



**DEPARTMENT OF AGRICULTURE
FREEDOM OF INFORMATION ACT
ANNUAL REPORT
FOR
FISCAL YEAR 2012**

U. S. DEPARTMENT OF AGRICULTURE

Freedom of Information Act Annual Report FY 2012

EXECUTIVE SUMMARY

The mission of the United States Department of Agriculture's (USDA) is to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management. Upon its creation in 1862, President Abraham Lincoln called USDA "the people's department," because it affects so many people's lives in so many different ways, and earlier, President Thomas Jefferson, a farmer, noted that "cultivators of the earth are the most valuable citizens." USDA works hard to keep these sentiments alive as it pursues its mission to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

USDA programs and activities affect every American, every day, by providing a safe and stable food supply, nutrition assistance, renewable energy, rural economic development, care for forest and conservation lands, and global opportunities for farm and forest products. USDA holds answers to some of the most pressing problems faced by our Nation and world—from meeting needs for renewable energy, and increasing crop yields to fight hunger, protecting the food supply to improving our environment and optimizing international trade. To successfully accomplish its mission, USDA operates 300 programs worldwide through an extensive network of Federal, State, and local cooperators.

USDA has a decentralized FOIA Program under the direction of the Chief FOIA Officer, the Assistant Secretary for Administration. There are twenty-one (21) FOIA Officers at the mission area and agency levels. Because we are such a large Department, with offices in every county of the United States, our FOIA programs differ greatly in scope and size from one agency to another.

The FOIA Service Center is the focal point for the coordination of USDA's FOIA program. The FOIA Service Center provides agency-wide oversight to ensure compliance with FOIA. In FY2011 and FY2012, the FOIA Service Center spearheaded several initiatives to increase transparency, timeliness and quality of FOIA responses. The largest of the FOIA Service Center initiatives is the launch and migration of data to the agency wide tracking database. As of September 30, 2012, seventeen (17) of the twenty-one (21) service agencies have completely migrated its data to the agency-wide tracking system.

I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person to be contacted with questions about the report:

Ravoyne Payton
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- B. Electronic link for access to the Report on the agency Web site:

Please see <http://www.dm.usda.gov/foia/OCIORReading.htm>.

- C. How to obtain a paper copy of this report:

Please contact the FOIA Service Center at USDAFOIA@ocio.usda.gov.

II. Making a FOIA Request

- A. Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

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FOREIGN AGRICULTURAL SERVICE

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FOREST SERVICE

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The listing of FOIA Officers and agency contact information can also be found at <http://www.dm.usda.gov/foia/poc.htm>.

- B. Brief description of why some requests are not granted and an overview of certain general categories of USDA records to which FOIA exemptions apply.

In accordance with 5 U.S.C § 552, President Obama's FOIA memorandum and Attorney General Holder's FOIA guidelines, USDA furnishes records to requesters in full if available and none of the nine FOIA Exemptions or three statutory exclusions authorizes a withholding. In FY2012, FOIA Exemption (b)(6) is the most frequently cited within USDA. Records withheld under this exemption included social security numbers, residential addresses, personal cellular and residential numbers. USDA also cannot satisfy request for records not clearly described or would require our FOIA professionals to create records, analyze data or address questions posed by requesters.

III. Definitions of Terms and Acronyms Used in the Report:

- A. Mission Area, Agency and Staff Office acronyms are as follows:

AMS: Agricultural Marketing Service
APHIS: Animal and Plant Health Inspection Service
ASCR: Assistant Secretary for Civil Rights
DM: Departmental Management
FAS: Foreign Agricultural Service
FNCS: Food, Nutrition and Consumer Service
FSA: Farm Service Agency
FSIS: Food Safety and Inspection Service
FS: Forest Service
GIPSA: Grain Inspection, Packers and Stockyards Administration
NAD: National Appeals Division
NRCS: Natural Resources Conservation Service
OBPA: Office of Budget and Program Analysis
OCFO: Office of the Chief Financial Officer
OGC: Office of General Counsel
OIG: Office of the Inspector General
OSEC/OCIO: Office of the Secretary/Office of the Chief Information Officer
RD: Rural Development
REE: Research, Education and Economics
RMA: Risk Management Agency

- B. Definitions of terms used in this report:

1. **Administrative Appeal:** A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
2. **Average Number:** The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 10, and 14, the average number is 9.
3. **Backlog:** The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

4. **Component:** For agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
5. **Consultation:** The procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
6. **Exemption 3 Statute:** A federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
7. **FOIA Request:** A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

8. **Full Grant:** An agency decision to disclose all records in full in response to a FOIA request.
9. **Full Denial:** An agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
10. **Median Number:** The middle, not average, number. For example, of 3, 10, and 14, the median number is 10.
11. **Multi-Track Processing:** A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- a. **Expedited Processing:** An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - b. **Simple Request:** A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - c. **Complex Request:** A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- 12. Partial Grant/Partial Denial:** In response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- 13. Pending Request or Pending Administrative Appeal:** A request or administrative appeal for which an agency has not taken final action in all respects.
- 14. Perfected Request:** A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- 15. Processed Request or Processed Administrative Appeal:** A request or administrative appeal for which an agency has taken final action in all respects.
- 16. Range in Number of Days:** The lowest and highest number of days to process requests or administrative appeals.
- 17. Time Limits:** The time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

C. Concise descriptions of the nine FOIA exemptions:

- 1. **Exemption 1:** Classified national defense and foreign relations information.
- 2. **Exemption 2:** Information that is related solely to the internal personnel rules and practices of an agency.
- 3. **Exemption 3:** Information that is prohibited from disclosure by another federal law.
- 4. **Exemption 4:** Trade secrets and other confidential business information.
- 5. **Exemption 5:** Inter-agency or intra-agency communications that are protected by legal privileges.
- 6. **Exemption 6:** Information involving matters of personal privacy.

7. **Exemption 7:** Records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
8. **Exemption 8:** Information relating to the supervision of financial institutions.
9. **Exemption 9:** Geological information on wells.

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
5 U.S.C. § 574(b) Administrative Dispute Resolution Act	Information in connection with dispute resolution.	None.	AMS	1	1
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
			OSEC/OCIO		
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C. § 136i-1 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)	Data “that would directly or indirectly reveal the identity of individual producers [of certain pesticides].”	<i>Doe v. Veneman</i> , 380 F.3d 807, 818 (5 th Cir. 2004)	AMS		2
			APHIS	2	
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7 U.S.C. §608(d)(2) Agriculture Adjustment Act	Information for marketing order programs that is categorized as trade secrets and commercial or financial information.	None.	AMS	1	1
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
			OSEC/OCIO		
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C.§1502(c) Federal Crop Insurance Act	Personal information in connection with policy holders and/or yield data.	None	AMS		9
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA	3	
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS	2	
			OBPA		
			OCFO		
			OGC		
			OIG		
			OSEC/OCIO		
REE					
RMA	4				
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C.§2018(c) Food Stamp Act	Names and other personally identifiable information of SNAP (Food Stamps) recipients and firms participating in program.	<i>Argus Leader Media v. U.S. Dep't of Agriculture</i> , 2012 WL 4482939 (Sept. 27, 2012).	AMS		56
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS	56	
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C.§2105(c) Cotton Research and Promotion Act	Information provided by handlers or any class of handlers in preparation of the filing of reports.	None.	AMS	1	1
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C.§2276(a)(2) Food Security Act of 1985	“Information furnished under a provision of law referred to in subsection (d) of this section...unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.”	<i>Strunk v. U.S. Department of Interior</i> , 752 F. Supp. 2d, 39, 44 (D.D.C. 2010)	AMS		5
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA	2	
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE	3				
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C.§2619(c) Potato Research and Promotion Act	Confidential information furnished by handlers and importers for the filing of reports.	None.	AMS	1	1
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
			OSEC/OCIO		
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C.§7414(i)(4) Agricultural Marketing Act	Information provided by handlers and importers of agricultural commodities in connection with the filing of reports.	None.	AMS	1	1
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE					
RMA					
RD					

Statute 13	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
7U.S.C. §8791	“Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operations, farming or conservation practices, or the land itself, in order to participate in programs of the Department” and certain “geospatial information ...maintained by the Secretary.”	<i>Ctr. for Biological Diversity v. USDA</i> , 626 F.3d 1113, 1118 (9 th Cir. 2010); <i>Zanoni v. USDA</i> , 605 F. Supp. 2d 230, 237-381 (D.D.C. 2009).	AMS	1	340
			APHIS	13	
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA	248	
			FS	8	
			FSIS		
			GIPSA		
			NAD		
			NRCS	70	
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
16U.S.C.§470hh Archaeological Resources Protection Act of 1979	Information pertaining to the nature and location of certain archaeological resources.	<i>Hornbostel v. U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	AMS		31
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS	30	
			FSIS		
			GIPSA		
			NAD		
			NRCS	1	
			OBPA		
			OCFO		
			OGC		
			OIG		
			OSEC/OCIO		
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
16U.S.C.§470w-3	Archaeological site maps, cultural resources and historic sites	None.	AMS		12
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS	11	
			FSIS		
			GIPSA		
			NAD		
			NRCS	1	
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE					
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
35 U.S.C. §205	Information disclosing any invention in which the Federal Government owns or may own a right, title, or interest.	None.	AMS		1
			APHIS		
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA		
			FS		
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG		
OSEC/OCIO					
REE	1				
RMA					
RD					

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
41U.S.C.§4702(b) (Previously 41 U.S.C. §253 (b)(m)(1) National Defense Authorization Act for Fiscal Year 1997)	Proposals not set forth or incorporated by reference in a contract entered into between the agency and the contractor.	<i>Sinkfield v HUD</i> , No. 10-885, 2012 U.S. Dist. Lexis 35233, at 13-15 (S.D. Ohio Mar. 15, 2012); <i>Hornbostel v U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21,30 (D.D.C. 2003), summary affirmance granted, No 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	AMS		13
			APHIS	1	
			ASCR		
			DA		
			FAS		
			FNCS		
			FSA	6	
			FS	5	
			FSIS		
			GIPSA		
			NAD		
			NRCS		
			OBPA		
			OCFO		
			OGC		
			OIG	1	
OSEC/OCIO					
REE					
RMA					
RD					

V. FOIA REQUEST

A. Received, Processed, and Pending FOIA Requests

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
AMS	16	147	133	30
APHIS	168	943	899	212
ASCR	2	27	27	2
DM	5	71	41	35
FAS	1	41	40	2
FNCS	35	241	255	21
FSA	289	16,848	16,656	481
FSIS	218	308	426	100
FS	333	2,309	2,235	407
GIPSA	0	54	50	4
NAD	0	14	14	0
NRCS	6	361	313	54
OBPA	0	11	11	0
OCFO	1	30	29	2
OGC	12	29	27	14
OIG	7	128	113	22
OSEC/OCIO	65	111	144	32
RD	181	303	91	393
REE	3	127	127	3
RMA	8	72	55	25
USDA OVERALL	1,350	22,175	21,686	1,839

APHIS, GIPSA, NAD and OSEC/OCIO: The number of FOIA requests pending as of the start of FY2012 differs from the number of FOIA requests pending as of the end of FY2011 due to a recent migration initiative.

OCFO: As in previous years, OCFO data includes that from the National Finance Center (NFC).

Note: Prior to the deployment of the agency-wide tracking system, USDA component agencies used numerous manual and automated tracking methodologies in preparation of the Annual FOIA Report. In FY2012, the agency wide tracking database was the primary source of data for compilation of the FY2012 FOIA Annual Report. Other secondary sources included manual tracking methodologies.

B. (1) Disposition of FOIA Requests – All Processed Requests

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Full Denials based on reasons other than exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other	
AMS	24	66	6	13	0	12	2	0	0	2	0	8	133
APHIS	148	401	45	165	9	36	7	52	13	8	15	0	899
ASCR	2	8	1	11	1	1	0	2	0	1	0	0	27
DM	11	11	3	8	0	1	1	0	0	5	1	0	41
FAS	14	5	0	6	1	6	2	0	0	4	2	0	40
FNCS	58	118	19	32	9	8	1	4	0	6	0	0	255
FSA	15,396	409	166	176	263	67	76	39	16	13	16	19	16,656
FSIS	76	243	10	48	4	33	5	1	3	2	1	0	426
FS	1,093	570	82	236	57	75	13	2	16	5	27	59	2,235
GIPSA	11	20	3	11	0	3	1	0	0	0	1	0	50
NAD	5	0	0	7	0	1	0	0	1	0	0	0	14
NRCS	121	88	44	33	9	7	1	1	3	2	4	0	313
OBPA	6	1	0	4	0	0	0	0	0	0	0	0	11
OCFO	14	6	2	4	0	0	0	1	0	2	0	0	29
OGC	3	9	2	5	0	7	1	0	0	0	0	0	27
OIG	6	33	22	27	6	7	2	0	0	0	0	10	113
OSEC/OCIO	52	43	1	11	2	32	0	1	1	1	0	0	144
RD	40	32	1	12	0	4	1	0	0	0	1	0	91
REE	64	25	2	13	2	4	2	2	3	10	0	0	127
RMA	24	10	12	3	0	5	0	1	0	0	0	0	55
USDA OVERALL	17,168	2,098	421	825	363	309	115	106	56	61	68	96	21,686

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B(1) Chart

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	Number of Time “Other” reason was relied upon	TOTAL
AMS	Requester failed to comply with multiple requests for clarification.	8	8
APHIS	N/A	0	0
ASCR	N/A	0	0
DM	N/A	0	0
FAS	N/A	0	0
FNCS	N/A	0	0
FSA	Glomar response.	1	19
	Records not available in requested format.	10	
	Requester referred to public website.	8	
FSIS	N/A	0	0
FS	Requester failed to comply with multiple requests for clarification.	59	59
GIPSA	N/A	0	0
NAD	N/A	0	0
NRCS	N/A	0	0
OBPA	N/A	0	0
OCFO	N/A	0	0
OGC	N/A	0	0
OIG	Glomar response.	9	10
	No authorization to release records.	1	
OSEC/OCIO	N/A	0	0
RD	N/A	0	0
REE	N/A	0	0
RMA	N/A	0	0
USDA OVERALL			96

B. (3) Disposition of FOIA Requests – Number of Times Exemptions Applied

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex.8	Ex.9
AMS	0	4	6	37	12	61	3	0	4	0	2	1	0	0
APHIS	0	2	16	48	31	388	82	0	202	2	0	10	0	0
ASCR	0	0	0	0	0	9	0	0	6	1	0	0	0	0
DM	0	0	0	8	1	9	1	0	0	0	0	0	0	0
FAS	0	0	0	4	2	1	0	0	0	0	0	0	0	0
FNCS	0	2	56	18	2	54	8	1	53	7	55	6	0	0
FSA	5	5	259	7	47	324	2	0	1	0	0	0	1	0
FSIS	0	1	0	95	12	143	5	3	99	0	0	0	0	0
FS	0	40	54	124	415	28	6	109	1	28	25	0	1	0
GIPSA	0	1	0	9	7	10	6	0	7	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NRCS	0	1	74	12	2	44	0	0	1	2	0	0	0	0
OBPA	0	0	0	0	0	1	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	8	0	0	0	0	0	0	0	0
OGC	0	0	0	0	10	5	0	0	0	0	0	0	0	0
OIG	0	0	1	5	16	43	19	0	35	1	4	0	0	0
OSEC/OCIO	0	3	0	5	13	42	1	0	2	0	0	0	0	0
RD	0	2	0	23	10	24	0	0	2	0	0	0	0	0
REE	0	0	4	12	5	22	0	0	0	0	0	0	0	0
RMA	0	0	4	3	4	6	9	0	1	0	0	0	0	0
USDA Overall	5	61	474	410	589	1222	142	113	414	41	86	17	2	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed, and Pending Administrative Appeals

Component	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
AMS	7	5	8	4
APHIS	71	36	23	84
ASCR	0	1	1	0
DM	0	2	1	1
FAS	0	0	0	0
FNCS	12	31	24	19
FSA	5	18	22	1
FSIS	5	3	7	1
FS	25	66	57	34
GIPSA	1	3	3	1
NAD	1	0	0	1
NRCS	2	11	13	0
OBPA	0	0	0	0
OCFO	0	4	2	2
OGC	1	0	1	0
OIG	7	10	12	5
OSEC/OCIO	2	4	3	3
RD	17	11	1	27
REE	0	2	1	1
RMA	13	3	1	15
USDA OVERALL	169	210	180	199

AMS, APHIS, and OSEC/OCIO: During FY2011, an appeal was closed due to litigation. This was not reflected however in the prior year's Annual Report.

B. Disposition of Administrative Appeals – All Processed Appeals

Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
AMS	3	3	1	1	8
APHIS	1	1	1	20	23
ASCR	1	0	0	0	1
DM	0	0	1	0	1
FAS	0	0	0	0	0
FNCS	15	7	0	2	24
FSA	4	9	4	5	22
FSIS	0	0	6	1	7
FS	10	13	6	28	57
GIPSA	2	1	0	0	3
NAD	0	0	0	0	0
NRCS	3	8	1	1	13
OBPA	0	0	0	0	0
OCFO	1	0	0	1	2
OGC	0	0	0	1	1
OIG	5	1	3	3	12
OSEC/OCIO	0	1	2	0	3
RD	0	0	0	1	1
REE	0	1	0	0	1
RMA	0	0	1	0	1
USDA OVERALL	45	45	26	64	180

C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
AMS	0	0	1	2	1	2	1	0	1	0	0	0	0	0
APHIS	0	0	0	0	0	1	0	0	0	0	0	0	0	0
ASCR	0	0	0	0	0	1	0	0	0	0	0	0	0	0
DM	0	0	0	1	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FNCS	0	0	3	0	1	7	0	0	10	2	11	0	0	0
FSA	0	0	8	0	1	5	0	0	1	0	0	0	0	0
FSIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FS	0	0	3	3	6	10	1	2	0	0	0	0	0	0
GIPSA	0	0	0	1	0	0	2	0	1	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NRCS	0	0	11	1	2	6	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	2	2	6	0	0	5	0	0	0	0	0
OSEC	0	0	0	0	0	1	0	0	0	0	0	0	0	0
RD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REE	0	0	0	1	0	1	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USDA OVERALL	0	0	26	11	13	40	4	2	18	2	11	0	0	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
AMS	1	0	0	0	0	0	0	0	1	0	0
APHIS	0	0	12	0	1	0	0	1	6	0	0
ASCR	0	0	0	0	0	0	0	0	0	0	0
DM	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0	0
FNCS	0	0	1	0	0	1	0	0	0	0	2
FSA	1	0	3	0	0	0	0	0	0	1	0
FSIS	0	0	1	0	0	0	0	0	0	0	1
FS	6	1	7	1	0	3	0	2	0	0	8
GIPSA	0	0	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0	0
NRCS	1	1	0	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0
OCFO	1	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	1	1	0	0	0	0	1	0	1
OSEC/OCIO	0	0	0	0	0	0	0	0	0	0	0
RD	0	0	0	0	1	0	0	0	0	0	0
REE	0	0	0	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0	0
USDA OVERALL	10	2	25	2	2	4	0	3	8	1	12

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

Component	Description of “Other” Reasons for Denial on Appeal from Chart C (2)	Number of times “Other” Reason was Relied Upon	Component TOTAL
AMS	N/A	0	0
APHIS	N/A	0	0
ASCR	N/A	0	0
DM	N/A	0	0
FAS	N/A	0	0
FNCS	Untimely appeal.	2	2
FSA	N/A	0	0
FSIS	Untimely appeal.	1	1
FS	Moot	8	8
GIPSA	N/A	0	0
NAD	N/A	0	0
NRCS	N/A	0	0
OBPA	N/A	0	0
OCFO	N/A	0	0
OGC	N/A	0	0
OIG	Untimely appeal.	1	1
OSEC/OCIO	N/A	0	0
RD	N/A	0	0
REE	N/A	0	0
RMA	N/A	0	0
USDA Overall		12	12

FS: Eight appeals agency-wide were closed as “moot” meaning that the agency responded to the initial request (after 20 working days and the appeal was received) and issued new appeal rights to the requester for any portions withheld. Thus the appeal was declared “moot” and the requester had the right to re-appeal if they were not satisfied with the initial response.

C. (4) Response time for Administrative Appeals

Component	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
AMS	218	230	25	922
APHIS	315.5	383.03	4	2,249
ASCR	32	32	32	32
DM	1	1	1	1
FAS	0	0	0	0
FNCS	63	105.69	26	376
FSA	23	152.81	1	2,612
FSIS	809	705.29	19	1,062
FS	40	109.86	1	1,827
GIPSA	13.5	13.5	13.3	13.6
NAD	0	0	0	0
NRCS	36.5	46.5	1	118
OBPA	0	0	0	0
OCFO	29	29	20	38
OGC	0	0	0	0
OIG	62	111	28	362
OSEC/OCIO	12	32.33	11	74
RD	26	26	26	26
REE	105	105	105	105
RMA	11	11	11	11
USDA Overall	43.5	227	0	2,612

C. (5) Ten Oldest Pending Administrative Appeals

		10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
AMS	Date	N/A	N/A	N/A	N/A	N/A	N/A	2012-08-08	2012-06-26	2011-11-10	2009-10-16
	Number of Days Pending	0	0	0	0	0	0	36	66	473	741
APHIS	Date	2006-12-11	2006-11-20	2006-11-17	2006-11-17	2006-02-28	2005-11-14	2005-08-17	2005-05-24	2004-08-12	2003-07-31
	Number of Days Pending	1457	1471	1472	1472	1655	1726	1786	1845	2040	2300
ASCR	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
DM	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-07-27
	Number of Days Pending	0	0	0	0	0	0	0	0	0	44
FAS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FNCS	Date	2012-03-12	2012-03-12	2012-03-07	2011-12-01	2011-11-15	2011-11-09	2011-10-17	2011-09-23	2011-09-16	2009-12-22
	Number of Days Pending	141	141	144	209	220	223	240	255	260	696
FSA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-24
	Number of Days Pending	0	0	0	0	0	0	0	0	0	4
FSIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-07-25	2012-06-12	2010-11-15
	Number of Days Pending	0	0	0	0	0	0	0	46	76	471
FS	Date	2011-09-07	2011-07-25	2011-07-05	2011-03-28	2011-01-20	2010-11-17	2010-11-10	2010-04-20	2010-04-12	2008-08-07
	Number of Days Pending	267	298	312	381	427	469	473	615	621	1040
GIPSA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NAD	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NRCS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OBPA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OCFO	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-07-19	2012-07-11
	Number of Days Pending	0	0	0	0	0	0	0	0	50	56

		10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
OGC	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OIG	Date	N/A	N/A	N/A	N/A	N/A	2012-09-04	2012-07-18	2011-05-17	2011-01-24	2010-09-27
	Number of Days Pending	0	0	0	0	0	19	52	346	426	505
OSEC/ OCIO	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-07-11
	Number of Days Pending	0	0	0	0	0	0	0	0	0	56
RD	Date	2012-06-22	2012-05-16	2012-05-16	2012-04-26	2012-02-07	2011-11-18	2011-11-15	2011-11-07	2011-10-06	2011-10-06
	Number of Days Pending	68	94	94	108	164	217	220	225	246	246
REE	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-05
	Number of Days Pending	0	0	0	0	0	0	0	0	0	17
RMA	Date	2011-09-07	2011-09-01	2011-08-24	2011-08-18	2011-08-18	2011-08-11	2011-04-25	2011-04-25	2011-03-17	2010-12-13
	Number of Days Pending	265	269	269	274	278	278	282	364	391	458
USDA Overall	Date	2006-12-11	2006-11-20	2006-11-17	2006-11-17	2006-02-28	2005-11-14	2005-08-17	2005-05-24	2004-08-12	2003-07-31
	Number of Days Pending	1457	1471	1472	1472	1655	1726	1786	1845	2040	2300

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Processed Perfected Requests

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
AMS	15	17	1	68	58	87	1	509	10	22	1	57
APHIS	26	51.79	1	843	146	200.56	1	534	36	119	8	313
ASCR	18.5	18.65	1	55	119	119	119	119	N/A	N/A	N/A	N/A
DM	7	14.95	1	92	6	10.33	1	24	N/A	N/A	N/A	N/A
FAS	10	10.22	1	20	57	67.33	9	189	3	3.5	1	6
FNCS	16	26.18	1	226	20	28.68	1	262	14	14	14	14
FSA	1	2.7	0	746	13	15.2	0	223	3	3	1	5
FSIS	27	56.54	1	488	260	300.66	5	863	N/A	N/A	N/A	N/A
FS	13	21.92	1	617	25	43.27	1	421	16	23.12	6	81
GIPSA	4	8.13	1	33	32.5	40.94	1	113	1	1	1	1
NAD	4	11	1	70	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NRCS	10	17.38	1	177	44	49.3	1	109	N/A	N/A	N/A	N/A
OBPA	5	6.4	0	19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCFO	15	19.04	3	73	20	17.17	1	24	N/A	N/A	N/A	N/A
OGC	23	157	0	954	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	13	13	1	30	64	68	31	133	N/A	N/A	N/A	N/A
OSEC/ OCIO	28	142.36	1	774	102	168.4	1	642	71	71	45	97
RD	34	52.01	1	253	144	176.72	55	447	N/A	N/A	N/A	N/A
REE	7	7.8	1	20	18	18	1	80	20	20	20	20
RMA	14	18.57	1	95	11.5	11.5	3	20	17.5	17.5	6	29
USDA FY2012 OVERALL	16	33.12	0	954	25	76.4	0	863	13	34.7	1	313

AMS: It should be noted that AMS has many complex requests that involved multiple interim releases. The final release however took several months to complete.

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
AMS	17	20	2	68	80	103	11	509	21	25	1	57
APHIS	27	50.69	1	843	106.5	155.94	16	421	36	36	36	36
ASCR	24.5	24.1	2	55	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DM	15	19.18	1	92	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FAS	11	10.3	1	20	57	67.33	9	189	3	3.5	1	6
FNCS	17	25.61	1	150	24	40.18	9	262	14	14	14	14
FSA	1	2.22	1	154	17	22.97	1	223	3	3	1	5
FSIS	32	65.83	1	488	284	317.92	13	863	N/A	N/A	N/A	N/A
FS	13	22.22	1	345	31	45.24	1	254	20	25.14	6	81
GIPSA	4	9.4	1	33	32.5	41.5	8	110	1	1	1	1
NAD	18	24	3	70	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NRCS	11	17.3	1	123	28	43.56	1	109	N/A	N/A	N/A	N/A
OBPA	2	7	0	19	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCFO	14	19.69	3	73	20	20.5	18	24	N/A	N/A	N/A	N/A
OGC	31	156	0	954	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	15	15	1	30	81	79	31	133	N/A	N/A	N/A	N/A
OSEC/ OCIO	19.5	116.49	1	774	126	183.84	1	642	71	71	45	97
RD	40	53.98	1	253	132	169.6	55	447	N/A	N/A	N/A	N/A
REE	9.5	9.5	1	20	19	20	1	80	N/A	N/A	N/A	N/A
RMA	18	24.29	1	95	20	20	20	20	17.5	17.5	6	29
USDA OVERALL	16	31.9	0	954	29	83.33	1	863	14	24.89	1	81

C. Processed Requests – Response Time in Day Increments

Simple Requests														
Component	1-20 Days	21- 40 Days	41- 60 Days	61- 80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AMS	53	21	4	2	0	0	0	0	0	0	0	0	0	80
APHIS	330	277	88	37	28	18	17	17	11	6	20	11	11	871
ASCR	1	16	7	2	0	0	0	0	0	0	0	0	0	26
DM	28	7	2	0	1	0	0	0	0	0	0	0	0	38
FAS	19	0	0	0	0	0	0	0	0	0	0	0	0	19
FNCS	154	32	7	9	4	3	3	3	1	0	1	0	0	217
FSA	15,957	48	10	4	4	0	0	1	0	0	1	0	2	16,027
FSIS	105	42	30	12	5	11	7	6	7	2	14	1	1	243
FS	1,242	284	88	36	21	10	7	6	6	8	15	2	1	1,726
GIPSA	8	18	5	0	0	0	0	0	0	0	0	0	0	31
NAD	12	1	0	0	0	0	0	0	0	0	0	0	0	13
NRCS	149	107	21	4	3	1	3	1	1	0	0	0	0	290
OBPA	11	0	0	0	0	0	0	0	0	0	0	0	0	11
OCFO	14	6	2	1	0	0	0	0	0	0	0	0	0	23
OGC	13	2	3	2	0	0	0	0	0	0	1	1	5	27
OIG	55	17	0	0	0	0	0	0	0	0	0	0	0	72
OSEC/OCIO	46	11	2	2	1	0	0	3	2	1	16	17	6	107
RD	27	11	9	8	8	2	2	0	4	1	1	0	0	73
REE	2	13	0	0	0	0	0	0	0	0	0	0	0	15
RMA	7	29	10	3	0	2	0	0	0	0	0	0	0	51
USDA OVERALL	18,233	942	288	122	75	47	39	37	32	18	69	32	26	19,960

Complex Requests														
Component	1-20 Days	21- 40 Days	41- 60 Days	61- 80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
AMS	13	6	6	6	3	3	4	2	1	0	2	1	1	48
APHIS	3	1	4	2	1	1	0	2	0	1	1	4	5	25
ASCR	0	0	0	0	0	1	0	0	0	0	0	0	0	1
DM	2	1	0	0	0	0	0	0	0	0	0	0	0	3
FAS	21	0	0	0	0	0	0	0	0	0	0	0	0	21
FNCS	23	9	2	2	0	0	0	0	0	0	1	0	0	37
FSA	416	108	60	25	5	1	2	1	3	1	0	0	0	622
FSIS	10	14	4	6	3	3	5	9	2	12	38	25	52	183
FS	198	135	62	41	11	18	9	9	5	2	10	0	1	501
GIPSA	1	4	7	2	2	0	2	0	0	0	0	0	0	18
NAD	0	0	0	1	0	0	0	0	0	0	0	0	0	1
NRCS	11	3	3	1	1	1	2	0	0	0	0	0	1	23
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	5	1	0	0	0	0	0	0	0	0	0	0	0	6
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	10	10	6	8	5	2	0	0	0	0	0	0	41
OSEC/OCIO	6	3	2	4	2	1	2	1	1	1	0	11	1	35
RD	0	0	1	4	3	0	1	1	0	2	3	2	1	18
REE	3	73	29	4	2	0	0	0	0	0	0	0	0	111
RMA	0	2	0	0	0	0	0	0	0	0	0	0	0	2
USDA OVERALL	712	370	190	104	41	34	29	25	12	19	55	43	62	1,696

Requests Granted Expedited Service														
Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
AMS	3	1	1	0	0	0	0	0	0	0	0	0	0	5
APHIS	1	1	0	0	0	0	0	0	0	0	0	1	0	3
ASCR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FNCS	0	1	0	0	0	0	0	0	0	0	0	0	0	1
FSA	7	0	0	0	0	0	0	0	0	0	0	0	0	7
FSIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FS	5	2	0	0	1	0	0	0	0	0	0	0	0	8
GIPSA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
NAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NRCS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSEC/OCIO	0	0	1	0	1	0	0	0	0	0	0	0	0	2
RD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REE	1	0	0	0	0	0	0	0	0	0	0	0	0	1
RMA	0	1	1	0	0	0	0	0	0	0	0	0	0	2
USDA OVERALL	18	6	3	0	2	0	0	0	0	0	0	1	0	30

D. Pending Requests – All Pending Perfected Requests

Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	*Median Number of Days	#Average Number of Days	Number Pending	*Median Number of Days	#Average Number of Days	Number Pending	*Median Number of Days	#Average Number of Days
AMS	5	14	45	25	78	104	0	N/A	N/A
APHIS	196	55	106	14	169	277	1	34	34
ASCR	2	11	11	0	N/A	N/A	0	N/A	N/A
DM	16	57.5	84	7	81	80	0	N/A	N/A
FAS	0	4	4	1	3	3	0	N/A	N/A
FNCS	17	10	24	4	11.5	11	0	N/A	N/A
FSA	19	12	12	30	11	20	0	N/A	N/A
FSIS	69	62	104	30	525.5	525	0	N/A	N/A
FS	245	28	91	162	47	92	0	N/A	N/A
GIPSA	0	N/A	N/A	4	64	97	0	N/A	N/A
NAD	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
NRCS	16	63	74	2	144	144	0	N/A	N/A
OBPA	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
OCFO	1	85	85	1	103	103	0	N/A	N/A
OGC	14	148	213	0	N/A	N/A	0	N/A	N/A
OIG	9	27	22	13	87	89	0	N/A	N/A
OSEC/OCIO	8	119	144	24	102	189	0	N/A	N/A
RD	222	113	122	18	23	229	0	N/A	N/A
REE	0	N/A	N/A	3	18	23	0	N/A	N/A
RMA	8	24	39	11	85	163	0	N/A	N/A
USDA OVERALL	847	61	101	348	291	73	1	34	34

E. Pending requests – Ten Oldest Pending Perfected Requests

		10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
AMS	Date	2012-05-02	2012-04-18	2012-04-12	2012-02-27	2012-01-24	2011-09-12	2011-09-01	2011-09-01	2011-08-03	2011-03-23
	Number of Days	102	114	116	147	167	255	260	260	281	370
APHIS	Date	2011-03-03	2011-02-09	2011-01-27	2011-12-28	2010-12-28	2010-12-27	2010-10-01	2010-05-14	2010-04-09	2009-01-28
	Number of Days	398	413	415	422	442	443	500	597	622	923
ASCR	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-18	2012-09-10
	Number of Days	0	0	0	0	0	0	0	0	8	14
DM	Date	2012-06-05	2012-03-30	2012-03-23	2012-03-14	2012-03-13	2012-02-14	2012-02-10	2012-02-10	2012-01-31	2011-12-22
	Number of Days	81	127	132	139	140	159	161	161	169	194
FAS	Date	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-27	2012-09-27	2012-09-21	2012-09-19
	Number of Days	0	0	0	0	0	0	1	1	5	7
FNCS	Date	2012-09-14	2012-09-13	2012-09-11	2012-09-11	2012-09-10	2012-09-10	2012-09-04	2012-08-23	2012-08-16	2011-11-02
	Number of Days	10	11	13	13	14	14	18	25	30	228
FSA	Date	2012-08-14	2012-07-20	2012-07-16	2012-07-16	2012-06-21	2012-03-16	2011-12-28	2011-12-19	2011-11-16	2011-10-27
	Number of Days	32	49	54	54	69	137	191	197	219	232
FSIS	Date	2010-07-14	2010-03-31	2010-03-05	2010-02-17	2009-12-02	2009-11-16	2009-11-12	2009-10-29	2009-10-23	2009-10-20
	Number of Days	556	629	647	659	710	721	723	732	736	739
FS	Date	2011-01-07	2011-01-05	2011-01-04	2011-01-03	2010-12-15	2010-11-09	2010-10-20	2010-10-07	2010-06-14	2010-01-19
	Number of Days	435	437	438	439	450	474	488	496	577	679
GIPSA	Date	N/A	N/A	N/A	N/A	N/A	2012-08-08	2012-06-28	2012-06-28	2012-03-09	2012-01-17
	Number of Days	0	0	0	0	0	36	64	64	142	179
NAD	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
NRCS	Date	2012-07-13	2012-06-04	2012-05-04	2012-03-20	2012-03-17	2012-03-15	2012-02-28	2012-02-27	2012-01-31	2011-12-05
	Number of Days	54	82	101	135	136	138	150	151	169	207
OBPA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCFO	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-05-30	2012-05-03
	Number of Days	0	0	0	0	0	0	0	0	85	103

		10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
OGC	Date	2012-07-10	2012-06-18	2012-04-19	2012-03-01	2011-12-22	2011-12-02	2011-11-15	2011-10-21	2011-03-29	2008-03-05
	Number of Days	57	85	113	148	194	208	220	235	380	1188
OIG	Date	2012-07-09	2012-06-19	2012-06-12	2012-05-29	2012-05-22	2012-05-09	2012-04-19	2012-04-19	2012-04-05	2012-01-11
	Number of Days	59	72	77	87	91	100	114	114	124	183
OSEC/OCIO	Date	2012-03-09	2011-11-15	2011-08-08	2011-08-05	2011-07-22	2011-06-22	2011-03-08	2010-12-12	2010-08-04	2010-03-12
	Number of Days	142	220	288	289	299	320	395	452	541	642
RD	Date	2011-10-05	2011-10-04	2011-08-26	2011-08-15	2011-07-11	2011-04-25	2011-02-07	2010-12-21	2010-11-30	2010-11-24
	Number of Days	247	248	274	283	308	361	415	446	461	464
REE	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-17	2012-09-04	2012-07-31
	Number of Days	0	0	0	0	0	0	0	9	18	42
RMA	Date	2012-07-31	2012-07-31	2012-06-20	2012-05-30	2012-05-21	2012-03-08	2012-01-31	2011-09-02	2011-07-11	2009-11-16
	Number of Days	42	42	70	85	91	143	169	269	308	721
USDA OVERALL	Date	2012-01-17	2009-12-02	2009-11-16	2009-11-16	2009-11-12	2009-10-29	2009-10-23	2009-10-20	2009-01-28	2008-03-05
	Number of Days	679	710	721	721	723	732	736	739	923	1188

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	*Median Number of Days to Adjudicate	#Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AMS	5	3	1	1	8
APHIS	3	2	1	1	5
ASCR	0	0	0	0	0
DM	0	0	0	0	0
FAS	2	0	0	3.5	2
FNCS	1	0	1	1	1
FSA	7	444	0.5	1	451
FSIS	0	3	1	0.33	3
FS	8	9	7	13.94	9
GIPSA	1	0	1	1	1
NAD	0	0	0	0	0
NRCS	1	1	7	7	1
OBPA	0	0	0	0	0
OCFO	0	0	0	0	0
OGC	0	0	0	0	0
OIG	0	5	7	7	4
OSEC/OCIO	2	6	1	18.12	6
RD	0	0	0	0	0
REE	1	1	7	7	1
RMA	2	1	1	2.67	3
USDA OVERALL	33	475	1	8.09	495

B. Requests for Fee Waiver

	Number Granted	Number Denied	*Median Number of Days to Adjudicate	#Average Number of Days to Adjudicate
AMS	10	3	1	9
APHIS	3	0	1	0.33
ASCR	0	0	0	0
DM	1	2	5	7.67
FAS	1	0	4	4
FNCS	24	0	1	0.12
FSA	888	60	1	1
FSIS	6	8	1	1
FS	256	4	1	4.87
GIPSA	8	0	5	9.38
NAD	0	0	0	0
NRCS	10	1	8	8
OBPA	0	0	0	0
OCFO	2	0	11	11
OGC	0	0	0	0
OIG	0	0	0	0
OSEC/OCIO	7	0	1	1
RD	0	0	0	0
REE	9	0	1	1
RMA	8	0	0.5	13.38
USDA OVERALL	1,233	78	1	4.93

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (The sum of Columns 1 & 2)	Processing Costs (At initial request and appeal levels)	Litigation-Related Costs	Total Costs
AMS	1	6	7	\$495,054.00	\$0.00	\$495,054.00
APHIS	19	0	19	\$1,870,407.28	\$52,385.34	\$1,922,792.62
ASCR	1	0	1	\$100,904.00	\$0.00	\$100,904.00
DM	0	0.25	0.25	\$25,252.00	\$0.00	\$25,252.00
FAS	0	1	1	\$134,261.00	\$0.00	\$134,261.00
FNCS	2	4.375	6.375	\$408,068.00	\$0.00	\$408,068.00
FSA	12	100.03	112.03	\$3,103,813.00	\$0.00	\$3,103,813.00
FSIS	6	1	7	\$0.00	\$0.00	\$0.00
FS	15	60	75	\$2,915,853.00	\$6,000.00	\$2,921,853.00
GIPSA	1.5	0.5	2	\$150.00	\$0.00	\$150.00
NAD	1	0	1	\$0.00	\$0.00	\$0.00
NRCS	1	2.6	3.6	\$123,996.45	\$0.00	\$123,996.45
OBPA	0	0.1	0.1	\$10,387.00	\$0.00	\$10,387.00
OCFO	2	0	2	\$0.00	\$0.00	\$0.00
OGC	0	7.5	7.5	\$750,000.00	\$650,000.00	\$1,400,000.00
OIG	2	1.7	3.7	\$423,856.41	\$13,551.52	\$437,407.93
OSEC/OCIO	4	1.7	5.7	\$597,227.70	\$0.00	\$597,227.70
RD	3	1	4	\$81,230	\$0.00	\$81,230
REE	1	0	1	\$112,008.00	\$0.00	\$112,008.00
RMA	0	0.75	0.75	\$1,529.04	\$0.00	\$0.00
USDA FY2012 OVERALL	71.5	188.505	260.005	\$11,153,996.88	\$721,936.86	\$11,875,933.74

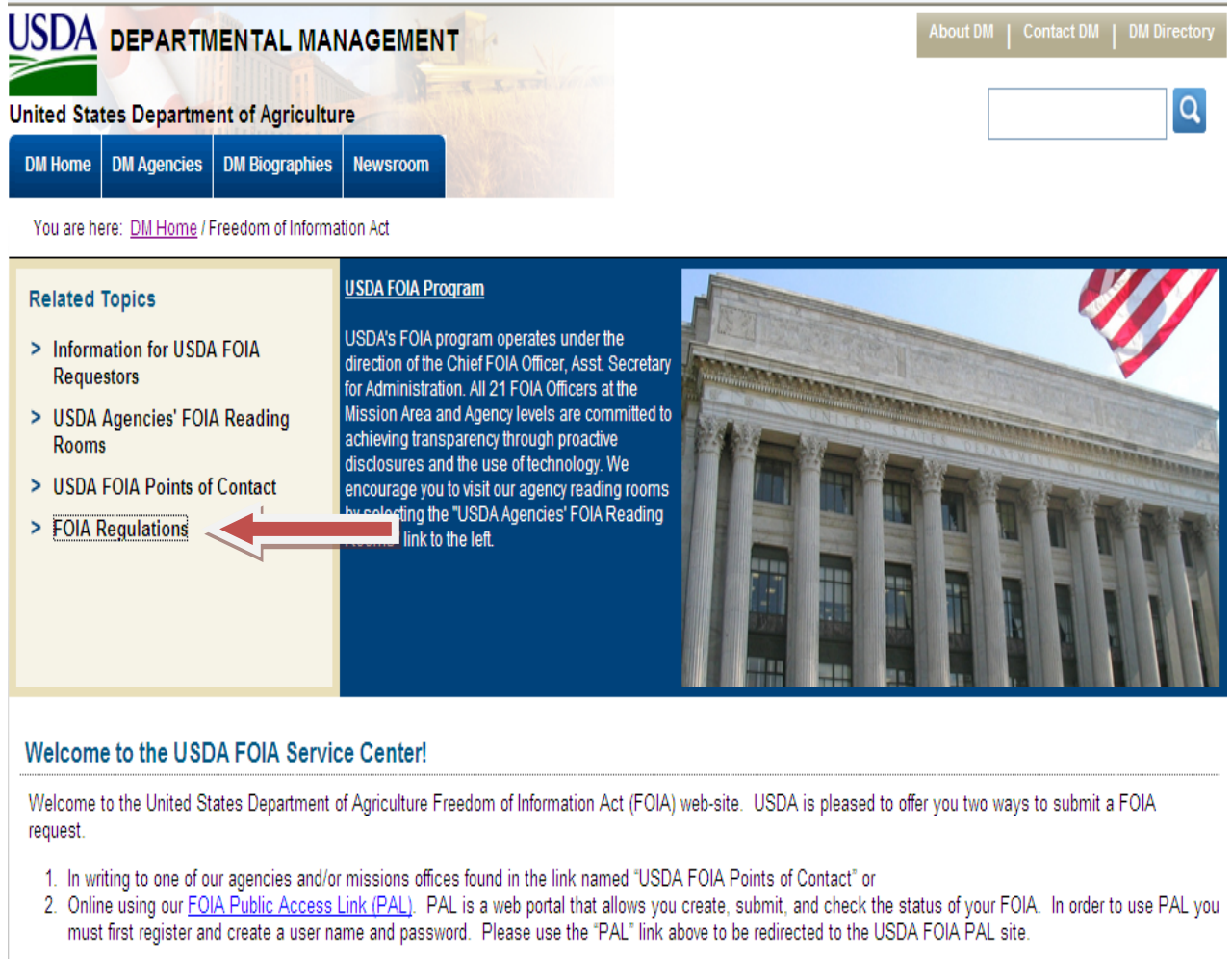
X. FEES COLLECTED FOR PROCESSING

	Total Amount of Fees Collected	Percentage of Total Costs
AMS	\$2,894.00	0.58%
APHIS	\$1,123.54	0.06%
ASCR	\$163.00	0.16%
DM	\$0.00	0.00%
FAS	\$313.80	0.23%
FNCS	\$5,324.00	1.30%
FSA	\$32,419.00	1.04%
FSIS	\$0.00	0.00%
FS	\$457.87	0.02%
GIPSA	\$0.00	0.00%
NAD	\$0.00	0.00%
NRCS	\$145.00	0.12%
OBPA	\$0.00	0.00%
OCFO	\$0.00	0.00%
OGC	\$0.00	0.00%
OIG	\$0.00	0.00%
OSEC/OCIO	\$725.02	0.12%
RD	\$155.87	0.19%
REE	\$404.36	0.36%
RMA	\$861.62	56.35%
USDA FY2012 OVERALL	\$44,987.08	0.40%

XI – FOIA REGULATIONS

USDA’s FOIA regulations can be found at the following site: <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=158c0aaf13f675cfd80cc507cb30b2bb&n=7y1.1.1.1.1&r=PART&ty=HTML#7:1.1.1.1.1.1>.

You can also access USDA’s regulations by clicking on the “FOIA Regulations” tab under “Related Topics” as shown below.



The screenshot shows the USDA Departmental Management website. At the top left is the USDA logo and the text "DEPARTMENTAL MANAGEMENT" and "United States Department of Agriculture". To the right are links for "About DM", "Contact DM", and "DM Directory". Below these is a search bar. A breadcrumb trail reads "You are here: [DM Home](#) / Freedom of Information Act". The main content area is divided into two columns. The left column, titled "Related Topics", contains a list of links: "Information for USDA FOIA Requestors", "USDA Agencies' FOIA Reading Rooms", "USDA FOIA Points of Contact", and "FOIA Regulations". A red arrow points to the "FOIA Regulations" link. The right column, titled "USDA FOIA Program", contains text describing the program and a link to the left. Below the main content area is a section titled "Welcome to the USDA FOIA Service Center!" with a paragraph of text and a numbered list of two items.

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USDA FOIA Program

USDA's FOIA program operates under the direction of the Chief FOIA Officer, Asst. Secretary for Administration. All 21 FOIA Officers at the Mission Area and Agency levels are committed to achieving transparency through proactive disclosures and the use of technology. We encourage you to visit our agency reading rooms by selecting the "USDA Agencies' FOIA Reading Rooms" link to the left.

Welcome to the USDA FOIA Service Center!

Welcome to the United States Department of Agriculture Freedom of Information Act (FOIA) web-site. USDA is pleased to offer you two ways to submit a FOIA request.

1. In writing to one of our agencies and/or missions offices found in the link named "USDA FOIA Points of Contact" or
2. Online using our [FOIA Public Access Link \(PAL\)](#). PAL is a web portal that allows you create, submit, and check the status of your FOIA. In order to use PAL you must first register and create a user name and password. Please use the "PAL" link above to be redirected to the USDA FOIA PAL site.

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
AMS	16	4
APHIS	129	80
ASCR	0	0
DM	20	1
FAS	0	0
FNCS	1	18
FSA	12	0
FSIS	74	0
FS	215	29
GIPSA	4	0
NAD	0	1
NRCS	15	0
OBPA	0	0
OCFO	2	2
OGC	12	0
OIG	20	4
OSIE/OCIO	23	1
RD	189	10
REE	1	0
RMA	8	13
USDA OVERALL	741	163

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Component	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of Start of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of End of the Fiscal Year
AMS	0	0	0	0
APHIS	0	4	4	0
ASCR	0	0	0	0
DM	0	0	0	0
FAS	0	12	11	1
FNCS	0	0	0	0
FSA	0	0	0	0
FSIS	0	0	0	0
FS	1	5	6	0
GIPSA	1	0	1	0
NAD	0	0	0	0
NRCS	1	2	3	0
OBPA	0	5	5	0
OCFO	0	0	0	0
OGC	0	0	0	0
OIG	0	2	2	0
OSEC/OCIO	0	2	2	0
RD	0	1	0	1
REE	0	3	3	0
RMA	0	0	0	0
USDA OVERALL	3	36	37	2

FSA: In FY2011, FSA reported (1) pending consultation. When this request was reviewed, it was determined that the request had been coded as a consultation in error.

NRCS: In FY2011, NRCS had one pending consultation not noted.

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies

Component		10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
AMS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
APHIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
ASCR	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
DM	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
FAS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-19
	Number of Days	0	0	0	0	0	0	0	0	0	7
FNCS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
FSA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
FSIS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
FS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
GIPSA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
NAD	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
NRCS	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OBPA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCFO	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OGC	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of	0	0	0	0	0	0	0	0	0	0

Component		10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
	Days										
OIG	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OSEC/OCIO	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
RD	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-04-11
	Number of Days	0	0	0	0	0	0	0	0	0	119
REE	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
RMA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
USDA OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-19	2012-04-11
	Number of Days	0	0	0	0	0	0	0	0	7	119

**D. Comparison of Number of Requests from Previous and Current Annual Report
– Requests Received, Processed, and Backlogged**

Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AMS	121	147	116	133
APHIS	884	943	982	899
ASCR	69	27	67	27
DM	79	71	80	41
FAS	42	41	45	40
FNCS	252	241	239	255
FSA	17,076	16,848	16,948	16,656
FSIS	294	308	375	426
FS	2,450	2,309	2,385	2,235
GIPSA	46	54	49	50
NAD	8	14	8	14
NRCS	301	361	298	313
OBPA	16	11	16	11
OCFO	37	30	37	29
OGC	30	29	28	27
OIG	135	128	136	113
OSEC/OCIO	89	111	52	144
RD	859	303	785	91
REE	165	127	176	127
RMA	112	72	117	55
USDA OVERALL	23,065	22,175	22,939	21,686

D.2. Comparison of Backlogged Requests from Previous and Current Annual Report

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
AMS	16	16
APHIS	36	129
ASCR	0	0
DM	5	20
FAS	1	0
FNCS	18	1
FSA	3	12
FSIS	185	74
FS	125	215
GIPSA	1	4
NAD	1	0
NRCS	0	15
OBPA	0	0
OCFO	0	2
OGC	10	12
OIG	3	20
OSEC/OCIO	59	23
RD	179	189
REE	0	1
RMA	8	8
USDA OVERALL	650	741

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AMS	7	5	6	8
APHIS	24	36	11	23
ASCR	3	1	3	1
DM	1	2	1	1
FAS	0	0	0	0
FNCS	35	31	30	24
FSA	31	18	29	22
FSIS	1	3	1	7
FS	52	66	54	57
GIPSA	2	3	1	3
NAD	0	0	0	0
NRCS	15	11	15	13
OBPA	0	0	0	0
OCFO	0	4	2	2
OGC	1	0	3	1
OIG	13	10	12	12
OSEC/OCIO	3	4	2	3
RD	23	11	21	1
REE	2	2	2	1
RMA	12	3	1	1
USDA OVERALL	225	210	194	180

OCFO: Please note that the number of appeals processed during the last fiscal year was modified. Specifically, in FY2011, OCFO reported having processed zero appeals. However, after data migration efforts, it was found that OCFO did in fact process two appeals.

E.2. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
AMS	7	4
APHIS	68	80
ASCR	0	0
DM	0	1
FAS	0	0
FNCS	7	18
FSA	2	0
FSIS	5	0
FS	14	29
GIPSA	1	0
NAD	1	1
NRCS	0	0
OBPA	0	0
OCFO	0	2
OGC	1	0
OIG	7	4
OSEC/OCIO	2	1
RD	18	10
REE	0	0
RMA	13	13
USDA OVERALL	146	163

AMS: During FY2011 an appeal was closed due to litigation. Therefore the number of backlogged appeals as of the end of the fiscal year from the previous report has decreased by one.

F. Discussion of Other FOIA Activities (Optional)