



**DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT
OFFICER REPORT
March 2021**

We provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on public policy, the best available science, and effective management.

We have a vision to provide economic opportunity through innovation, helping rural America to thrive; to promote agriculture production that better nourishes Americans while also helping feed others throughout the world; and to preserve our Nation's natural resources through conservation, restored forests, improved watersheds, and healthy private working lands.



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EXECUTIVE SUMMARY

The United States Department of Agriculture (Department) was founded by President Abraham Lincoln in 1862 and was quickly coined “The People’s Department.” At the time, more than half of all American either lived or worked on farms, compared with the two percent today. Despite this decrease, the Department is still fulfilling Lincoln’s vision of touching the lives of every American through 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.

To successfully accomplish its mission, the Department operates more than 300 programs through an extensive network of Federal, State, and local cooperators. These programs 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. These programs also hold the answers to pressing global issues like the need for renewable energy, increasing crop yields to combat hunger, protecting the food supply, and optimizing internal trade.

The Department’s success is dependent on several core values. Among them is transparency. Central to the Department’s effort to increase transparency is its Freedom of Information Act (FOIA) program. The Department’s General Counsel provides program oversight for the Department’s FOIA offices at the agency and mission area. These offices all collaborate throughout the year to process the tens of thousands of records requests received at the Department.

The Department’s FOIA program is led by the General Counsel’s, Office of Information Affairs (OIA). The OIA provides day-to-day coordination and ensures statutory compliance with the FOIA. The OIA also processes FOIA requests, consultations, and appeals on behalf of all USDA staff offices with the exception of the Office of the Inspector General (OIG). The OIA also handles the FOIA functions for the Research, Education and Economics (REE) and the Trade and Foreign Agricultural Affairs (TFAA) mission areas. The Farm Production and Conservation Service, Food Nutrition and Conservation Services, Food Safety, Rural Development, and the Marketing and Regulatory Programs mission areas all continue to process independently but do coordinate with the OIA to ensure standardization in the areas of processing, training, and management.

In Fiscal Year 2020, the Department received a total of 22,810 FOIA requests. Approximately 74.5% of these incoming FOIA requests were directed to the USDA’s Farm Production and Conservation (FPAC) mission area. The Natural Resources and Environment (NRE) mission area received about 7.7%, the Marketing and Regulatory Programs mission area about 6.5%, and the Food and Nutrition & Consumer Services mission area about 3.6%. The remaining mission areas and staff offices all received 7.7% of the incoming requests. Collectively, the Department processed about 98.7% of the requests that were either received or pending at the start of the Fiscal Year.



The following report provides a comprehensive review of the steps taken throughout the Department of Agriculture to improve its FOIA administration since publication of the last Chief FOIA Officer Report in March 2019.

This report encompasses the efforts of the following mission areas and staff offices:

Mission Areas:

Farm Production and Conservation (FPAC)¹

Farm Service Agency (FSA)
Natural Resources Conservation Service (NRCS)
Risk Management Agency (RMA)

Food and Nutrition & Consumer Services (FNCS)

Food and Nutrition Service (FNS)

Food Safety

Food Safety and Inspection Service (FSIS)

Marketing Regulatory Programs

Agricultural Marketing Service (AMS)²
Animal & Plant Health Inspection Service (APHIS)

Natural Resources and Environment (NRE)

Forest Service (FS)

Research, Education and Economics (REE)

Agricultural Research Service (ARS)
Economic Research Service (ERS)
National Agricultural Statistics Service (NASS)
National Institute of Food and Agriculture (NIFA)

Rural Development (RD)

Rural Business Service
Rural Utilities Service
Rural Housing Service

Trade and Foreign Agricultural Affairs (TFAA)³

¹ On May 11, 2017, Former Agriculture Secretary Sonny Perdue announced the standing up of a newly named Farm Production and Conservation mission area to have a customer focus and meet USDA constituents in the field.

² On September 7, 2017, Former Agriculture Secretary Sonny Perdue announced the realignment of a number of offices within the USDA. The Grain Inspection, Packers, and Stockyards Administration (GIPSA) and several program areas from the Farm Service Agency (FSA) joined the Agricultural Marketing Service (AMS) to help us better meet the needs of farmers, ranchers, and producers, while providing improved customer service and maximize efficiency.

³ In keeping with Congress' directive in the 2014 Farm Bill and to advance agricultural trade, the Department created an Under Secretary for Trade and Foreign Agricultural Affairs (TFAA). While reviewing options for improving coordination on trade and international activities, USDA determined that the Codex Alimentarius program (U.S. Codex Office), currently housed in the Food Safety and Inspection Service (FSIS), will be



*Foreign Agricultural Service
Codex Alimentarius Commission*

Staff Offices:

Departmental Administration (DA)

*Office of Advocacy and Outreach (OAO)
Office of the Chief Information Officer (OCIO)
Office of the Executive Secretariat (OES)
Office of Homeland Security & Emergency Coordination (OHSEC)
Office of Human Resource Management (OHRM)
Office of Operations (OO)
Office of Procurement & Property Management (OPPM)
Office of Small & Disadvantaged Business Utilization (OSDBU)
Office of Budget & Program Analysis (OBPA)*

Office for the Assistant Secretary of Civil Rights (OASCR)

Office of Hearing and Appeals

*National Appeals Division (NAD)
Office of the Administrative Law Judge (OALJ)
Office of the Judicial Officer (OJO)*

Office of the Chief Financial Officer (OCFO)

National Finance Center (NFC)

Office of the General Counsel (OGC)

*Office of Ethics (OE)
Office of Information Affairs (OIA)*

Office of Inspector General (OIG)

Office of the Secretary (OSEC)

moved to the newly created TFAA mission area. The U.S. Codex Office is an interagency partnership which engages stakeholders in the development of international governmental and non-governmental food standards. The focus of the Codex Office aligns better with the mission of TFAA.

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Leadership:

- 1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?**

Yes. USDA's Chief FOIA Officer was a senior official at least at the Assistant Secretary or equivalent level in accordance with 5 U.S.C. §552(j)(1).

- 2. Please provide the name and title of your agency's Chief FOIA Officer.**

USDA's General Counsel, Stephen A. Vaden, was designated as the Department's Chief FOIA Officer (CFO). Mr. Vaden was a senior official and direct report to the Secretary of Agriculture.

FOIA Training:

- 3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

The CFO's Office of Information Affairs (OIA) recommended the inclusion of substantive FOIA training in performance and individualized development plans. As an assist to our community's FOIA supervisors, the OIA would frequently circulate both internal and external substantive training opportunities. These were all virtual and free of charge to ensure accessibility for all of our FOIA professionals. Not surprisingly, the increased availability of free, virtual training resulted in the Department's highest levels of participation to date.

- 4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?**

Yes. USDA's FOIA professionals continued to participate in substantive FOIA training and conferences during the reporting period. These training sessions were hosted by the OIA, the Department of Justice's Office of Information Policy (DOJ-OIP), the Office of Government Information Services (OGIS), and the American Society of Access Professionals (ASAP).

- 5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.**

OIA: The OIA continued to promote its online training *FOIA for FOIA Professionals* in the Department's online training repository in addition to the suite of online courses offered by the DOJ-OIP.

DOJ-OIP: USDA’s FOIA professionals also attended the following training programs provided by the DOJ-OIP:

- Virtual Fees and Fee Waivers
- Virtual Introduction to the Freedom of Information Act
- Virtual Exemption 4 and Exemption 5 Workshop
- Virtual Privacy Considerations Workshop

Other External Training Courses and Conferences: USDA’s FOIA professionals also participated in the following external training courses and conferences:

- ASAP: Virtual FOIA Case Update
- ASAP: Virtual National FOIA Conference
- OGIS: Challenges of Meeting FOIA Requests -- Tips and Tricks from Leading Practitioners

6. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 96% of USDA’s FOIA professionals participated in either one or more substantive FOIA training courses.

7. OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Not applicable. More than 80% of our FOIA professionals participated in substantive FOIA training courses.

Outreach:

8. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

Many USDA FOIA components reported routinely engaging with individual requesters, various media outlets, open government organizations, environmental and advocacy groups, and Congressional offices to discuss the scope of their request, agency search capabilities, aggregating requests, fees, and clarifying responses. This has led to a reduced number of

imperfected requests, as well as a better understanding of the FOIA and agency programs for new FOIA professionals.

Some of our components, like the Animal and Plant Health Inspection Service (APHIS), also reported participating in panels and conferences hosted by members of their requester communities. This afforded these components an opportunity to answer questions about the types of records falling under their purview, their review process, confidentiality statutes, their posting procedures, and finally, items generally released and withheld.

Other Initiatives:

- 9. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff.**

OIA Outreach: The OIA is continuing to provide virtual FOIA training via Microsoft Teams to the Department's onboarding political appointees. As offices begin to populate, the OIA is also providing a more in-depth discussion about expectations for searches, the risks associated with untimely responses, and the importance of proactive disclosures.

Component Outreach: Several USDA components reported providing training to non-FOIA professionals. For example, the Food and Nutrition Service (FNS) FOIA professionals provided virtual FOIA training for its leadership team, Southeast Regional Office employees, and its Grants Management and Administrative Services. FNS also continued to share best practices tips for record custodians in its component newsletter and internal online sites.

The Food Safety and Inspection Service's (FSIS) FOIA professionals hosted virtual training for its senior leaders in its Office of Public Health Science and Office of Field Operations as these combined, account for over 90% of the records requested in FSIS.

The Farm Production and Conservation Business Center's (FPAC-BC) FOIA professionals reported the delivery of multiple virtual briefings to its leadership teams and the creation of FOIA fact sheet to include among other things, information about a frequently cited confidentiality statute.

And lastly, the Forest Service (FS) FOIA professionals reported providing training to its law enforcement personnel.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

Processing Procedures:

- 1. For Fiscal Year 2020, what was the average number of days your agency reported for adjudicating requests for expedited processing?**

USDA's average number of days to adjudicate requests for expedited processing is 23.5 days calendar days.

- 2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

Based on our review of the administrative records available, the OIA suspects that most analysts are in fact, adjudicating within ten calendar days. Unfortunately, it is not being captured accurately in our enterprise wide tracking system when requests are closed. Accordingly, the OIA will continue to review the data logged to ensure its accuracy and where appropriate train analysts.

- 3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.**

Yes. The OIA continued to regularly conduct self-assessments of the Department's FOIA program by reviewing data collected in the enterprise wide FOIA tracking system, components' internal operating procedures, and feedback from frequent requesters and FOIA professionals after the FOIA program was realigned to the Office of the General Counsel on October 1, 2019.

Under the realignment, the OIA absorbed the FOIA functions for all staff offices. This allowed full time FOIA professionals the opportunity to either eliminate or significantly reduce those staff offices' backlogs. Staff office employees who had previously performed FOIA functions as a collateral duty, were returned to their core mission work.

- 4. Does your agency have Standard Operating Procedures (SOPs) that outline general processes for handling FOIA requests and appeals? If not, does your agency have plans to create SOPs? If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology? In addition to having SOPs, does your agency post, or otherwise describe your standard processes for handling requests on your website.**

Yes. All USDA FOIA components have either established SOP(s), have draft SOP(s) awaiting approval, or have a SOP(s) in development. The FPAC FOIA components for

example, has multiple SOPs to address a wide range of issues to include the processing of the Coronavirus Food Assistance Program records requests. Like many of the other FPAC SOPs, this one is a living document and therefore continually receiving updates.

The RD FOIA component recently drafted nine SOPs and four Job-Aids that addresses FOIA processing. These drafts are pending approval but will be updated, as needed, to address changes in law, best practices, and/or technology upgrades. RD has also established a workgroup whose focus will be to update its FOIA instruction so that it aligns with the recently revised USDA FOIA Regulation and reflects the centralization of FOIA activities within RD.

The FNS FOIA component also has a SOP and continuity plan in development. FNS intends to complete its SOP in FY21.

The OIA has an established SOP it reviews on a quarterly basis. To accompany this SOP, the OIA has several administrative electronic folders to include items like case law, templates, and internal and external contact information, to assist analysts with their reviews of records.

The FS and OIG FOIA components have their procedures posted on their landing page. Both outline their process for their handling of records requests and administrative appeals. Both are reviewed on a recurring basis.

- 5. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency’s FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency’s FOIA Public Liaison during Fiscal Year 2020 (please provide a total number or an estimate of the number).**

Component/ Mission Area	Estimated Number of Times Requesters Sought Assistance from the Component’s FOIA Public Liaison
AMS	2
APHIS	5
OIA	4
FNCS	5
FPAC	20
FSIS	5
FS	0
OIG	1
RD	5
Approximate Total	47

6. Does your agency frequently receive common categories of first party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA.

Some USDA components reported frequently receiving common categories of first party requests. For example, the RD FOIA component often receives requests for copies of a borrower's Single-Family Housing loan or mortgage servicing records and misconduct investigation files. To date, there has been no discussion within RD on establishing alternative means to access these records.

The FS FOIA component often receives requests from unsuccessful job applicants inquiring about the hiring process. Here, the FS FOIA staff partnered with its Human Resources Management (HRM) team to develop a process outside of FOIA in which unsuccessful applicants may request certain records directly from HRM in accordance with the agency's Master Agreement and Merit Promotion and Internal Placement directive (DR 4030-355-002).

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Yes. USDA has updated its FOIA regulations.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing.

In an effort to mitigate the impact of COVID-19, USDA's FOIA components communicated directly with requesters in situations wherein hard-copy responsive records have not been retrievable because of office closures. Requesters were provided with updates on the status and the opportunity to narrow the scope of their request for electronic records that are/were easily retrievable. Additionally, the charging of fees in some FOIA components have been suspended indefinitely.



Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. 552(a)(2)(D). Please include links to these materials as well.

Component/ Mission Area	Examples
AMS	USDA Farmers to Families Food Box Records: https://www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box
APHIS	Annual Reports of Research Facility: https://aphis-efile.force.com/PublicSearchTool/s/ Enforcement Action Records: https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/enforcementactions/!ut/p/z1/04_iUIDg4tKPAFJABpSA0fpReYllmemJJZn5eYk5-hH6kVFm8T7-Js6GTsEGPhbeniYGjq7mHq5OQU6GBq5m-176UfgVFGQHKgIADnm4YQ!!/
OIA	Senior Leadership Calendars and Travel: https://www.dm.usda.gov/foia/OCIORReading.htm
FNS	FY 20 FOIA Logs: https://www.fns.usda.gov/foia/electronic-reading-room FOIA Topics of Interest: https://www.fns.usda.gov/foia/foia-popular-requests
FSIS	FOIA Logs: https://www.fsis.usda.gov/wps/portal/footer/policies-and-links/freedom-of-information-act/fsis-electronic-reading-room/foia-request-reports-archive Humane Handling Enforcement Actions: https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/regulatory-enforcement/humane-handling-enforcement-actions Meat, Poultry, and Egg Product Inspection Directory: https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory
FS	Land Management Projects: http://www.fs.usda.gov/newsarchives/r5/newsarchive http://www.fs.usda.gov/projects/angeles/landmanagement/projects http://www.fs.usda.gov/projects/cleveland/landmanagement/projects http://www.fs.usda.gov/projects/eldorado/landmanagement/projects

	http://www.fs.usda.gov/projects/inyo/landmanagement/projects http://www.fs.usda.gov/projects/klamath/landmanagement/projects http://www.fs.usda.gov/projects/lbmu/landmanagement/projects http://www.fs.usda.gov/projects/lassen/landmanagement/projects http://www.fs.usda.gov/projects/lpnf/landmanagement/projects http://www.fs.usda.gov/projects/mendocino/landmanagement/projects http://www.fs.usda.gov/projects/modoc/landmanagement/projects http://www.fs.usda.gov/projects/plumas/landmanagement/projects http://www.fs.usda.gov/projects/sbnf/landmanagement/projects http://www.fs.usda.gov/projects/sequoia/landmanagement/projects http://www.fs.usda.gov/projects/stnf/landmanagement/projects http://www.fs.usda.gov/projects/sierra/landmanagement/projects http://www.fs.usda.gov/projects/srnf/landmanagement/projects http://www.fs.usda.gov/projects/stanislaus/landmanagement/projects http://www.fs.usda.gov/projects/tahoe/landmanagement/projects
OIG	<p>OIG News: https://www.usda.gov/oig/news</p> <p>OIG Reports: https://www.usda.gov/oig/reports.</p> <p>Semiannual Report to Congress (SARC): https://www.usda.gov/sites/default/files/reports/sarc2020_1st_half.pdf.</p>
RD	<p>Opioid Crisis: https://www.rd.usda.gov/newsroom/news-release/opioid-misuse-community-assessment-tool</p>

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website?

Yes. USDA is taking steps to make posted information more useful to the public.

3. If yes, please provide examples of such improvements.

Yes. Several FOIA component reported creating workgroups tasked with making improvements to their FOIA Reading Rooms. Assessments are underway as they have identified specific updates and metadata to post. These same components are also exploring concepts to make their Reading Rooms more customer and public friendly.

Section IV: Steps Taken to Greater Utilize Technology

- 1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.**

All FOIA components utilize either FOIA Xpress and/or Adobe Acrobat DC for case processing. To further support their FOIA programs, many have implemented the usage of OneDrive to transmit responsive records. This solution is not only a secure and effective means to receive responsive records, including voluminous documents, but have proven to be invaluable during this extended telework period. OneDrive is also being utilized for file sharing and tracking case status among FOIA professionals.

Others have reported utilizing Cloud Vault, a USDA-owned cloud-based file sharing platform to allow access to records with members of the public and other federal agencies.

Our FS and APHIS components also reported utilizing an e-Discovery platform to handle the culling and deduplication of voluminous record sets.

The Department has also seen a slight increase in requests for videos. Accordingly, several of our components also reported exploring video redaction software.

- 2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?**

Yes. In accordance with the DOJ-OIP's 2017 guidance, a clear link to USDA's central FOIA site is available on USDA's homepage. The central FOIA site does include key information and resources such as instruction on submitting a request to include points of contact in addition to access to USDA FOIA component reading rooms and FOIA reports.

- 3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?**

Yes. USDA successfully posted all four of its quarterly reports.

- 4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2021.**

Not applicable. USDA successfully posted all four of its quarterly reports.

- 5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this**



posting for your agency’s Fiscal Year 2019 Annual FOIA Report and, if available, for your agency’s Fiscal Year 2020 Annual FOIA Report.

The raw statistical data for Fiscal Years 2019 and 2020 is available at: <https://www.dm.usda.gov/foia/reading.htm#reports>

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

A. Simple Track

1. Does your agency utilize a separate track for simple requests?

Yes. USDA utilizes a separate track for simple requests.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020.

No. The average number of days to process simple requests was not below twenty working days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track.

The percentage of requests processed by USDA in Fiscal Year 2020 that were placed in the simple track is 89.91%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Not applicable. USDA tracks simple requests separately.

B. Backlogs

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Yes. The overall number of backlogged requests decreased by 5.7% in Fiscal Year 2020.

	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
USDA OVERALL	2,700	2,546

6. If not, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

No Applicable. USDA reduced its backlog in Fiscal Year 2020.

7. If your agency’s request backlog increased during Fiscal Year 2020, please explain why, and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

No Applicable. USDA reduced its backlog in Fiscal Year 2020.

8. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2020.

The percentage of requests that make up the backlog is 11.16%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Yes. The overall number of backlogged appeals decreased by approximately 20.35% in Fiscal Year 2020.

	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
USDA OVERALL	1022	814

10. If not, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

No Applicable. USDA reduced its backlog in Fiscal Year 2020.

11. If your agency’s appeal backlog increased during Fiscal Year 2020, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

No Applicable. USDA reduced its backlog in Fiscal Year 2020.

12. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2020. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with “N/A.”

The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2020 is 224.24%.

C. Backlog Reduction Plans:

13. In the guidelines for the Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2019 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency’s efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2020?

Yes. The Department did implement a plan and realized an overall reduction in backlog. The plan involved tracking progress via a dashboard shared between the OIA and senior leaders in the Office of the Secretary. Senior leaders of those components not realizing the quarterly metrics were advised and asked to work with their FOIA team to ensure closure.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, what is your agency’s plan to reduce this backlog during Fiscal Year 2021?

USDA is committed to further reductions in Fiscal Year 2021. It will continue to monitor progress on a quarterly basis in the Department’s enterprise wide FOIA tracking system.

The OIA has also initiated a Blanket Purchase Agreement (BPA) for FOIA contract support services. Should components find themselves with some additional funding, they can now

quickly secure contract support to assist with large litigation productions and/or short-term initiatives aimed at backlog reduction.

D. Status of Ten Oldest Requests, Appeals, and Consultations:

OLDEST REQUESTS

15. In Fiscal Year 2020, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

Yes. USDA did close its ten oldest requests reported pending in the Fiscal Year 2019 Annual FOIA Report.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2020 Annual FOIA Report. If you had fewer than ten oldest requests to close, please indicate that.

Not applicable. USDA closed its ten oldest requests.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Many of our FOIA components continued to refine their procedures for their intake teams that among other items, focused on negotiating the scope of requests alongside record custodians to conduct searches and reviews more efficiently. When the scope of a request is understood by the requester, the record custodian, and the FOIA professional, all can work collaboratively to quickly satisfy the request and, in those instances, where the records requested are voluminous, initiate a manageable production schedule.

TEN OLDEST APPEALS

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

Yes. USDA closed its ten oldest appeals reported pending in the Fiscal Year 2019 Annual FOIA Report.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Not applicable. USDA closed its ten oldest appeals.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

A few of our FOIA components with the larger queue of backlogged appeals have elected to continue to employ teams of contractors to assist with the processing of existing and new incoming appeals. These same components continue utilization of a SharePoint site to facilitate faster review of appeals requiring legal sufficiency review.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

No. USDA did not close its ten oldest consultations.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

USDA closed seven of its ten oldest consultation.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

USDA closed its ten oldest requests and appeals. As for the open consultations, all were tied to active lawsuits.

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable. Open consultations did not prevent closure of any of the ten oldest requests.

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2021.

Consultations will be heavily monitored, and progress checked on a quarterly basis.

F. Out of all the activities undertaken by your agency since March 2020 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

For the first time in almost a decade, the Department was able to realize an overall reduction in backlog. Significant contributors included APHIS and the newly established OIA under the General Counsel. The APHIS FOIA team closed more than 1,751 requests during FY2020, a 48% increase in case closures and provided APHIS stakeholders with 78,000 more pages than in the prior fiscal year. APHIS also reduced its FOIA backlog by more than 500+ requests.

The OIA was similarly successful in that it closed 715 requests during FY2020 for all components it absorbed as a result of the Department's 2019 FOIA realignment. The OIA realized an 18.7% increase in case closures and provided its stakeholders with 46,000 more pages than in the prior fiscal year.

Our FNS team also made significant strides to reduce its FOIA appeal backlog. In FY2020, their appeals team reduced the backlog by 26.5%, closed 290 of the oldest appeals, closed all appeals received from 2013-2017 and closed an impressive total of 465 cases.