, and through our online FSIS FOIA mailbox (fsis.foia@usda.gov). FSIS has transformed a manual, paper-driven FOIA program, in which hundreds of thousands of pages of records were processed, copied, transported, and mailed using bulky paper folders and boxes, to a fully electronic system that is more efficient, requires less storage space, and substantially reduces mailing costs.
- FSIS takes full advantage of the FOIA software programs available in the marketplace. FSIS recently purchased a FOIA case management software program titled, *Privasoft Access Pro Case Management*. FSIS processes its records with software redaction tools, manages and tracks their case files with a computer assisted case management program, launches record search requests via electronic mail, and even routes their completed FOIA response packages for signature electronically using ECMM.
- As mentioned above, FSIS receives FOIA requests via regular mail, e-mail, and facsimile, and through our online FSIS FOIA Mailbox: Email: fsis.foia@usda.gov.
- As a testament to FSIS’ prowess in utilizing technology for managing its FOIA program, two FSIS members were interviewed for a June 3, 2009, article in Federal Computer Week magazine: http://fcw.com/articles/2009/06/08/feature-foia-tools.aspx?sc_lang=en. The article discussed how agencies have adapted their FOIA operations to meet the requirement of the Open Government Act of 2007. FSIS was cited in the article as an agency that has effectively leveraged technology to advance the effectiveness of their FOIA program.

- Another step FSIS has taken to leverage the most benefit from technology is to create an electronic mail Subscriber Service for our monthly FOIA Reading Room Report. The FOIA Reading Room Report consists of every FOIA request received by FSIS during a specific month, including the FOIA Control Number, the requester name and organization, and a listing of the requested records:
http://www.fsis.usda.gov/FOIA/FOIA_Request_Reports/index.asp. The Subscriber Service offers the public an opportunity to receive an automated e-mail notifying them every time the FOIA Reading Room Report is updated. There are currently in excess of 9,158 subscribers to this service. A quick review of the first 500 subscribers indicate that, in addition to U.S. subscribers, many are from the United Kingdom, Hong Kong, Slovakia, Israel, Poland, Norway, Russia, Canada, Spain, and India.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

FSIS Response

The above measures are all intended to have a positive impact on reducing our FOIA backlog and increasing our responsiveness to FOIA requesters. To that end we have had some measurable success. The statistics below show a noticeable reduction in our FOIA caseload from the end of Fiscal Year 2008 to the end of Fiscal Year 2009:

Category	End of FY 2008	End of FY 2009
Active Cases	219	160
Active Appeals	13	5
Backlog Cases	176	141
Backlog Appeals	13	5

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

FSIS Response

- An important measure FSIS has taken to improve its timeliness and responsiveness to FOIA requests was transitioning its manual FOIA clearance process to a more streamlined electronic clearance using the USDA Enterprise Content Management Module (ECMM). With ECMM, FSIS has dozens of active FOIA cases clearance at any given time. With ECMM, simple reviews which previously took days to complete, now only take a matter of minutes, thereby getting information to the requesters much faster.

- In addition, FSIS hired a FOIA contractor in September 2009 to assist in processing our FOIA caseload.
- FSIS has recruited summer interns and support staff for the past two years to assist the FOIA staff in working through its caseload, thereby cutting down on processing time.

FOREIGN AGRICULTURAL SERVICE (FAS)

Chief FOIA Officer Report

March 2010

The Foreign Agricultural Service's (FAS) receives a relatively small number of Freedom of Information Act (FOIA) requests each year, usually averaging about 50 requests per year. While few in number, FAS FOIA requests generally have become more complicated and require more coordination with other USDA agencies.

Part I. Steps taken to apply the presumption of openness.

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

FAS Response

- The FAS FOIA Officer works throughout the year to educate key agency officials about the latest developments in FOIA policy. As new Administration officials were appointed, the FOIA Officer met with each to discuss the agency's FOIA process, their roles and responsibilities. This included information about President Obama's January 21 FOIA Memorandum and subsequent information.
- In response to the President's Memorandum, FAS has released more information in full than it withheld. For example, in Fiscal Year 2008, FAS released 15 full grants and 18 partial grants. In comparison, in Fiscal Year 2009, FAS released 40 full grants and 6 partial grants.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

FAS Response

- FAS has always released the vast majority of its records in full; there is no change.

Part II. Steps taken to ensure that your agency has an effective system for responding to requests.

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

FAS Response

- The FAS FOIA Officer works actively to encourage requestors to submit their requests electronically through email or other electronic mediums. FAS has learned that use of electronic mediums to process FOIA requests is a more efficient and simpler step, which allows faster and clearer lines of communications with requestors. FAS IT staff support the FOIA process on an "as-needed" basis, conducting email searches and other electronic searches in response to requests. This process allows for a more comprehensive search for responsive documents.

Part III. Steps taken to increase proactive disclosure.

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

FAS Response

- The FAS FOIA Officer also oversees the agency Web site, so the agency has always been at the forefront of efforts to increase the volume of information available electronically. FAS has over 60,000 documents online and available to the public. Each FAS program has thousands of pages of documents, ranging from educational material to data that report on FAS program-related activities. FAS is frequently able to steer most requesters to material already available online. Because of our success in this area, FAS has launched several new databases in the past year which allow requesters to find readily available and easily accessible information online.

Part IV. Steps taken to greater utilize technology

1. Does your agency currently receive requests electronically?

FAS does receive requests electronically.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

FAS does not track requests electronically.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

The major impediment is cost. Since FAS receives such a small volume of requests, the agency cannot justify the additional expense of tracking software.

5. Does your agency use technology to process requests?

FAS does not process requests electronically.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

The major impediment is cost. Since FAS receives such a small volume of requests, the agency cannot justify the additional expense of processing software.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

FAS does not use technology to prepare its annual FOIA report.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

The major impediment is cost. Since FAS receives such a small volume of requests, the agency cannot justify the additional expense of FOIA software.

Part V. Steps taken to reduce backlogs and improve timeliness in responding to requests.

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

FAS Response

In Fiscal Year 2008, FAS reported 3 backlogged requests (May 23, 2007). In comparison, in Fiscal Year 2009, FAS reported “zero” backlogged cases.

FAS Response

FAS took the following steps to eliminate its backlog of overdue FOIA requests:

- Educated management and program area staff on the FOIA process and need for timeliness.
- Added monitoring of the completion of FAS’ 10 oldest FOIA requests to monthly management reports.
- Began reporting backlogged requests directly to program area supervisors to ensure their attention and action.

FOREST SERVICE (FS)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

FS Response

- The Washington Office (WO) Forest Service FOIA Service Center personnel and its Regional Office (RO) FOIA Coordinators have taken steps to inform FOIA analysts at all levels in the organization of the new President's FOIA Memorandum and Attorney General's FOIA Guidance. We distributed these principles nationwide immediately, via email, and they became our main topic of discussion during quarterly conference calls.
- WO has informed our program employees wishing to withhold records under FOIA Exemption 2 or 5 that they must provide WO with a written justification which outlines the harm to agency processes that will result from the release of this information. This practice has resulted in multiple discretionary releases of information which could have been withheld under Exemption 2 or 5. For example, WO is now releasing in full the recommendations section in all WO Accident Investigation Reports. Previously, this section was withheld in its entirety under FOIA Exemption 5.
- The WO FOIA Office continues to provide training and guidance to our Regional Office FOIA Coordinators and WO Program Area FOIA Coordinators. We conduct regularly scheduled bi-monthly teleconferences to provide guidance on implementing the FOIA, and to respond to any questions they may have regarding the processing of requests. When the need arises, teleconferences are conducted on a more frequent basis. All regional FOIA personnel are encouraged to call the agency FOIA Officer or the WO FOIA Analysts with questions that may arise on a daily basis regarding the processing of requests or the implementation of the Act.
- In Fiscal Year 2009, the WO FOIA Office emphasized technical assistance visits to the Regional Offices. To date, the agency has conducted visits to our Pacific Southwest Region, Southwestern Region, and Eastern Region. The visits provide technical reviews of Regional FOIA programs and individualized training for all Regional FOIA Analysts and other personnel. Discussions include updates concerning FOIA rules, regulations and case law; and their applicability to requests for records that are processed by the Region and Forests.
- Regional FOIA personnel have also received individualized training at the WO FOIA Office. To date, The FOIA Coordinators for the Southern Research Station and the Southern Region have traveled to the WO FOIA Office to receive hands-on training.

Section Guidance

2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

FS Response

- The Washington Office consistently seeks to release as much information as possible in response to FOIA requests. In Fiscal Year 2009 the Forest Service processed 2,490 requests, of which 1559 were released in full. In Fiscal Year 2008 the agency processed 2661 FOIA requests, of which 1695 were released in full. Statistically, we have held steady on the full releases at 64% and 63% respectively.
- FS FOIA personnel are directed to review its withholding under Exemptions 2 and 5, and to review the information for discretionary release. The FS more frequently waives its right to withhold records under Exemption 2, when applicable. We have also increased our attention to decreasing the dependency of Exemption 5. We continue to segregate information contained in the documents which, if released, could adversely affect the agency's internal decision making process. Thus, more pages are released in part, and we have increased the number of partial releases by approximately 20%.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

FS Response

- As the Attorney General emphasized in his FOIA Guidelines, “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.”
- The FS FOIA Service Centers take pride in this area. Our current procedures allow for immediate acknowledgment of requests received. Our acknowledgement letters have been expanded to include the name, telephone number and email address of the analyst assigned to the case. This allows the requester direct access for contacting the analyst when checking on the status of their request. Once the analysts receive their assigned requests, they are reviewed and if necessary the analyst communicates with the requester for clarification purposes. Our analysts also provide information to the requesters to assist them in receiving the information available in the public domain. For example, we contacted a requester from Oregon who was willing to pay thousands of dollars to obtain records from us that he could have easily downloaded from the Federal Procurement Data System (FPDS).
- Analysts also assist requesters in narrowing their requests by explaining the business processes at the Forest Service, identifying information that the Forest Service has made available via its web site or other means, and asking questions to ascertain the specific information that the requester wants.
- Internally, we have also implemented a reorganization which now gives the WO FOIA Analysts direct contact with the program staff specialists (Subject Matter Experts) who would be very familiar with the records requested. This therefore saves hours of searching for responsive records. In addition, the individual WO Staff FOIA Coordinator positions were abolished to remove an extra “layer” which slowed the process.

- In an effort to heighten the awareness of the FOIA throughout the agency, our Human Resources Management (HRM) Office has implemented several changes. Training on the FOIA is now incorporated into the all new employee orientation. Each new employee is provided with the necessary knowledge which will enable them to recognize when a request for information should be handled under the FOIA. HRM has revised the position descriptions for FOIA employees to include knowledge, skills, and abilities that pertain to The Privacy Act and records management. Having a background in both disciplines decreases the time it takes to identify the program area that would be in possession of the records requested. HRM is currently in the process of establishing additional FOIA positions to handle requests that may need clarification of responsive records to preempt or prevent unnecessary appeals.
- The Forest Service's regional offices have taken steps to increase the communication with regional leadership. Many of our regional office coordinators meet with the Executive Leadership Teams to keep lines of communication open. In addition, they often brief staff directors concerning FOIA requests that are received or when their staff has to perform a search for records that may be responsive to a FOIA request.
- Our Southern Research Station (SRS) has created a Management and Program Analyst Position to support the SRS FOIA Coordinator. The position will enhance the effectiveness of the SRS FOIA Program and provide an additional means to ensure timely responses to FOIA requests. The RO Coordinators regularly attend training at the USDA Graduate School and take advantage of other FOIA training opportunities.
- The Forest Service is in the process of implementing a nationally automated FOIA Tracking System, FOIAXpress, which will integrate our FOIA request management functions. The web-based system includes redacting software and will incorporate legacy data from other electronic sources currently being utilized within the agency. The system will minimize the administrative processes, thus saving time to respond to the requesters. It will also streamline cooperative processing of requests received for national data and promote the sharing of resources.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

FS Response

- A recent review of program area postings on our Forest Service web site revealed that the FS program areas and regional offices are increasingly proactive in making public information readily available. While we are currently working to debut our new FS web site, we continue to post and maintain records related to frequently requested FOIA appeals on our current web site.
- Since issuance of the new FOIA Guidelines, the Intermountain Region of FS has been making an effort to reduce the amount of FOIA request received by posting all of their Ranger Annual Operating Instruction online. Historically, these documents have been frequently requested records under the FOIA.
- Outside the FOIA program, since issuance of the new FOIA guidelines, the Forest Service continues to inform the public on programs which directly affect them. Some of these

programs were initiated by the new administration. For example, we have created a new web site for the American Recovery and Reinvestment Act (<http://fs.usda.gov/recovery>), we have also improved our web site to clearly explain the agency's priorities (<http://www.fs.fed.us/>) i.e., climate change, planning rule, water quality.

- The agency also recently implemented the National Environmental Policy Act (NEPA) Documentation System. This system tracks projects and provides documentation to users for each project that requires NEPA. The documentation may consist of maps, requests for comment, scoping, analysis, decision, supporting/reference material, press releases and specialist reports. The Forest Service is working to enhance the system to improve the reports and documentation that are automatically uploaded to each related unit's website. We have the ability to scan all non-electronic documents and post documentation to the web site in order to make them available to the public.
- Each year, FS receives multiple requests for records pertaining to the annual Rainbow Family Gathering, which is held on at a different national forest each year. Since issuance of the President and Attorney General's FOIA Memo's, the Santa Fe National Forest (in our Southwest Region) has posted records online pertaining to the 2009 Rainbow Family Gathering, including redacted copies of the special use permit issued to the Rainbow Family.
- Our Southern Research Station maintains a web site that contains information on their research products. The site currently contains approximately 30,297 publications and technical reports that are available for public viewing and printing.
- The Forest Service routinely posts to the FS web site completed Peer Review Plans for performing peer reviews of influential or highly influential scientific topics. In addition, we routinely publish pre-dissemination peer review plans on our public web site, making this information available to the public for viewing and printing.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes. FOIA requests can be submitted via email or facsimile. The Forest Service created a special email in-box for the submission of FOIA requests and appeals, and requests and appeals are accepted even when received by individual Forest Service employees, both FOIA and non-FOIA.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

Yes. While awaiting the implementation of our new tracking system, we are utilizing an electronic form (Form 6200-33) with data collection capability which was deployed nationally. We are also currently using Microsoft Excel for processing and tracking.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes. Some of our Regional FOIA Coordinators have purchased electronic redaction systems. The Forest Service's objective is to have all FS units responsible for processing FOIA requests to use the same electronic processing system by the end of 2010. We are also purchasing high-speed scanners and high-speed color printers to further enhance our responsiveness.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare you agency Annual FOIA Report?

Yes, we are utilizing an electronic form with data collection capability which was deployed nationally. This form captures all the necessary data to produce the FOIA Report.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

FS Response

Fiscal Year	Backlog Requests	Backlog Appeals at WO	Backlog Appeals in OGC	Backlog Appeals & Requests Totals
FY 2006	40	17	27	84
FY 2007	40	14	36	90
FY 2008	15	25	8	48
FY 2009	36	15	14	65
% (Avg.)				3%

Note: This percentage of backlog is generated from the approximate number of 2600 FOIA Requests and Appeals processed nationwide each year. Noteworthy is the effort in FY2008 to decrease the backlog. However, we found that reducing the backlog to zero is nearly impossible. Therefore, we will continue to be as responsive as we have been with the goal of decreasing the backlog even more. During FY 2008, the oldest FOIA request received was dated 9/21/2007; the oldest FOIA appeal received was dated 7/7/2004. During FY 2009, the oldest FOIA request received was dated 10/1/2008; the oldest FOIA appeal received was dated 7/7/2004.

Section Guidance

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

FS Response

- The Forest Service leadership understands the importance of being responsive to requesters in a timely manner. Therefore, our leaders have provided the resources necessary to effectively manage the current FOIA program as well as to meet any new requirements that may be forthcoming. We have been able to fill vacant FOIA positions and have purchased the latest in FOIA processing software and necessary peripherals, i.e., high-speed scanner, high-speed color printer, etc., This move has and will continue to increase our average response to simple requests to less than 12 working days, and complex requests to less than 33 working days.
- Furthermore, our “interim” solution (FS 6200.33) and the future FOIA Express tracking system will continue to provide monthly activity reports of FOIA requests processed, pending, etc., to FS Headquarters, regional offices, and the Forest level. These monthly reports serve as reminders to continue decreasing the backlog and prevent FOIA lawsuits based on the Agency not meeting the time requirements set forth in the FOIA.
- We continue to encourage our program staff nationwide to proactively post records they believe result from an increase in public interests. Our new policy is to post information resulting from at least two requests within the same fiscal year.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION (GIPSA)

Chief FOIA Officer Report

March 2010

Part I. Steps taken to apply the presumption of openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

GIPSA Response

- On April 15, 2009, GIPSA's FOIA Officer sent the Administrator and Deputy Administrators a memo detailing the new guidelines governing the FOIA. The memo explained President Obama's January 21, 2009, declaration that the FOIA should be administered with a clear presumption of disclosure. It also provided the new mind set for FOIA professionals and detailed the steps to be taken in achieving transparency and accountability.
- The FOIA Officer wrote an article titled "New FOIA Guidelines," which appeared in the May 2009 issue of the "GIPSA News," a monthly newsletter for all GIPSA employees. The article summarized President Obama's new FOIA guidelines, explained how GIPSA's FOIA program can be implemented effectively; and emphasized that with continued cooperative working relationship GIPSA can achieve the "new era of open government."
- GIPSA reviewed responsive documents to determine their applicability to the FOIA Exemptions and to determine if discretionary disclosures could be applied where applicable.

Exemptions which could be the subject of discretionary releases are as follows:

Exemption	# of Requests	Determination	Reason
(b)(2)	0	No documents	
(b)(4)	6	No discretionary releases	GIPSA records containing CBI are prohibited from release pursuant to GIPSA policy

Exemption	# of Requests	Determination	Reason
(b)(5)	4	No discretionary releases	<ul style="list-style-type: none"> • Three requests sought records relating to vacancy announcements. The records reflected the deliberative process in the selection process. • Responsive documents of another request contained the deliberative process relating to an investigation

Fiscal Year	# of Requests Received	# of Full Grants	# of Partial Grants
2008	157	123	10
2009	115	87	14

Part II. Steps taken to ensure that your Agency has an effective system for responding to requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

GIPSA Response

- GIPSA’s FOIA program is centrally located in Washington, D.C. One individual, the FOIA Officer, is responsible for administering the GIPSA’s program nationwide. The FOIA Officer primarily receives requests. Some requests come through GIPSA’s Webmaster while others are submitted to GIPSA’s offices that are located across the United States. Ultimately, the FOIA Officer receives all requests, reviews for responsiveness and releasability, and responds on behalf of GIPSA. The FOIA Officer has an excellent working relationship with individuals in all GIPSA offices who provide the utmost assistance and cooperation in locating responsive records and in providing review assistance when necessary.
- GIPSA’s FOIA Officer receives excellent and timely support from the Agency’s webmaster and Information Technology (IT) Staff relating to postings on GIPSA’s public website and FOIA website.

Part III. Steps taken to increase proactive disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency’s website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

GIPSA Response

- GIPSA has brought modernized business operations to the web to better service its grain customers. The state-of-the-art system, FGISonline, is a portfolio of online business applications that changes the way GIPSA's grain program does business and brings official inspection and weighing to the desktop. The modernization effort improves the efficiency and effectiveness of service delivery by streamlining business practices. Ultimately, FGISonline will provide instantaneous access to official inspection certificates for customers around the world.
- GIPSA has posted on its public web site entities that are subject to the Packers and Stockyards Act—those that are required to maintain a bond (market agencies, dealers, and packers) and those subject to the statutory trust provisions (bonded packers and live poultry dealers). The lists and bond amounts are current. Once a file is opened, one can use the "Find" option under the "Edit" menu to locate specific regulated entities.
- GIPSA's Packers and Stockyards Program is also working toward posting market agencies' and stockyards owners' tariff schedules on the GIPSA web site. Every stockyard owner and market agency offering stockyard services at a stockyard must file a tariff showing their schedule of rates and charges for services offered. GIPSA reviews and maintains tariffs and tariff supplements for investigating the validity of any complaints filed about the reasonableness of rates. At the present time, requests for tariff schedules are handled as FOIA requests; but when posted on GIPSA's web site, the public will have them readily available.

Part IV. Steps taken to greater utilize technology

1. Does your agency currently receive requests electronically?

GIPSA's FOIA policy allows for the public to submit requests electronically.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

GIPSA maintains a record of FOIA requests in Excel which has the ability to track requests electronically and to prepare the annual FOIA report more efficiently. The spreadsheet contains formulas to calculate how many requests were granted in full, partial denial, entirely denied, administratively closed, or non responsive documents as well as to calculate the number of days to complete requests.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

5. Does your agency use technology to process requests?

GIPSA's Information Technology Staff located software titled, "PractiCount and Invoice" which electronically counts pages of documents that are on a hard drive or located on CD. This is a great tool to use when it is necessary to notify a requester of the total number of pages located for fee assessment purposes and for daily processing.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

GIPSA maintains a record of FOIA requests in Microsoft Excel which has the ability to track requests electronically and to assist in the preparation of the Annual FOIA Report. The spreadsheet contains formulas to calculate how many requests were granted in full, partial denial, in their entirety, etc.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps taken to reduce backlogs and improve timeliness in responding to requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

GIPSA Response

- GIPSA's backlog at the end of FY 2009 was four requests, of which all were processed by January 2010. GIPSA had no administrative appeals pending at the end of FY 2009.
- GIPSA's oldest pending request for FY 2009 was dated August 24, 2009.
- Prior to FY 2009, GIPSA's last backlog was near the end of FY 2006.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

GIPSA Response

- GIPSA does not have a problem responding to FOIA requests within the statutory timeframe. In FY 2009, GIPSA received 106 simple requests; the median number of days to complete was 2. GIPSA received 9 complex requests; the median number of days to complete was 11.

NATIONAL APPEALS DIVISION (NAD)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

NAD Response

- Although historically NAD has received relatively few FOIA requests (nearly 10 per year), we have a history of releasing information to the public with an attitude of openness and responsiveness (when legally permitted to do so).
- In almost all instances, if NAD has the information requested, we will release it. For example, in FY 2009, NAD received ten requests. In nine of those requests, NAD had the information requested and granted full disclosures in four instances. In the remaining requests, NAD did not have the information requested and instead referred them to the appropriate offices where that information could be found.
- NAD does take care, however, to ensure that information from a legally protected source is properly secured prior to release.
- NAD's website consists of instructions on how to file a FOIA Request. The electronic reading room and other information are routinely available to the public, as well as documents frequently requested under the Freedom of Information Act.
<http://www.nad.usda.gov/foia.html>

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

NAD Response

- NAD has not had any significant increase in the number of FOIA Request over the past year. In FY 2009 there were 10 requests, whereas in FY 2008 there were 23 requests.
- The number of FOIA request decreased from a historical high of 23 in FY 2008 to 10 in FY 2009.
- In FY 2008, of the 23 request NAD received, we possessed the information requested and granted full disclosures in 11 of those instances. NAD did not have the information for nine of those requests and referred the requester to agencies where that information was located.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

NAD Response

- NAD's FOIA program is centrally located in Alexandria, Virginia. One individual, the Legal Affairs Officer, is responsible for administering NAD's program nationwide and ensures all FOIA requirements for responses are timely implemented. The Legal Affairs Officer receives all FOIA requests from the general public. NAD has also received requests that come from the USDA FOIA Office in Washington, D.C., and one of the three regional offices affiliated with NAD. The Legal Affairs Officer also ensures the FOIA database is correct.
- The Legal Affairs Officer position was recently changed from "External Affairs Officer" so as to make the Legal Affairs Officer the team leader for the appeals staff support personnel. This change ensures that the Legal Affairs Officer has sufficient support if high-volume FOIA requests are filed.
- NAD maintains sufficient IT support to track, report, and respond to FOIA requests. FOIA information is contained in a cases tracking database that is housed in a USDA enterprise facility. NAD also has program management and network support to operate and maintain this mission critical system.
- The Legal Affairs Officer receives routine training and system updates which prepare him to quickly identify problems and incorporate solutions.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

NAD Response

- NAD continues to focus on increasing the amount of material available to the general public on its website. This is an effort to improve the efficiency and effectiveness of service NAD delivers and to give customers access to information. The material on the website generally addresses information requested in FOIA inquiries.
- One example of a public disclosure that NAD made online allows the public to search for Hearing, Review, and Appealability determinations. The site can be found at: http://www.nad.usda.gov/public_search.html.
- NAD believes this public tool, which also offers text search capabilities, greatly reduces the number of FOIA requests, since our determinations continue to represent the majority of information requested from NAD.
- NAD also posts statistical information concerning case results.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

At present NAD does not accept FOIA requests electronically. NAD utilizes a database reporting system to prepare routine and ad hoc reports.

2. If not, what are the current impediments to your agency establishing a mechanism to receive request electronically?

NAD has so few requests and has yet to identify a suitable electronic system. However, NAD anticipates joining the Department's FOIA community when that system is procured and operational.

3. Does your agency track requests electronically?

Yes, NAD utilizes a database reporting system, NADTrack, to prepare routine and ad hoc reports. All FOIA information is input and retrieved electronically.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes, NAD utilizes a database reporting system, NADTrack, to prepare routine and ad hoc reports. All FOIA information is input and retrieved electronically.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

Yes. NAD's current electronic tracking system, NADTrack, does allow for the creation of various reports needed to draft NAD's Annual FOIA Report.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

NAD Response

- All the aforementioned measures have been implemented to improve response to the public. NAD had only one backlog request at the end of FY 2009. This request is pending response from the Office of General Counsel.
- NAD meets all statutory guidelines for FOIA. In FY 2009, NAD received 10 requests and 23 requests for FY 2008.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

NRCS Response

- NRCS administers the FOIA to reflect our nation's fundamental commitment to open government as set forth in the President's January 21, 2009, FOIA Executive Memorandum and the Attorney General's March 19, 2009 FOIA Guidelines. NRCS Agency FOIA personnel participated in several training workshops which provided guidance to state FOIA Offices and NRCS headquarters.
- NRCS reviewed records in light of the presumption of openness with a view toward determining what can be disclosed, as opposed to what information should be withheld.
- NRCS maintains a FOIA website, which serves as a reference guide, providing information to the public concerning accessing non-FOIA records, submitting FOIA requests, accessing information of public interest through our reading room, and contacting FOIA personnel.
- NRCS is liberal about the release of requested information, unless prohibited by law. In Fiscal Year 2009, NRCS processed 468 requests. Out of the 468 requests processed, 336 were full grants of the information requested, and 62 were partial grants/partial denials of information.
- In Fiscal Year 2008, NRCS processed 458 requests. Out of the 458 requests processed, 232 were full grants of the information requested, and 77 were partial grants/partial denials of information. Therefore, NRCS increased its processed requests for full granting in Fiscal Year 2009, and decreased its processed requests of partial grants/partial denials in Fiscal Year 2009.
- NRCS applies the presumption of openness in the following ways:
 - Informs management of FOIA guidelines, regulations, and memoranda and emphasizes the importance of disclosure;
 - Each state posts regularly requested information on their FOIA webpage;
 - Provides access to manuals, handbooks, program information, and technical references issued by the Agency through the FOIA webpage.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests.

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by

agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

NRCS Response

NRCS ensures the agency has an effective system for responding to requests by:

- NRCS uses the Colab Tracking System where requests are logged in and acknowledgement letters are generated and sent directly to requesters;
- NRCS also call requesters for clarification and to “perfect” a request;
- NRCS IT Division updates and maintains key NRCS web sites including the NRCS FOIA page;
- Our IT Division assists FOIA with information security, network connectivity, FOIA databases and email;
- Working with Agency IT staff to develop the database and system interfaces to afford eases of use and information accessibility.;
- Conducting regional teleconferences and net conferences with state offices as an economical way to provide training, discuss updates in FOIA policy, and share information;
- Updating contact information for state offices and centers on the NRCS FOIA Website to ensure the public is provided with the most current information.

Part III. Steps Taken to Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency’s website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

NRCS Response

NRCS has sought to increase proactive disclosures with the public by taking the following steps:

- Developed a link for customers on the NRCS FOIA website for suggestions and comments to be submitted to the National FOIA Office. This information is updated and can be accessed at <http://www.nrcs.usda.gov>;
- The NRCS website contains links to information that would be of public interest. For example, information concerning the different types of NRCS EQUIP and WRP programs and current NRCS Policies and procedures, manuals, and national bulletins;
- Posts FOIA memoranda and resources on the NRCS website;
- Conducts regional training/discussion teleconferences with state offices to emphasize the importance of disclosure and answer questions;
- Each State posts regularly requested information on their FOIA webpage;
- Provides access to agency manuals, handbooks, and technical references through the Electronic Directives System, located on the NRCS website.

Part IV. Steps Taken to Greater Utilize Technology

NRCS utilized technology through:

- Establishing a link on the FOIA page of the NRCS Website to receive requests electronically. This link also enables the public to provide feedback and submit questions to Agency FOIA personnel;

- Developing a uniform national and state office tracking system to monitor all pending requests and appeals electronically;
- Working with Agency IT staff to provide updates to the tracking system and FOIA website;
- Issuing guidance and FOIA updates to state offices through the Electronic Directives System;
- Providing state and field office training through teleconferences and net meetings.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests.

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

NRCS Response

NRCS does not have a backlog of requests. Pending requests which are received at the end of one Fiscal Year and have a response due date in the following Fiscal Year are reported to the National FOIA Officer. In such cases the twenty working days has not elapsed.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

NRCS Response

NRCS has sought to reduce backlogs and improve timeliness in responding to requests through several ways:

- Conducting meetings (through teleconferences/net meeting) with State FOIA Officers to provide training and guidance;
- Issuing National Bulletins to State FOIA Officers to inform them of FOIA updates and provide Agency guidance on processing requests;
- Reviewing the tracking system to monitor the timeliness of responses and follow up with states to ensure expeditious processing.

OFFICE OF BUDGET AND PROGRAM ANALYSIS (OBPA)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

OBPA Guidance

- OBPA has always responded to FOIA requests with a “spirit of openness.” OBPA has granted in full all of the FOIA requests in which the Agency has had pertinent records.
- OBPA has only denied two requests since FY 2003. One request asked for future information, making responsive documents unavailable. The second request was a referral from another USDA agency in which OBPA did not have responsive documents.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year’s Annual FOIA Report.

OBPA Response

- There has been no effect on releasable information to-date on OBPA’s FOIA requests compared to our previous year’s Annual FOIA report.
- In FY 2010, OBPA has received 4 requests, of which two were granted in full and two were “no responsive documents.”
- OBPA received 4 requests in FY 2009. Three were granted full release, while the fourth request was withdrawn by the requester.
- OBPA received 9 requests in FY 2008. Five requests were granted in full. OBPA had no pertinent records for three of the requests, and one request was denied since it asked for future records.

Part II. Steps Taken to Ensure that OBPA has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

OBPA Response

- OBPA receives a small amount of requests and acts on all items immediately upon receipt. OBPA’s staff understands the importance of FOIA requests and promptly replies to all inquiries by the FOIA Officer. Also, OBPA’s IT staff is always ready to aid in any way needed.
- OBPA has one employee that works part-time on FOIA requests. The responsibilities equate about ten percent of their annual duties.

Part III. Steps Taken to Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

OBPA Response

- OBPA displays USDA's most recent budget and supplementary information on our website. We have also made copies of USDA's budget summaries through 2003 available on our website.
- OBPA has not taken any additional steps in proactive disclosure since the issuance of the new FOIA guidelines.

Part IV. Steps Taken to Greater Utilize Technology

1. Does your agency currently receive requests electronically?

OBPA has posted our agency's FOIA contact information on our webpage. We receive requests through mail, fax and e-mail.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

No impediments.

3. Does your agency track requests electronically?

OBPA tracks FOIA requests through a Microsoft Excel spreadsheet.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

OBPA receives a small amount of FOIA requests – it is not cost effective for OBPA to spend money on technology that would only be used for FOIA purposes. OBPA received only 4 FOIA requests in FY 09.

5. Does your agency use technology to process requests?

OBPA sends FOIA requests around to OBPA personnel by e-mail. Our requests are tracked in an electronic spreadsheet. Further, the requests and OBPA's responses are scanned and saved in an electronic FOIA Folder.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Due to the small amount of requests received by OBPA, it is not cost effective for the agency to spend money on any further technology that would only be used for FOIA purposes.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

OBPA fills out the electronic Microsoft Word Table, but counting is done manually.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Due to the small amount of requests received by OBPA, it is not cost effective for the agency to spend money on any further technology that would only be used for FOIA purposes.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

OBPA Response

- OBPA's Current Backlog – 0
- OBPA's Pending Backlog at the end of FY 09 – 0
- OBPA's Pending Backlog at the end of FY 08 – 0
- Current Administrative Appeals – 0
- Administrative Appeals Pending at the end of FY 09 – 0
- Administrative Appeals Pending at the end of FY 08 – 0

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

OBPA Response

- Due to the small amount of FOIA requests received, OBPA is able to respond to all incoming requests in a timely manner.

OFFICE OF INSPECTOR GENERAL (OIG)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness.

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

OIG Response

- The Department of Agriculture's (USDA) Office of Inspector General (OIG) widely distributed the President's Memorandum and the Attorney General's FOIA Guidelines to OIG personnel. FOIA staff received training in FY 2009 on implementing the new FOIA guidelines and in applying open government principles.
- OIG fully released more requested documents in the last fiscal year than in previous years. A comparison of the numbers of documents released in full for the past two fiscal years shows that OIG fully released 7.9% of requested documents in FY08 versus 9.5% in FY09. OIG increased its production of documents released in full by 1.6% last year.
- In addition, OIG now rarely withholds information under low b2. For example, OIG formerly withheld the fax numbers of investigative offices under this exemption. Though we do not track how often we withheld information under low b2 versus high b2, a comparison of our FY08 and FY09 annual report numbers for this data subset shows OIG withheld information under b2 substantially fewer times last fiscal year than in previous years. In FY08 we used this exemption to withhold information in 50 out of 176 requests received; last year we applied this exemption in only 14 of the 136 requests received. OIG decreased its use of this exemption by 18% last year.
- 2008 Received 176, Full release 14, Partial denial 101
- 2009 Received 136, Full release 13, Partial denial 46

Part II. Steps Taken to Ensure that OIG has an Effective System for Responding to Requests.

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

OIG Response

- We recently examined our internal work practices, as described in our "Workflow & Procedures," in order to better identify delays in our FOIA processing methods. In November, we created a MS Excel spreadsheet to allow us to streamline our FOIA processes and quickly identify, on a case by case basis, any processing delays. This

spreadsheet will enable staff to provide more accurately estimated completion dates to requesters, as required under the FOIA.

- FOIA staff received outstanding IT support utilizing the ARGOS system, which is an Oracle database that provides all functions required for FOIA tracking.
- Further, in order to process requests more efficiently, OIG updated its Privasoft package in FY09. FOIA Staff also recently received a high speed scanner which allows us to process requests more quickly.

Part III. Steps Taken to Increase Proactive Disclosures.

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

OIG Response

- OIG proactively posts many final products on its website at <http://www.usda.gov/oig/index.htm> , including our audit reports, investigative case summaries, and the Inspector General's congressional testimonies. We generally do not post investigative reports because they often contain sensitive information on subjects, witnesses, and law enforcement techniques. Additionally, these reports are frequently part of a Privacy Act record. In cases where there is evident public interest in an investigative report, we routinely post reports on our website. We gauge public interest by assessing potential congressional, media and stakeholders' attention on issues arising in investigative reports and by tracking multiple FOIA requests for the same report.

Part IV. Steps Taken to Greater Utilize Technology.

OIG utilizes the ARGOS system, which is an Oracle database that provides all functions required for FOIA tracking. We use ARGOS to track and log requests, send out acknowledgment letters (both on initial requests and appeals), and to calculate our numbers for the annual report, our monthly reports, and the OIG's Semiannual Report to Congress. Searches for responsive documents are also made on this system based upon the information provided by requesters.

1. Does your agency currently receive requests electronically?

Yes. OIG receives request through emails, telephone and via facsimile.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

Yes. OIG utilizes the ARGOS system, which is an Oracle database that provides all functions required for FOIA tracking.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes. We use ARGOS to track and log requests, send out acknowledgment letters (both on initial requests and appeals), and to calculate our numbers for the annual report, our monthly

reports, and the OIG's Semiannual Report to Congress. Searches for responsive documents are also made on this system based upon the information provided by requesters.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency use technology to prepare the Annual FOIA Report?

We use both ARGOS and MS Excel to calculate our numbers for the annual report. We manually input large amounts of data into MS Excel in order to perform some calculations because ARGOS currently does not have the necessary technological capability to calculate the numbers for the Annual FOIA Report.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

Not applicable.

Part V. Steps Taken to Reduce OIG's Backlog and to Improve Timeliness in Responding to Requests.

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

OIG Response

- Over the past several years, OIG has decreased its backlog from 142 cases down to 13 requests. In the past fiscal year, OIG's backlog increased slightly over the previous year from 13 to 22 requests.
- Our backlog numbers increased slightly last year because one of our full time FOIA positions was not filled for most of FY09. Staffing usually consists of four full time employees who work on FOIA matters: a FOIA Attorney, who acts as the Team Leader; a Management Analyst; a FOIA Administrative Assistant; and a FOIA Paralegal. We have been fully staffed since November 2009. Since that time, FOIA staff has reduced our backlog from 22 to 15 requests.
- A comparison of the numbers of our 10 oldest cases in FY08 and FY09 shows that the ages of the oldest backlogged requests increased last year. The number of days pending for the 10 oldest cases in FY08 ranged from 59-441 days, while that range increased in FY09 from 123-694 days. Since becoming fully staffed in November 2009, OIG FOIA Staff focused on closing the oldest cases in our backlog. We have closed 7 of the 10 oldest requests already this new fiscal year.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

OIG Response

- To improve timeliness in responding to older, more complex requests, OIG FOIA Staff recently developed a method of pooling resources to reassign work on these requests.

OFFICE OF THE CHIEF FINANCIAL OFFICER (OCFO)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

OCFO Response

- The NFC and OCFO FOIA Officers have reviewed the President's Memorandum and the Attorney General's subsequent guidelines and ensure that each request is processed under the presumption in favor of disclosure. Toward this end, our initial contact with internal OCFO content providers is a request for the information by a certain date; exceptions at this stage are the onus of the content provider, although we FOIA officers review for exceptions concurrently.
- OCFO fully granted 11 requests in FY 2008, and fully granted 11 requests in FY 2009. OCFO partially granted 6 requests in FY 2008, and partially granted 4 requests in FY 2009. Thus, the number of requests granted was unchanged, and the requests partially granted slightly declined.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

OCFO Response

With regard to a comparison of records' completeness over the past two years, there aren't statistically significant differences.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

OCFO Response

- When a FOIA request comes to OCFO by mail, it is logged and date stamped by the administrative assistant, who places it in the FOIA officer's mailbox. When the request comes by email, the FOIA officer logs it and puts it in a FOIA mail file. When the request gets to the FOIA officer, the standard procedure is to open a standard acknowledgement letter, which is automatically dated. The letter goes out by close of business that day, or, if it is received in the afternoon mail delivery, the next morning. Further action is managed on an ad hoc basis, per the nature of the request.
- IT supports OCFO's FOIA operations as needed.

Part III. Steps Taken to Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

OCFO Response

- OCFO has added a new database to its website to respond to multiple requests for conference attendance information. The database, Conference Transparency Reporting, is accessible from the OCFO homepage and provides information pertaining to conferences attended by OCFO and USDA staff. Another database dealing with OCFO and USDA travel issues is under development and will appear shortly as GovTrip Information, which will provide data on staff travel.
- The standardization of financial systems through the Financial Management Modernization Initiative (FMMI) reduces inefficiencies and makes delivery of releasable data easier and faster. While it's primary focus is on standardization of financial systems and not on increasing the amount of data available to the public, its implementation streamlines the compiling of data sets used on the website.

Part IV. Steps Taken to Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes. We receive some requests by email.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

Requests are stored electronically and are searchable, but there is no electronic tracking mechanism other than those available within Outlook, the email program.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

It isn't cost-effective for such a small number of requests. OCFO would consider a license for one user on a jointly-held system, such as FOIAXpress, if it were reasonable, as determined by the CFO.

5. Does your agency use technology to process requests?

Yes. Requests are scanned, or, if transmitted via email, filed electronically. In both cases, OCFO conforms to laws and regulations pertaining to systems of records within government. Responses are generated by email or, if requested, by letter, the electronic versions of which are stored.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

No.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

It isn't cost-effective for such a small number of requests.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

OCFO Response

- OCFO did not have a backlog in FY 2008 or FY 2009. OCFO applies a strict standard in response to requests and always responds within the period specified by law or agreed to by the requester.

OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

OCIO Response

- The Office of the Chief Information Officer (OCIO) follows the mantra of releasing all requested information unless specifically permitted to withhold such information by the nine exemptions in the Department of Justice Freedom of Information Act Guide (March 2007). In Fiscal Year 2008, OCIO performed full disclosures for all 14 FOIAs received. In Fiscal Year 2009, OCIO received 28 FOIAs, and performed full disclosure for 27 FOIAs.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

OCIO Response

- There has been no significant change in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report. OCIO performed full disclosures for all 14 FOIAs, resulting in 100% full disclosure. In Fiscal Year 2009, OCIO received 28 FOIA requests which resulted in full disclosure in all but one.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

OCIO Response

- The Office of the Chief Information Officer (OCIO) FOIA office is staffed with two individuals and receives a limited number of requests each year. As soon as a request is received by the OCIO FOIA office, an analysis is performed to determine the course of action required. If the FOIA was submitted to the OCIO FOIA office in error, the OCIO FOIA office forwards the FOIA to the appropriate agency or office, and notifies the requester that the FOIA has been forwarded to the appropriate office. In an effort to increase transparency, whenever feasible the OCIO FOIA office response provides the FOIA requester with the FOIA officer or FOIA point-of-contact with the Agency or program office which the FOIA has been transferred to.

- Although OCIO has received a 100% increase in FOIA requests between Fiscal Years 2008 and 2009, the current Microsoft Office suite of products standard in the desktop image have been effectively utilized to process FOIA requests.
- Currently the OCIO FOIA office utilizes the Departmental standard MS Office suite to ensure all FOIA personnel associated with a FOIA are notified and kept abreast of the status.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

OCIO Response

- No steps have been taken to increase the amount of material that is available on the Office of the Chief Information Officer Web site.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?
Yes. FOIA requests can be submitted via email or facsimile.
2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?
Not applicable.
3. Does your agency track requests electronically?
Yes. A FOIA tracking sheet is located on the agency share drive and can be accessed by anyone with the proper rights within the organization.
4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?
Not applicable.
5. Does your agency use technology to process requests?
The Department uses standard office suite products that include, but are not limited to MS Word, MS Excel, and Adobe PDF to process and respond to FOIA request. No other technology is utilized at this time to process requests.
6. If not, what are the current impediments to your agency utilizing technology to process requests?
Not applicable.
7. Does your agency utilize technology to prepare you agency Annual FOIA Report?
Yes. An MS Excel spreadsheet was developed to calculate processing time for the FY09 USDA OCIO FOIA Annual Report.
8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.
Not applicable.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness of Requests

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

OCIO Response

- OCIO had one pending FOIA request at the end of Fiscal Year 2008, which was fully disclosed and completed in that fiscal year.
- The OCIO FOIA office does not currently have a backlog of FOIA requests.

Section Guidance

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

OCIO Response

- Not applicable.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

OCIO Response

- The OCIO FOIA office continually seeks process improvements, such as notifying the FOIA requester of the transfer of the FOIA, and simultaneously forwarding the FOIA to the appropriate department. OCIO consistently responded to administrative appeals in a timely fashion, thus no steps have been identified to improve the administrative appeals response process.

RESEARCH, EDUCATION, AND ECONOMIC (REE)

Chief FOIA Officer Report

March 2010

This report includes responses for the Research, Education, and Economic (REE) agencies: Agricultural Research Service (ARS), Economic Research Service (ERS), National Agricultural Statistics Service (NASS), and National Institute of Food and Agriculture (NIFA).

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report

REE Response

- REE administers the FOIA to reflect our nation's fundamental commitment to open government as set forth in the President's, January 21, 2009 Memorandum and the March 19, 2009, Memorandum of the Attorney General. Records are reviewed in light of the presumption of openness with a view towards what can be disclosed in full.
- REE maintains a FOIA Website, which is a reference guide that provides information to requesters concerning accessing non-FOIA records, submitting a FOIA request, accessing information of public interest through our Reading Room links, and contacting the FOIA Office. The Website also provides links to each of the REE Websites where information is available concerning current programs and other information of public interest.
- REE FOIA requests are processed in a central location and in those cases where information must be withheld all segregable portions of the document are released. REE promotes an atmosphere of openness protecting information in such cases where there is a personal privacy interest or commercial business interest, or where the information has been collected for statistical purposes. Out of 163 requests received in FY 2009, only 3 requests were denied in full. Out of 155 requests processed in FY 2008, 87 requests were full grants, 27 were partial grants, and 2 were full denials.

Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

REE Response

- REE has an effective system established to process FOIA requests. Requests are logged in when received in this office, and an acknowledgement letter is sent to the requester providing the date the request was received, the FOIA tracking number, the response date, and contact information including an email address allowing the requester to contact this

office with any questions or to check on the status of the request. REE will also call requesters if their requests are not clear in order to clarify the scope of the request.

- Whenever possible, responsive documents are provided in electronic format via attachments to emails or as CD-ROMs.
- The REE FOIA Office receives excellent IT support from both the Information Staff (IS), which is where the FOIA Office is located, and the ARS Office of the Chief Information Office (OCIO).
- The IS updates and maintains key ARS websites, including the REE FOIA website in addition to providing basic frontline computer support, such as hardware and application issues and installation.
- The Customer and Technical Services Branch, OCIO, addresses all FOIA technical issue relating to information security, networking, connectivity, databases, and email.

Part III. Steps Taken to Increase Proactive Disclosure

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

REE Response

- The ARS website is routinely updated to provide information on current research projects, news releases, and publications in order to disseminate ARS information as widely as possible. Information about ARS research projects is uploaded on a regular basis on the ARS website: <http://www.ars.usda.gov/research/projects.htm>. One of the research projects listed for the Children's Nutrition Research Center in Houston, Texas, concerns the Prevention of Childhood Obesity Through Lifestyle Changes:
- http://www.ars.usda.gov/research/projects/projects.htm?ACCN_NO=416969. ARS research results are regularly uploaded onto the TEKTRAN database, which forecasts the future of food, nutrition, and food safety; crops and livestock; natural resources and sustainable systems; industrial products; and new and emerging technology: <http://www.ars.usda.gov/services/TekTran.htm>. ARS publishes Food and Nutrition Research Briefs at <http://www.ars.usda.gov/is/np/fnr>, which provides information on current research projects. One project listed concerns research conducted at the ARS Citrus and Subtropical Products Laboratory in Winter Haven, Florida: Fungi May Hold Key to Reducing Grapefruit Juice Interactions with Medications: <http://www.ars.usda.gov/is.fnr/fnr0110.htm#fungi>.
- The ERS website is updated on an ongoing basis to provide current online databases, data tools, data sets, and publications in order to disseminate ERS information as widely as possible. The "About ERS" section posts a number of official documents, including important ERS policy documents, data pertaining to our information quality guidelines, EEO/No Fear equal opportunity employment data, and peer review information: <http://www.ers.usda.gov/AboutERS>. ERS provides timely research and analysis to public and private decision makers on topics related to agriculture, food, the environment, and rural America. The ERS Strategic Plan for FY 2008-1012 can be found at: http://www.ers.usda.gov/AboutERS/ERSStrategicPlan2007_2012.pdf.
- The NASS website is routinely updated to provide data and statistics, news releases, Agricultural Statistics Board reports, and publications in order to disseminate NASS

information as widely as possible. The Agricultural Statistics Board presents its reports in printed and electronic form to the waiting public and press, adhering to a schedule announced before the beginning of each year. The reports can be found at: http://www.nass.usda.gov/Publications/Reports_By_Date/index.asp.

- The NIFA website is updated on an ongoing basis. In 2009, more than 1,500 changes were made to the NIFA Website announcing grant and funding opportunities, listing RFAs (Request for Application), providing budget information, and posting press releases and newsletters; adding new pages, speeches and Congressional testimony, reports, and publications; updating individual grant and program pages; and updating events, resources, and directories. NIFA proactively uploads and updates program announcements and activities and press announcements on a daily basis. The NIFA website contains “See our recently released and soon to close grant programs” <http://www.nifa.usda.gov/fo/recentReleasedGrants.cfm>, which was developed in 2009 to help individuals identify which grant programs are open and which ones will soon close. NIFA has a system in place where the National Program Leaders submit their Web content materials for editing and timely posting.
- The REE FOIA Reading Room contains links to information that would be of public interest, for example, information is provided on grants and contracts awarded by REE, current REE Policies & Procedures, Manuals, and Bulletins, and a special collection at the National Agricultural Library. The Reading Room is updated on a regular basis.

Part IV. Steps Taken to Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Instructions and a link are provided on the REE FOIA Website to enable the public to submit an electronic FOIA request via the REE FOIA Request Form or redirect the public to the REE FOIA email address.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not applicable.

3. Does your agency track requests electronically?

REE maintains an electronic log in which FOIA requests are entered and tracked internally. This log is not accessible to the public. The current impediment to REE utilizing a tracking system that can be accessed online would be the cost. REE is a low volume agency; therefore, the number of requests received by the REE agencies does not justify the cost of a tracking system.

4. If not, what are the current impediments to your agency utilizing a system to track electronically?

Not applicable.

5. Does your agency use technology to process requests?

REE responds to requests electronically to the greatest extent possible. Concerns exist over electronically deleted material and the possibility to retrieve the deleted material.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

REE is a low volume agency and the preparation of the report is easily and accurately achieved through manually collecting the data to enter into the report, creating either an Excel or MS Word document.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?

The current impediment to utilizing technology to prepare the report would be justifying the cost.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

REE Response

- REE does not have a backlog. In 2009, the average number of days to respond to FOIA requests was 10 working days.
- At the end of FY 2009 REE listed six pending requests; at the end of FY 2008, REE listed 2 pending requests. These requests were listed as pending because they were received at the end of the Fiscal Year and the 20 working days had not yet expired.

RISK MANAGEMENT AGENCY (RMA)

Chief FOIA Officer Report

March 2010

Part I. Steps Taken to Apply the Presumption of Openness

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

RMA Response

- The Risk Management Agency FOIA personnel participated in several training workshops that provided guidance on the principles underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. RMA also announced and posted the President's FOIA Memorandum and the Attorney General's FOIA Guidelines on the agency's intranet site. In addition, RMA recently drafted a FOIA handbook that provides system of records owners and program officials with policy and general guidance for release of information and which emphasizes the importance of applying President Obama's January 21 FOIA Memorandum in release of information.
- RMA's information can be grouped into several categories to include: producer information, approved insurance provider (AIP) information, deliverables from contracts and partnerships, and internally produced information such as actuarial information, rating and pricing methodologies, procedure, analyses, employee information, and IT documentation. The above categories of information make it difficult to release a full grant for this type of information without causing some type of harm or impairment to the agency. However, when comparing the partial grants to full denials in FY 2008 to 2009, RMA improved on releasing more information. The following tables illustrate the change in ratio of partial grants to full denials based on exemptions:

Fiscal Year	Partial Grants	Full Denials
2008	35	8
2009	17	7

- RMA's FOIA program is relatively small, receiving approximately 100 requests per year. In 2008 we reported 92 requests received and 108 requests for 2009. In 2008 RMA processed a total of 4 appeals in which 2 were completely reversed to release more information. In 2009, we processed only 1 appeal which was partially reversed to release more information. In applying the presumption of openness, we recently processed an appeal, intermittingly releasing it to provide the requester more information without burdensome delay. During our review process, we apply the President's and Attorney General's guidance in order to make more discretionary releases.
- For example, investigative material, where an open file exists, cannot be disclosed to the public until such case is finalized and issued. As an option and in concert with the new FOIA Guidelines, we are now processing this information and making additional partial disclosures instead of full denials.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year’s Annual FOIA Report.

RMA Response

Fiscal Year	Full Grants	Partial Grants
2008	35	35
2009	37	17

- RMA normally processes more FOIA/Privacy Act requests for information regarding individual producers compared to agency program information. RMA’s increase in partial grants in 2009 compared to 2008 was due to receiving more FOIA requests for commercial interests in 2008. In 2009 we received more inquiries for producers requesting information regarding their policies. These type requests were mostly for investigatory type records and could not be released due to an on-going investigation or the inclusion of third party information.

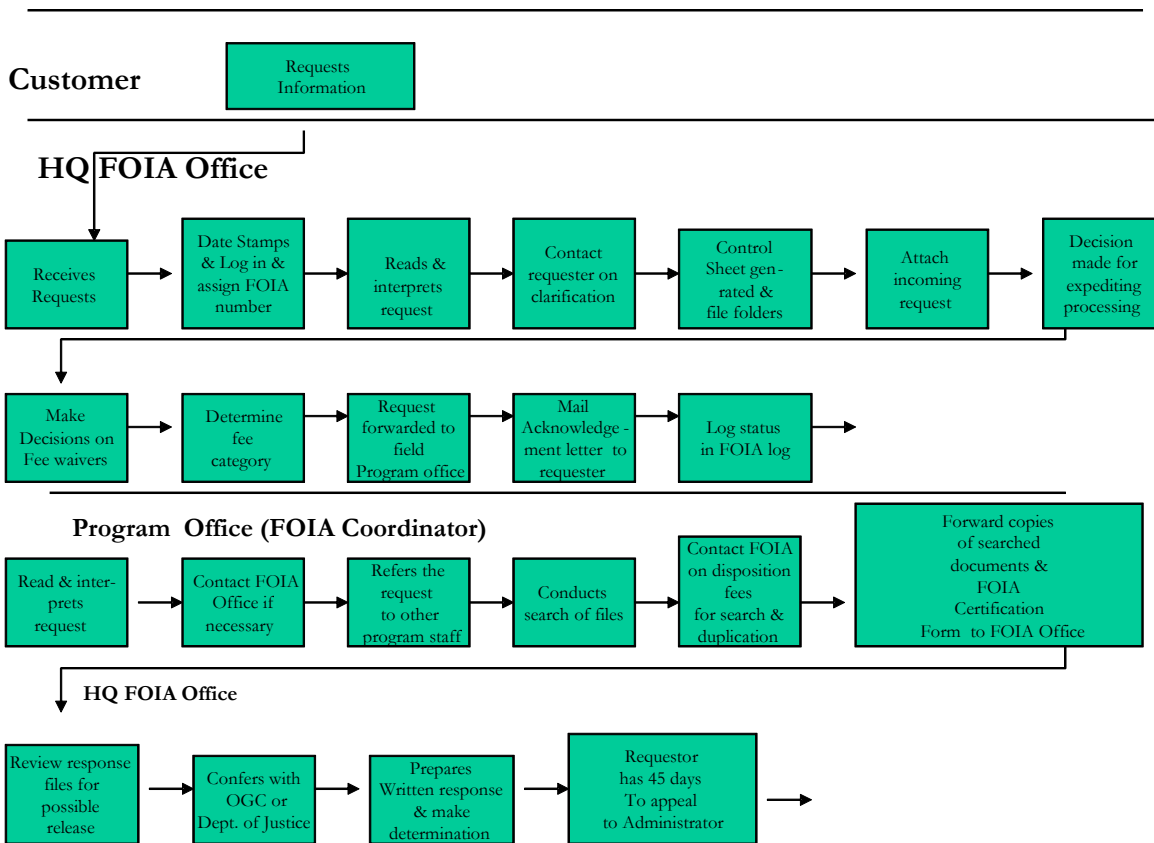
Part II. Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests

Section Guidance

Describe here the steps taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion of how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

RMA Response

- RMA administers a centralized FOIA program and has generally been extremely efficient in processing about 100 requests per year. The RMA FOIA Office closely coordinates with 26 field offices to search for and provide the FOIA Office with the requested information. The following workflow chart is an illustration of accountability and work flow processes of key support FOIA professionals.



- Due to the small volume of requests received per year, the RMA FOIA Office effectively and efficiently manages work flow using a Microsoft template to track FOIA requests and facilitate preparation of the Annual Report to DOJ/Congress. In FY 2011, RMA plans to implement an improved tracking system to allow electronic monitoring and automatic downloading of the Annual Report. The Department's FOIA Office is also viewing the possibility of implementing an agency wide system.

Part III. Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

RMA Response

- RMA already provides an enormous amount of aggregate data of program information on the public website. The information is linked from the RMA Reading Room on the public internet site to the Summary of Business that gives aggregate data on producers, crops, insurance policies, and other information commonly requested under FOIA. The Summary of Business is compared to a super knowledge store that makes available many of the categories of documents that were the subject of FOIA requests, such as the Agent Listing, Prevented Planting, reports for information about crop policies available in specific counties and states, etc. Additionally, we routinely share detailed data mining reports about various

administrative and operational program aspects with industry insurance providers to supplement and complement their internal operations.

- Since issuance of the new FOIA Guidelines, RMA has made the following proactive disclosures:
 - A study titled the “Milliman Report” regarding crop insurance and the company’s return on investments;
 - Report to Congress: Perennial Crops, Pecans and the Federal Crop Insurance Program;
 - Report to Congress: Organic Crops and the Federal Crop Insurance Program.
- The internet availability, couple with these types of documents, has reduced the number of FOIA requests we process. We also published a recent update of the actuarial browser containing the above-mentioned information which makes it more accessible to the non-technical user.
- The RMA Communications Office recently posted a study, entitled the “Milliman Report,” about crop insurance company’s return on investments. This study was posted in anticipation of multiple FOIA requests. The internet availability of these types of documents has reduced the number of FOIA requests. We also published a recent update of the actuarial browser which makes information more accessible to the non-technical user.

Part IV. Steps Taken To Greater Utilize Technology

1. Does your agency currently receive requests electronically?

Yes, RMA has an electronic template on the public RMA FOIA website for submitting e-mail requests. Additionally, once we receive a request, we emphasize to requesters in FOIA acknowledgements that electronic communications is the most efficient and fastest means for processing their requests. The e-mail capability makes it more accessible for requesters to check the status of their request and have quicker response turnaround involving program staff that can assist with more difficult agency program type requests. The number and percentages of e-FOIA transactions has increased since the initial improvement plan.

2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?

Not Applicable.

3. Does your agency track requests electronically?

Yes, RMA tracks its FOIA requests through a template in Microsoft Word, which is connected to the server and stored daily.

4. If not, what are the current impediments to your agency utilizing a system to track requests electronically?

Not applicable.

5. Does your agency use technology to process requests?

Yes, all information is stored electronically and often scanned and released either on disks or by e-mail attachments.

6. If not, what are the current impediments to your agency utilizing technology to process requests?

Not applicable.

7. Does your agency utilize technology to prepare your agency Annual FOIA Report?

Yes, RMA uses Microsoft Excel to manipulate the data. As discussed above, RMA does not receive or process over 100 requests per year. Therefore, the current system more than adequately manages all agency information at this time.

8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report.

Not applicable.

Part V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction.

RMA Response

- RMA’s FOIA operations have consistently been efficient. The centralized structure between the FOIA Office and internal offices allow RMA the unique ability to provide centralized management control and accountability. We have not encountered a significant backlog other than a small number of appeals that are forwarded to the Office of the General Counsel (OGC) for a final decision on appeal. As illustrated by the following chart, RMA does not have an end of the year backlog problem other than these FOIA appeals pending due to delays in review for legal sufficiency which is controlled by USDA OGC.

Fiscal Year	FOIA Requests Backlog	FOIA Appeals Backlog
2008	0	2
2009	0	3

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

RMA Response

- RMA’s system facilitates compliance with the statutory time periods for responding to FOIA and appeals. Requests are routinely processed within a few days of receipt. The timeliness in acknowledging and responding has been incorporated into organizational and individual program performance standards. This allows for accountability and more accurate performance.

- To improve timeliness RMA utilizes the multi-track processing system. Track 1 (simple requests): these type of requests can be answered with readily available records or information. These are the fastest to process and ordinarily will be responded to within 20 working days of receipt of a request. Track 2 (complex requests): this type of track is used where records or information are needed from other offices throughout RMA often accumulating voluminous records or where we must consult with other Governmental agencies. Track 3 (expedited processing): requests that require processing as soon as possible in a practical manner. Typically the only requests that require more than twenty days to process are those involving large numbers of investigatory documents or broad in scope regarding program information. RMA also documents all feedback received regularly from requesters to determine whether further enhancements are warranted.
- To process appeals faster and provide the requester with better results, we are returning to the program area for more consultation/status review, which has proven to be helpful in providing requesters more disclosure prior to routing appeal to the Office of the General Counsel for a legal review.

RURAL DEVELOPMENT (RD)

Chief FOIA Officer Report

March 2010

Part I. Steps taken to apply the presumption of openness:

Section Guidance

Describe the steps taken by your agency to ensure that the presumption is being applied to all decisions involving the FOIA.

RD Response

- The FOIA Officer will make discretionary disclosures of information.
- When the FOIA Officer determines that it cannot make full disclosure of requested information, consideration will be made to determine whether partial disclosure will be made.
- When some parts of a record must be withheld due to statutory requirements, other parts of the record will be considered for release by the FOIA Officer when they are unrelated to the actual impact of disclosure.
- The FOIA Officer will not withhold the release of information, because the release of such information might embarrass, reveal errors and failures, or because of speculative or abstract fears.
- One example of Rural Development's commitment to apply the presumption that all information requested will be released is clearly demonstrated in the Fiscal Year (FY) 2009 Annual Report. The Rural Development FOIA Unit received 304 FOIA requests for response during FY 2009, but only 47 appeal requests were made.

Section Guidance

Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.

RD Response

Fiscal Year	Number of Full Grants	Released in Part
2008	517	86
2009	610	109

Part II. Steps taken to ensure that your agency has an effective system for responding to requests:

Section Guidance

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This should include a discussion on how your agency addressed the key roles played by agency personnel who work with FOIA professionals, including steps taken to ensure FOIA professionals have sufficient IT support.

RD Response

- The Rural Development Freedom of Information Act (FOIA) program is decentralized. The staff in the National Office consists of two FOIA Specialists and one FOIA Assistant. In the National Office, incoming requests from the public are logged into a tracking system and an acknowledgement letter is sent to the requester indicating receipt. Each request is carefully reviewed. If necessary, a letter is written to the requester to clarify any questions the FOIA staff may have about the request. Depending on the nature and location of the information being requested, the request is answered at the National Office or forwarded to the respective State Office for their response. When a request is forwarded to a State Office, the requester is notified in writing and provided the contact information for the State Office. A requester can call anytime to obtain the status of their FOIA request. Information on the FOIA process and procedures are available to the public through the United States Department of Agriculture's Internet website.
- Requests for information located in the National Office for the Rural Business-Cooperative Service and Rural Housing Service are answered by the Rural Development FOIA Specialist. Requests for information located in the National Office for the Rural Utilities Service are answered by the Rural Utilities Service FOIA Specialist.
- Rural Development has 47 Rural Development State Office field locations. Each State Office has a FOIA Coordinator. In addition, each state has area and local Offices. The individuals that head up these area and local offices are delegated to act as FOIA Coordinators for their respective office.
- In the National Office, the Customer Service Division (CSD) provides a direct link between IT and the customers it serves. This division is responsible for direct customer and technical support (hardware and software) on all platforms in a liaison capacity which effectively responds to the customer's questions and problems. CSD serves as the Rural Development focal point for Internet policy, standards, and systems development. CSD establishes and maintains ongoing customer and focus groups, and markets customer services via newsletter, brochures, videos, etc. The CSD maintains an electronic Help Desk that allows the FOIA staff to enter a request for IT assistance and resolve it quickly.

Part III. Steps taken to increase proactive disclosure:

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency's website, including providing examples of proactive disclosures that have been made since the issuance of new FOIA guidelines.

RD Response

Internet website links are established on the USDA's homepage listed below. Information which is frequently requested about programs is placed on the respective program area's Internet website Rural Development programs are delivered through our Utilities Programs, which address rural America's need for basic services such as clean running water, sewers and waste disposal, electricity, and telecommunications; our Housing Programs, which address rural America's need for single-family and multi-family housing as well as health facilities, fire and police stations, and other community facilities, and; our Business Programs, which provide help to rural areas that need to develop new job opportunities, allowing businesses and cooperatives to remain viable in a changing economy. We also have Community Development Programs that operate special initiatives to demonstrate effective community development techniques and address unique and pressing economic development issues.

- In addition, Rural Development works in partnership with other entities -- such as state, local, and tribal Governments, private and nonprofit organizations, and member-owned cooperatives -- to revitalize rural areas. Our programs are provided across the nation through 47 state offices and 800 area and local offices.

Part IV. Steps taken to greater utilize technology:

1. Does your agency currently receive requests electronically?
Yes, FOIA requests are accepted via e-mail.
2. If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically?
Not applicable.
3. Does your agency track requests electronically?
Yes, an electronic spreadsheet is maintained on all FOIA requests.
4. If not, what are the current impediments to your agency utilizing a system to track electronically?
Not applicable.
5. Does your agency use technology in processing requests?
Yes, Rural Development utilizes scanning software technology to allow field offices to scan a document and e-mail it to the FOIA Specialist for review.
6. If not, what are the current impediments to your agency utilizing technology to process requests?
Not applicable.
7. Does your agency utilize technology to prepare your agency Annual FOIA Report?
Yes, the electronic spreadsheet which is used to track the status of all FOIA requests is utilized to calculate the information necessary for the Annual FOIA Report.
8. If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report?
Not applicable.

Part V. Steps taken to reduce backlogs and improve timeliness in responding to requests:

Section Guidance

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

- Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
- Age of those requests and appeals.

RD Response

The following appeal requests are the 10 oldest appeal requests that are under review by the Office of the General Counsel:

Date of Appeal Request	Number of Full Grants
------------------------	-----------------------

6/13/2008	325
12/13/2007	450
8/24/2007	522
8/24/2007	522
6/14/2007	572
5/29/2007	584
1/16/2007	676
1/20/2006	926
7/25/2005	1,036
9/22/2005	1,252

Section Guidance

If there has not been a reduction in the backlog, describe why that has occurred and what steps your agency is taking to bring about a reduction.

RD Response

- The FOIA Unit, General Services Branch, Rural Development, has experienced vacancies in staffing, a recent turnover of staff, the addition of additional responsibilities and an increase the quantity and amount of information being requested.
- The Utilities Programs area maintained a FOIA Specialist to process FOIA requests for their area, but the responsibility was transferred to the FOIA Unit. After the transfer of responsibilities, the processing for all FOIA requests, Privacy Act requests, Tort Claims, and preparation of documents for litigation claims for the entire agency was handled by one FOIA Specialist. Two additional FOIA Specialists were hired, but the most senior specialist left the agency.

Section Guidance

Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

RD Response

Rural Development has identified a list of all distinct steps which are planned to be taken:

- Requesters will be notified if information responsive to their request is immediately available via the internet. When a request is received that requires responsive information from multiple sources, portions of the responsive information will be provided as it becomes available. Requests that have not received a response within 18 days will be reviewed to identify the cause(s) for the delayed response, the request will become a priority, and the file will be documented to identify the cause for the delay. Issue an unnumbered letter to appropriate staff reminding them of the importance of providing information in a timely manner when it is requested by the FOIA Coordinator or FOIA Officer.
- Record complaints from requesters, resolve the complaints, investigate the cause of the complaints, and initiate a plan to address the issue.

- The Information Technology Help Desk established a FOIA e-mail mailbox and added the e-mail address to the agency's FOIA information page located on the Internet website.
- Continue to monitor response times.
- Add informational materials to Rural Development's FOIA Internet website that will include sample requests, responses to commonly asked questions, and points of contact.
- Each program area was asked to appoint a FOIA Coordinator to serve as a single point of contact for the FOIA unit staff and assist with the collection of responsive records.