DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT
OFFICER REPORT

March 2015

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

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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 Chief Information Officer and Chief FOIA Officer, Ms. Cheryl L. Cook provides program oversight for all twenty of 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 FOIA requests received at the Department.

The FOIA Service Center ("FSC") is the central office for the Department's FOIA program and led by the Office of the Chief Information Officer's (OCIO) Policy, E-Government, and Fair Information Practices (PE&F) Division. The FSC provides day-to-day coordination and oversight and ensures statutory compliance. The FSC also processes FOIA requests, consultations, and appeals on behalf of the ten Departmental Management component agencies, the Office of the Secretary, the Office of Communications (OC), and when requested by the Office of General Counsel (OGC), the Office of Ethics (OE).

In Fiscal Year 2014, the Department processed approximately 96% of the 19,864 FOIA request received and successfully closed its ten oldest pending perfected FOIA requests. Several of the Department's components also reported reductions in the number of backlogged FOIA requests. The FSC decreased its backlog by 69.69% and the Natural Resources Conservation Service (NRCS) by 86%. Reductions were also reported in the Agricultural Marketing Service (AMS) and Rural Development (RD). At the conclusion of the Fiscal Year, the Foreign Agriculture Service (FAS), Grain Inspection, Packers & Stockyards (GIPSA), Office of Budget & Program Analysis (OBPA), and Research Education, Economics (REE) had no backlogged FOIA requests. The Department remains committed to further reducing its backlog in Fiscal Year 2015.

Recognizing that the foundation of any solid program requires trained professionals, the Department also provided several training opportunities in Fiscal Year 2014 for its FOIA

community. The FSC hosted a two day interactive training session with the Department of Justice/Office of Information Policy (DOJ/OIP) on the Department's most commonly cited FOIA Exemptions. The Department's Office of General Counsel, General Law and Research Division (OGC/GLRD) provided substantive FOIA training on the application of 5 U.S.C. § 552 (b)(5) and the interface between the FOIA and Privacy Acts. The FSC provided one-one-one training on FOIA procedural issues and on usage on various tools in the Department's enterprise wide tracking database. The Department's Natural Resources Conservation Service (NRCS) and Forest Service (FS) FOIA Officers provided specialized FOIA training for its professionals to address the unique needs of the component. In Fiscal Year 2015, the Department and its components will continue to implement and develop training for the Department's FOIA professionals. The largest of these efforts will be the completion of one of three modules included in the Department's twenty-six lesson online course for the Department's training repository, AgLearn.

This report encompasses the efforts of the FSC and the following Department components and subcomponents:

Agricultural Marketing Service (AMS)
Animal & Plant Health Inspection Service (APHIS)
Departmental Management (DM)
  Office of the Executive Secretariat (OES)
  Office of the Chief Information Officer (OCIO)
Farm Service Agency (FSA)
Food, Nutrition & Consumer Services (FNCS)
Food Safety & Inspection Service (FSIS)
Foreign Agricultural Service (FAS)
Forest Service (FS)
Grain Inspection, Packers & Stockyards (GIPSA)
National Appeals Division (NAD)
Natural Resources Conservation Service (NRCS)
Office of Budget & Program Analysis (OBPA)
Office of Communications (OC)
Office of the Chief Financial Officer (OCFO)
  National Finance Center (NFC)
Office for the Assistant Secretary of Civil Rights (OASCR)
Office of the General Counsel (OGC)
Office of Inspector General (OIG)
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)
Risk Management Agency (RMA)
Rural Development (RD)

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals? Training can include holding an agency-wide FOIA conference, holding a seminar on a particular FOIA topic, or provided training to FOIA or agency staff during a staff meeting, among other types of training. However, the training provided should be substantive and should cover the application of the law and policy.

Yes. The Department did provide substantive FOIA training during the reporting period.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

Department-Wide Training: In the spirit of collaboration, the FSC hosted two FOIA training sessions in coordination with the DOJ/OIP in April 2014. The first session included instruction on the application of 5 U.S.C. § 552 (b)(4) and 5 U.S.C. § 552 (b)(5) and was facilitated by Mr. Bobak Talebian, Staff Chief for FOIA Compliance in the DOJ/OIP and Mr. Robert Kiepura, Attorney-Advisor with the DOJ/OIP. The second session included instruction on the application of 5 U.S.C. § 552 (b)(6) and 5 U.S.C. § 552 (b)(7)(c) and was facilitated by Ms. Sarah Ross, Attorney-Advisor with the DOJ/OIP. All of the Department's FOIA analysts and attorney advisors had the option to participate in each session by either joining the live classroom sessions or virtually via the interactive webinar sessions. Recordings from each session were made available for future viewing and self-paced learning opportunities via the FOIA Community's shared platform.

Monthly FOIA Council Meetings: The FSC continues to hold its monthly FOIA council meetings with the Department's FOIA Officers and Liaisons. Although most meetings are devoted to the dissemination and discussion of recent court decisions, guidance, and best practices, others do provide for a refresher training session on select FOIA issues. For example, at the July 2014 FOIA Council Meeting, the Department's OGC/GLRD provided substantive FOIA training on requests affected by both the FOIA and Privacy Acts.

One-on-One Training for New Hires: Recognizing that FOIA regulations and best practices can vary from agency to agency, the FSC in September 2014 began providing one-on-one FOIA training for recently hired FOIA Officers and Liaisons. These one-on-one sessions highlight the Department's FOIA best practices as articulated in its recently published online FOIA lite

training module. Sessions also include training on the Department's enterprise wide tracking FOIA database and online search tool.

Component Agency Training Initiatives: The FOIA Officer for the NRCS in coordination with the OGC/GLRD and the FSC provided substantive FOIA training at the May 2014 American Society of Access Professionals (ASAP) break out session. Twenty NRCS FOIA analysts from across the country were in attendance and participated in this interactive session.

In June and September 2014, the FOIA Officer for FS held a National FOIA Webinar for the FS FOIA Community. Speakers included the OGC/GLRD and the FSC. OGC/GLRD provided substantive FOIA training on the application of FOIA Exemption 5 and requests affected by both the FOIA and Privacy Acts. The FSC provided training on various tools within the Department's enterprise wide tracking database.

3. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice? Such training or events can include offerings from OIP, your own agency or another agency or organization.

The Department's FOIA professionals attended the following DOJ/OIP training programs and conferences:

- DOJ/OIP: Advanced Freedom of Information Act Seminar
- DOJ/OIP: Introduction to the Freedom of Information Act
- DOJ/OIP: FOIA for Attorneys and Access Professionals
- DOJ/OIP: Freedom of Information Act Administrative Forum
- DOJ/OIP: Refresher Training for FY 2014 Annual FOIA Reports and 2015 Chief FOIA Officer Reports
- DOJ/OIP: FOIA Litigation Seminar
- DOJ/OIP: Best Practices Workshop: Reducing Backlogs and Improving Timeliness
- DOJ/OIP: Best Practices Workshop: Proactive Disclosures & Making Online Information More Useful Workshop
- DOJ/OIP Conference: FOIA IT Working Group Meeting
- DOJ/OIP Conference: Common Core FOIA Regulations Kickoff Meeting

The Department's FOIA professionals attended the following external training courses and conferences:

- AINS: Advanced Document Review
- AINS: Users Group Annual Meeting
- American University: FOIA Celebration Day
- ASAP: 7th Annual National Training Conference
- ASAP: FOIA/Privacy Act Training Workshop
- ASAP: 508 Compliance: What it Means in the World of Transparency and FOIA
- DC Bar Association: Cutting Edge FOIA Issues, Privacy, and Civil Liberties
- DC Bar Association: Basics of Filing and Litigating Freedom of information Act Requests

- DHS: FOIA Training
- Georgetown Law Privacy Center: Inaugural Conference on 40th Anniversary of Privacy Act and Amendments to Freedom of Information Act
- IAPP: U.S. Government Privacy Laws and Practices
- IAPP: Privacy Foundation
- OGIS: Dispute Resolution Skills for FOIA Professionals
- Westlaw: User Training
- USDA Graduate School: Freedom of Information and Privacy Acts Course
- USDA Graduate School: Legal Writing

4. 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 85% of the Department's FOIA professionals participated in either one or more substantive FOIA training courses.

5. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan. Include any successes or challenges your agency has seen in implementing your plan.

The Department was successful in implementing its 2014 substantive FOIA training plan. The FSC was able to host its proposed two day training session with the DOJ/OIP. More than 100 participants nationwide from the Department's FOIA Community attended making this the Department's largest substantive FOIA training initiative to date. The program was well received by both the Department's FOIA analysts and attorney advisors.

Additionally, the FSC is continuing its work with the OGC/GLRD on its extended FOIA training module. The Department has already completed thirteen of the twenty-six scheduled lessons and anticipates releasing the first six lessons on procedural issues before the close of Fiscal Year 2015. Although tailored for the Department's FOIA professionals, the lessons can be accessed by anyone with an AgLearn account.

6. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? This question addresses outreach that is conducted outside of the individual request or appeal process. For example, outreach activities can include engaging with frequent requesters by holding meetings or events which include them, conducting surveys or otherwise soliciting requester feedback, or participating in any other requester initiative coordinated by your agency or by others, such as OIP.

Yes. The FSC on behalf of the Department held a teleconference with an Open Government Policy Analyst from the Center for Effective Government (CEG) shortly after its release of its report titled "Making the Grade: Access to Information Scorecard 2014." Although the Department ranked as one of four top performers, there was still room for improvement in the website and online services category. As such, the Department solicited additional feedback

from CEG on the Department's FOIA website and some of the existing and potential online tools. The Department is currently working with its IT service provider to incorporate some of CEG's recommendations.   The launch of the revised site is tentatively set for March 2015.

Several of the Department's component agencies also reported participating in the DOJ/OIP's June 2014 FOIA Requester Roundtable Meeting highlighting the various ways agencies provide estimated dates of completion to requesters.

7. If you did not conduct any outreach during the reporting period, please describe why?

Not applicable. The Department did conduct agency outreach during the reporting period.

8. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

Yes. All of the Department's component agencies have a process in place for making discretionary releases. Although the processes may differ is some respect, all do require a secondary and in some instances a third review of responsive records to ensure the application of 5 U.S.C. § 552 (b)(2), 5 U.S.C. § 552 (b)(5), 5 U.S.C. § 552 (b)(7), and 5 U.S.C. § 552 (b)(9) is appropriate and applied with an eye toward the presumption of openness.

9. During the reporting period, did your agency make any discretionary releases of information?

Yes. The Department routinely makes disclosures of otherwise exempt information as a matter of discretion in compliance with Attorney General Holder's 2009 Guidelines.

10. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on implementing the President's and Attorney General's FOIA Memoranda.
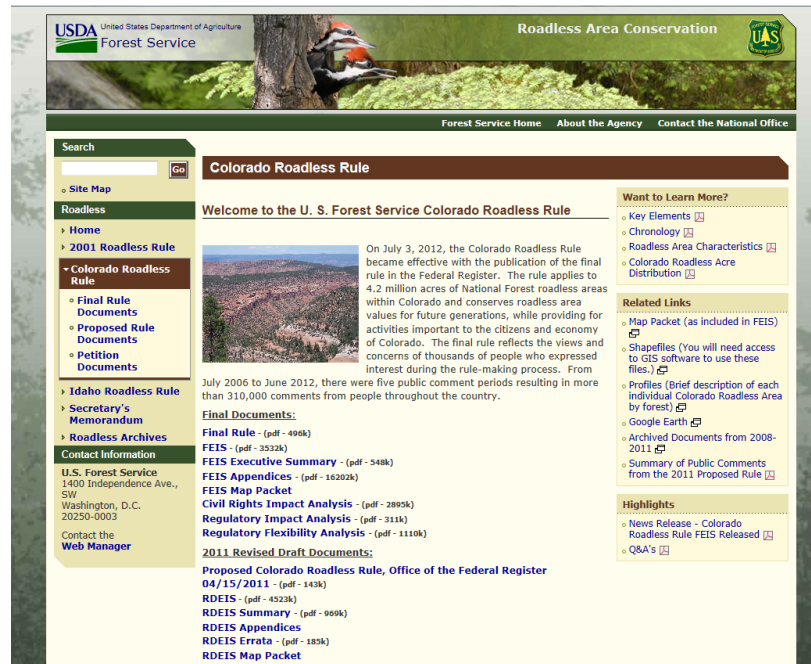
Discretionary disclosures were made of material that could have been withheld under 5 U.S.C. § 552 (b)(2) and 5 U.S.C. § 552 (b)(5).

11. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.
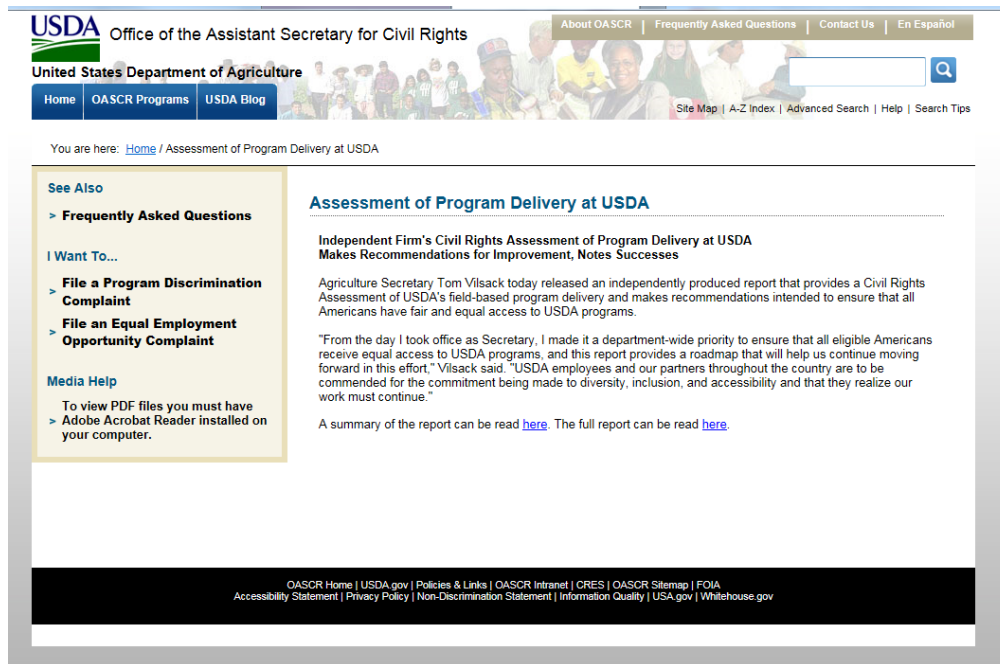
A few examples of the types of information that the Department released as a matter of discretion are included below:

- FSC on behalf of the Office of Chief Economist (OCE) released an internal marketing and outlook research report.

- FS released internal and draft correspondence related to its Colorado Roadless Rule.

- GIPSA's Packers and Stockyards Program (P&SP) released the results of its recent investigation of the U.S. lamb market in 2010, 2011 and 2012
- OASCR released an independent firm's civil rights assessment of program delivery at the Department.

- Several components reported releasing internal correspondence related to the handling of incoming FOIA requests, consultations and appeals.

12. If your agency was not able to make any discretionary releases of information, please explain why.

Not applicable. The Department was able to make discretionary releases during this reporting period.

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA? Efforts can include training for non-FOIA professionals, distributing memoranda on the FOIA, announcements on FOIA matters, etc.

In January 2014, the Department published its first online FOIA training module for the Department's training repository, AgLearn. The module is intended for all Department employees, contractors, stakeholder and affiliates and emphasizes compliance with both the letter and the spirit of the FOIA. More specifically, it emphasizes: (1) the basic purpose of the FOIA, as explained by the United Supreme Court; (2) President Obama and Attorney General Holder's guidance directing federal agencies to administer the FOIA with the presumption that "openness prevails;" (3) the Department's FOIA process; (4) key players in the Department's FOIA process; (5) FOIA's statutory requirements; and (6) the Department's commonly cited FOIA exemptions.

The module was featured in the May 2014 issue of the MyUSDA Newsletter. The module is also part of the mandatory training curriculum for FSA and the OASCR. Several other component agencies are continuing efforts to make this module either part of their onboarding process and/or mandatory training curriculum for all USDA employees.

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

Below are some of the initiatives undertaken by the Department's component agencies to ensure the presumption of openness is being applied:

- FSC coordinated with the Office of the Executive Secretariat (OES) to create a custom log of all incoming and outgoing correspondence between the Department and members of congress for Fiscal Year 2014. The logs were recently uploaded to the Department's OSEC/OCIO Reading Room. Requesters in search of items corresponding with logged items can now provide the Department with the control number. This initiative has expedited the search process for the FSC and in turn provides for the timely delivery of records to requesters.

- APHIS recently invited stakeholders to participate in an upcoming webinar concerning its proposed adjustments to the user fees for the Agriculture Quarantine Inspection Program.

- FNCS continues to publish a wide variety of reports, educational periodicals, pamphlets, brochures, leaflets, guides, and aids detailing the efforts and operations of FNCS' food assistance programs. Some of FNCS' most recent initiatives include updates to its Supplemental Nutrition Assistance Program (SNAP) Retailer Locator, FNCS Report Finder Tool, and its SNAP Community Characteristics site that provides statistical data about SNAP Households by State.

- NASS places a high priority, as required by the OMB Information Collection Request process, on receiving input from both data users and farm operators with regard to improving data collection processes, as well as data timeliness, quality, and usability. Input and suggestions are received from numerous data users through the renewal of the

OMB docket process which utilizes a public comment period. In addition, our state and regional directors meet with grower's associations and data users from around the country to solicit input on program and policy changes that will strengthen the agricultural industry. NASS also receives input from the Agricultural Advisory Committee, which represents a wide-spectrum of agricultural leaders. NASS is pro-active in incorporating improvements into our programs through the OMB docket process. Through the *OMBOfficer@nass.usda.gov* mailbox, NASS received numerous requests from people from around the world who were interested in the data NASS collects as well as our survey methodologies. NASS responded to all of these inquiries via email.

- NASS successfully released preliminary results of the 2012 Census of Agriculture on February 20, 2014. After the October work stoppage, NASS responded to data user requests to have data available at the Agriculture Outlook Forum. NASS highlighted national-level results such as number of farms, land in farms, along with a host of operator characteristic statistics. Key findings included an increase in the value of agricultural products sold in the United States totaling $394.6 billion in 2012, up 33 percent ($97.4 billion) from 2007. The number of farms and land in farms were down slightly, but held steady. Additionally, agriculture is becoming more diverse.

- NASS successfully released the final results of the 2012 Census of Agriculture on May 2, 2014. Following the preliminary release in February, NASS completed its final analysis and data review of state and county data. This marked the fourth census of agriculture conducted by NASS. The following are products provided to the public on the day of the final release:
    - *Volume 1- Geographic Area Series - Part 1-51* – Provides uniform and comprehensive agricultural statistics for the U.S., all 50 states, and over 3,000 counties or county equivalents.
    - *Quick Stats* – Electronic database providing data users the ability to customize data queries and download aggregated data in a format that allows for additional data analysis.
    - *Agricultural Atlas Maps* – Visual representation of selected data items made available in static maps.
    - *Rankings of Market Value of Agriculture Products Sold* – Data tabulations that profile every state's key agriculture commodities.
    - *Agriculture Census Highlights* – Topical fact sheets regarding characteristics, conditions, and trends in U.S. farms and farmers.

- NASS successfully rolled out a variety of other agricultural statistics products that are reformulations of data available from a complete Census of Agriculture. In response to data user requests and needs to have data provided in different media and tabular formats, NASS has provided the public the following products since the 2012 Census of Agriculture data release in May:
    - *Puerto Rico Census of Agriculture* - Provides uniform and comprehensive agricultural statistics for the Island and its 78 municipios.
    - *State and County Profiles* – Highlights key agriculture production, farm and farmer characteristics, and practices for each state and county in the U.S.
    - *Congressional District Profiles* - Highlights key agriculture production, farm and farmer characteristics, and practices by Congressional District.

- o *Race, Ethnicity and Gender Profiles* - Highlights key agriculture production, farm and farmer characteristics, and practices for Women, Hispanics, American Indians, Asian, and Black farm operators by State.
- o *American Indian Reservations –* Provides key agriculture production and demographic reservation-level data for all farms on American Indian reservations.
- o *2012 Census of Agriculture Web Mapping* – Online application provided to users to access key Census of Agriculture data through a collection of interactive maps.
- o *Organic Production Tabulation* – Highlights selected Census of Agriculture statistics of operator and farm characteristics for operations with organics sales.

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

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

Personnel:

1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

Approximately 75% of the eligible staff has been converted to the Government Information Specialist series.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

Many of the now eligible but not yet converted staff reported FOIA will likely become a collateral duty by the end of the Fiscal Year. Therefore, conversion to the Government Information Specialist series is not feasible. For the select few eligible where conversion is feasible, FSC will continue to encourage the component agencies to work with their respective human resources offices to make the conversion.

3. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2014.

The average number of days to adjudicate requests for expedited processing is 4.9 calendar days.

4. 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.

Not applicable. The average number of days to adjudicate requests for expedited processing is below ten calendar days.

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

Yes. The Department has taken steps to make the routing of misdirected requests within the Department more efficient.

First, analysts and attorney advisors are required by the Department's regulation to forward any requests not addressed to a specific component agency, sent to the wrong component agency, or may pertain to more than one component agency to the Department FOIA Officer for further review and routing. The Department FOIA Officer is then required to notify the requester and provide the contact information for the component agency(ies) processing the request.

Secondly, the FSC on behalf of the Department routinely emphasizes the importance of routing within ten working days. The FSC also encourages component agency FOIA Officers and Liaisons to include the ten day working requirement as part of their team's performance plans.

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

The Department is handling the routing of misdirected requests in an efficient manner. To further facilitate the process described above, the FSC also coordinates requests when three or more component agencies are implicated. In these instances, the FSC will review the request and provide feedback on any portions of the request that require further clarification from the requester, including but not limited to the scope of the search, the names of authors and recipients of the records requested and/or specific grant or contract numbers, if applicable. Once the FSC has the required clarification, it will then forward this to the respective component agency FOIA Officers. The Department FOIA Officer will then notify the requester of the referral and of the name of each component agency to which the request has been routed. FOIA Officers in the component agencies then acknowledge receipt of the request and commence processing.

FSC's coordination of these requests relieves the requester of the burden to submit written clarification to each component agency FOIA Officer, ensures that all agencies interpretation of the request is parallel to the requester's, and invokes a sense of transparency and trust between component agencies.

Requester Services:

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? *See OIP Guidance*, **"Notifying Requesters of the Mediation Services Offered by OGIS." (July 9, 2010)**

Yes. Our FOIA professionals continue to include the following language in their final appeal letters:

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? *See OIP Guidance,* **"The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications." (Nov. 22, 2013)**

Yes. When acknowledging initial FOIA requests, the Department routinely informs requesters (1) that provisions of the FOIA allow the Department to recover part of the cost of complying with their request, (2) of their 'requester category' for which they have been placed for fee purposes; (3) of the associated fee types for their respective category – search fees, review fees, and duplication fees (when applicable) <u>and</u> the fees attributable to search, review, and duplication; (4) that, in accordance with agency regulations, fees shall be waived where the amount of the fee is $25.00 or less; and (5) notification will be provided before any fees over $25.00 are accrued. To further assist requesters, many component agencies reported providing

requesters with a copy of the Department's FOIA Fee Schedule, a chart which shows a breakdown of each 'requester category' and aligns each category with the corresponding fee types.

It is also the Department's standard practice to promptly notify requesters whenever estimated fees will exceed the $25 fee waiver threshold (as conveyed in the initial acknowledgement letter) and afford requesters reasonable opportunity to agree to pay the accrued fees or in the alternative modify the scope of the request to reduce or eliminate fees.

9. If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?

Yes. Whenever estimated fees are particularly high, the requester is notified of the details, specific steps, or process involved in the retrieval of any potentially responsive records. For example, if fees are particularly high because the request involves a sensitive, confidential, or management issue whereby the records can only be retrieved and/or reviewed by a professional-level or management-level employee, the requester is promptly notified and provided a detailed written explanation.

Other Initiatives:

10. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

FSC in coordination with the OC and its IT service provider is revising the Department's FOIA website. The homepage will feature a short FOIA tutorial detailing among other things the types of records maintained in the Department, instruction for filing a proper FOIA request, and the Department's Public Access Link (PAL). The launch of the revised site is tentatively set for March 2015.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received. Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

The Department's agency components reported monitoring responsive records to determine whether any or all fell within one or more of the four categories of disclosures under 5 U.S.C. §552(a)(2).

Many USDA components also reported routinely updating websites to include program updates. For example, ARS' principle means of proactive disclosure is its web site at www.ars.usda.gov. Extensive information on ARS research program planning and results as well as individual research projects and their results are posted on the web site along with ARS-produced scientific manuscripts, software, models, and available technologies as well as information about ARS-maintained research collections. Additional public information includes the Press and Briefing Rooms and ARS' administrative issuances, policies, and procedures. A distinct system does exist for posting information about each and all of the approximately 800 active research projects within ARS. The information about these is maintained and reviewed in internal database management system called ARIS, which is used for multiple purposes including the posting of public information directly to the agency web site from the system.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Yes. On occasion, the FSC coordinates with the Department's Open Data Team to identify releasable datasets using reports generated from the Department's enterprise wide tracking database. Once the record set and its originating component agency are identified, the FOIA Officer and/or FOIA Public Liaison for the component is notified, asked to perform a secondary review, and if appropriate work with its IT professionals to post the dataset(s).

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

Provided there are no privacy concerns, the Department adheres to the "rule of three" for identifying "frequently requested" records. Even if there are not three or more of the same or similar FOIA requests, records can also fall within the category of "frequently records" if there is an expectation of future interest by a large audience.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Agency	Link
ARS	Information on ARS' approximately 800 research projects with searchable and browsable interfaces: http://www.ars.usda.gov/research/projects.htm

NASS	On April 17, NASS launched a new Quick Stats video tutorial to help data users find information in Quick Stats and is now available on line. It is the #2 slider (rotating photos) at www.agcensus.usda.gov. It is also available directly on YouTube, http://www.youtube.com/watch?v=y-9CAmhMRi0&feature=youtube_gdata.
NASS	NASS had 38 posts on USDA's blog, contributed to several other posts by REE and AMS, and utilized USDA's YouTube channel to post public service announcements to promote the Census and other surveys such as the Agricultural Resource Management Survey (ARMS).
NASS	NASS is encouraging farmers, ranchers and data users to read and share stories about how the Census is working for them through "Your Census. Your Story." www.agcensus.usda.gov/Census_Story/.
OASCR	50th Anniversary of the Civil rights Act of 1964: Honoring the Past, Bridging Today, Transforming the Future: https://www.webcaster4.com/Webcast/ListenPagePreview/333/5433/534fc14d-09e9-4b47-b589-2ac4d941cffe

Other Initiatives:

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

The FSC in coordination with the Department's Open Data Group continues to search for other opportunities to increase proactive disclosures through our website and FOIA reading rooms. Both groups routinely review the Department's FOIA logs in search of datasets and other potential items for proactive disclosure.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

Online Tracking of FOIA Requests and Appeals:

1. Can a member of the public track the status of his or her request or appeal electronically?

A member of the public can track the status of a request or appeal electronically via the Department's Public Access Link (PAL) in all but two component agencies due to budget constraints. Both non-participating agencies do however accept email inquiries on the status of requests and appeals.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

Requesters can track the status online using the Department's PAL at https://efoia-pal.usda.gov/palMain.aspx.

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or "documents currently in review."

PAL allows requesters to see when their requests are received, assigned, in-process and closed. Once records are reviewed, the requester can also download directly from the link.

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

PAL does not provide an estimated date of completion.

5. If your agency does not provide online tracking of requests or appeals, is your agency taking steps to establish this capability? If not, please explain why.
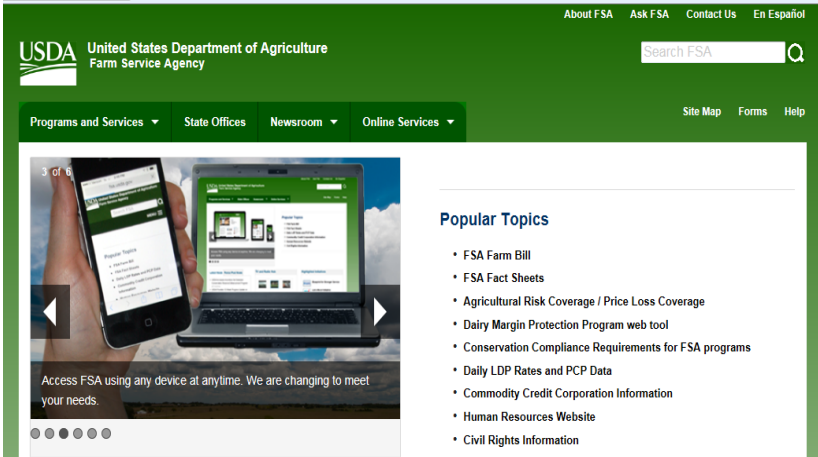
Due to budget constraints, the two non-participating component agencies cannot actively search for an alternative solution.
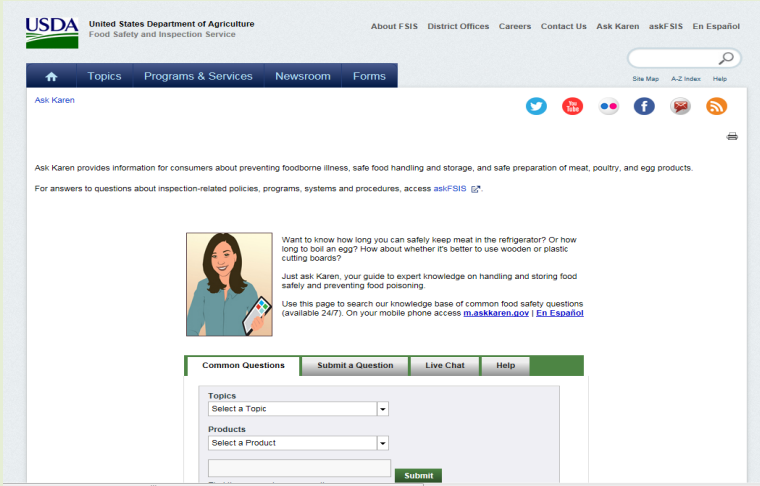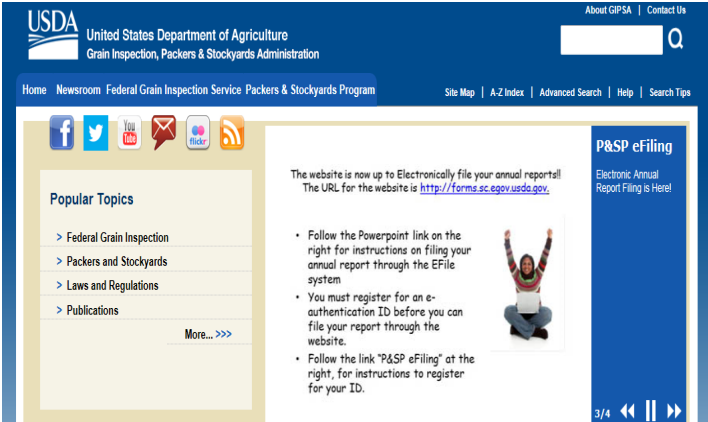
6. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes. The Department is taking several steps to make its posted information more useful to the public.

7. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

The Department uses many interactive tools as well as social media to highlight its recent initiatives. A few of these tools and forms of social media are highlighted below:

Agency	Link
ARS	The VIVO system (http://vivo.usda.gov), which was announced to the public on November 20, 2014, will facilitate a better understanding of ARS research and its interconnections with other Department research activities and research collaborations. VIVO is a scientific collaboration tool used to connect researchers across the Department with each other, as well as to peers and potential collaborators from other research institutions and organizations that use or benefit from Department research. Cornell University's Albert R. Mann Library developed the VIVO (not an acronym) tool/platform, which resides at the University. VIVO builds on partnerships with the University of Florida, Indiana University, Washington University, and the Scripps Research Institute, and grant funding from the National Institutes of Health. The Open Source community supports VIVO's technology development. Key experts from this larger community are part of the National VIVO Project and Development Team. Cornell University supports VIVO development and partners with VIVO Technical Team. VIVO brings together in one site publicly available information on the people, agencies, units, and other resources that collectively make up the research environment in all disciplines within the Department's science agencies: ARS, ERS, NASS, NIFA, and FS. Search VIVO for information about researchers and scientists, research units, and intramural and extramural research funded by the Department. Explore visualization tools for "co-Author Network," "Map of Science," and "co-Investigator Network" and download the data on which they are based.
FSA	Access FSA anytime using any device: http://www.fsa.usda.gov/FSA/#

FSIS	Ask Karen provides information for consumers about preventing foodborne illness, safe food handling and storage, and safe preparation of meat, poultry, and egg products. http://www.fsis.usda.gov/wps/portal/informational/askkaren
FSIS	The Meat, Poultry and Egg Product Inspection (MPI) Directory App is now available for Android devices, iPhone & iPad. The MPI Directory provides 24/7 access to information on regulated establishments that produce meat, poultry, and/or egg products as regulated by FSIS.
GIPSA	Video Library: http://www.gipsa.usda.gov/fgis/video_library.aspx
GIPSA	There is a new eFiling solution for packers needing to file an annual report: http://www.gipsa.usda.gov/

OCIO	The GovLab and the USDA co-hosted an Open Data Roundtable on food resilience to bring together government officials, companies, and nonprofits to improve the use of data on climate and agriculture. Like the Roundtable we hosted with the White House and the Department of Commerce in June, this event was designed to promote a dialogue between government agencies that supply data and the companies and organizations that use it. The ultimate goal of all our Roundtables is to make open government data more relevant, accessible, and actionable. http://blogs.usda.gov/2014/08/07/participants-in-open-data-roundtables-guide-usda-on-ways-to-provide-high-quality-data-to-users/
OCIO	USDA/NITC the First Federal Data Center to attain FedRamp certification: http://www.ocio.usda.gov/about-ocio/data-center-operations-dco
OSEC	Secretary's Column: 2014 a Year of Action, Partnership and Innovation at USDA: http://blogs.usda.gov/2014/12/22/secretarys-column-2014-a-year-of-action-partnership-and-innovation-at-usda/

8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes. The FSC routinely coordinates with OES to create and post the congressional logs, the OC to update the Secretary's Public Schedule monthly, and its IT service providers for revisions to the Department's FOIA website.

9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. For example, this can be done through social media or with the offering of e-mail subscription services.

Yes. The Department routinely uses platforms like Facebook, Twitter, Blogs, YouTube, Flickr, Google +, and Really Simply Syndication (RSS) feeds to publicize initiatives and proactive disclosures.

Platform	Link
Facebook	https://www.facebook.com/USDA
Twitter	https://twitter.com/usda/
Blogs	http://blogs.usda.gov/
YouTube	https://www.youtube.com/user/usda
Flickr	https://www.flickr.com/photos/usdagov
Google +	https://plus.google.com/+UsdaGov/videos#+UsdaGov/videos
RSS Feeds	http://www.usda.gov/wps/portal/usda/usdahome?navid=RSS_FEEDS

10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes. The Department has encountered challenges that make it difficult to post records.

11. If so, please briefly explain what those challenges are.

The Department remains committed to ensuring posted information is 508 compliant.   Although 508 compliance issues are quickly resolved, it does lengthen the time required to post.

Use of Technology to Facilitate Processing of Requests:

12. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.

Yes. The Department is taking steps to utilize more advanced technology to facilitate overall FOIA efficiency.

First, the Department enterprise wide tracking database includes a <u>Public Access Link</u> (PAL). The PAL is a web portal allowing requesters to create, submit, and check the status of their FOIA requests online. Although registration is required, it is quick and free of charge.

Secondly, the Department purchased an e-discovery platform to complement its existing enterprise wide tracking database in light of the increasing number of voluminous requests. The platform allows our FOIA professionals to quickly list and identifies documents and sources, identify duplicate and near duplicate documents and emails, search, categorize and rank documents for ease of review, view and group documents by custodian and significantly cull records.

Thirdly, the Department continues to utilize a SharePoint site for internal consultations with many of our subject matter experts (SMEs). Most of our SMEs are called upon sparingly to review records and provide guidance and therefore it is not financially advantageous to issue the SME a license to the Department's enterprise wide tracking database. This site serves as a central repository for records, questions, and guidance.

Lastly, the Department recently acquired a vendor to assist with improving record and information search, and data analysis capabilities. The new search enhancement product solution will improve next generation search capabilities, including the ability to search for documents within the knowledgebase and across the Department's websites. The search enhancement product solution will reduce man hours spent conducting manual keyword searches, and will automate the process by improving contextual searches within many of the Department's repositories.

13. Are there additional tools that could be utilized by your agency to create further efficiencies?

Yes. The Department looks forward to working with a vendor recently procured to make its FOIA reading rooms and other highly traveled sites searchable. The Department anticipates completion of this initiative by the close of Fiscal Year 2015.

Other Initiatives:

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Yes. The Department successfully posted all four of its quarterly reports for Fiscal Year 2014.

15. 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 2015.

Not applicable. The Department successfully posted all four of its quarterly reports for Fiscal Year 2014.

16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? *See OIP Guidance,* **"The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications." (Nov. 22, 2013) If yes, what are the different types of electronic means are utilized by your agency to communicate with requesters?**

Yes. All of the component agencies reported using email or other electronic means to communicate with requesters.

17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

Not applicable. All of the component agencies reported using email or other electronic means to communicate with requesters.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2014 Annual FOIA Report and, when applicable, your agency's 2013 Annual FOIA Report.

Simple Track: Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

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

Yes. The Department utilizes a separate track for simple requests.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

Yes. In Fiscal Year 2014, the average number of days to process a simple request was 16.3 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

The percentage of requests processed by the Department in Fiscal Year 2014 that were placed in the simple track is 92.13%.

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. The Department tracks simple requests separately.

Backlogs: Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013? If not, 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**

No. The overall number of backlogged requests in the Department increased by 15.55% in Fiscal Year 2014. The increase is a culmination of the October 2013 shutdown, a 49.53% decrease in the total number of full-time FOIA staff, and an increase in complex requests.

	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	1,137	1,314

6. 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 2014.

The percentage of requests that make up the backlog out of the total number of requests received by the Department in Fiscal Year 2014 is 6.61%.

BACKLOGGED APPEALS

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming appeal**
- **A loss of staff**
- **An increase in the complexity of the appeals received**

No. The overall number of backlogged appeals in the Department increased by 56.72% in Fiscal Year 2014. The increase is also a culmination of the October 2013 shutdown, a 49.53% decrease in the total number of full-time FOIA staff, and an increase in complex requests.

	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	171	268

8. 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 2014. If your agency did not receive any appeals in Fiscal Year 2014 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 the Department in Fiscal Year 2014 is 110.74%.

Backlog Reduction Plans:

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you 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 2014?

Yes. The Department did implement a backlog reduction plan in Fiscal Year 2014.

The plan required continuous monitoring and posting of the Department's backlog reports. Component agencies unable to realize a reduction by the close of the second quarter in Fiscal Year 2014 were asked to submit a modified plan for reduction for review by the Department's FOIA Officer.

The Department is pleased to report a significant decrease in backlogged FOIA requests for the FSC and NRCS in Fiscal Year 2014. The FSC decreased its backlog by 69.69% and the NRCS by 86%. Smaller reductions were seen in AMS and RD. Finally FAS, GIPSA, OBPA and REE ended Fiscal Year 2014 with no backlogged FOIA requests. As for the remaining component agencies, increases were slight in all but APHIS and largely the result of the clock still tolling during the shutdown.

To address its backlog, APHIS recently developed a plan that made for more effective use of existing human resources within its Legislative and Public Affairs Office. This plan required recruiting and organizing an eleven member, cross-agency Strike Team to process primarily Animal Care and Investigative records (the most frequently requested APHIS records). The Strike Team has been extremely successful, reviewing over 45,000 pages of responsive records and assisting with the closure of fifty-five complex cases.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

The FSC will continue to monitor the Department's backlog on a monthly basis and provide reports to each component agency on its progress. Component agencies unable to realize progress by the end of the second quarter in Fiscal Year 2015 will review its current processing procedures with the Department FOIA Officer to determine whether any areas can be further streamlined to create greater efficiency.

APHIS will continue to utilize its Strike Team (described in the response above) to help reduce its backlog.

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

Yes. The Department closed its ten oldest requests that were reported pending in the Fiscal Year 2013 Annual FOIA Report.

12. 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 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E.

and you closed six of them, you should note that you closed six out of seven "oldest" requests.

Not applicable. The Department closed its ten oldest requests that were reported pending in the Fiscal Year 2013 Annual FOIA Report.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None of the ten oldest requests were withdrawn by the requester.

TEN OLDEST APPEALS

14. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No. The Department did not close its ten oldest appeals reported pending in the Fiscal Year 2013 Annual FOIA Report.

15. 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 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

In Fiscal Year 2014, the Department closed four of ten appeals reported pending in its Fiscal Year 2013 Annual FOIA Report.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

No. The Department did not close its oldest consultations.

17. 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 2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

In Fiscal Year 2014, the Department closed three of its six oldest consultations reported pending in its Fiscal Year 2013 Annual FOIA Report.

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

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

The largest obstacle for requests and appeals requiring second searches continues to be the untimely return of records from the Department's records custodians for initial requests and appeals requiring a second search. To alleviate this issue, the FSC continues to increase awareness about its FOIA lite module published in January 2014 as it highlights the FOIA's statutory requirements and the importance of timely providing records to the Department's FOIA professionals.

Another obstacle noted by several component agencies is the lack of human resources to process the growing number of multi-component requests, complex appeals, and large consultations. In Fiscal Year 2014, the number of full-time FOIA staff decreased by 49.53%.

19. 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. The Department was not unable to close any of its ten oldest requests because it was waiting to hear back from other agencies.

20. 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 2015.

The Department did close its ten oldest pending requests. As for the consultations and appeals, the Department remains committed to closing these items. In FY2015, the Department intends to continue monitoring progress on a monthly basis, providing tips on effective FOIA management, and providing substantive FOIA training in an effort to ensure closure.

Interim Responses:

21. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance*, **"The Importance of Good Communication with FOIA Requesters." (Mar. 1, 2010)**

Yes. The FSC at its monthly FOIA Council Meetings routinely encourages component agency FOIA Officers to coordinate with requesters and establish production schedules early on in instances where multiple searches are required, records sets are voluminous and/or the requester has specifically asked to receive records on a "rolling basis."

22. If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Interim responses were provided for approximately 65% of the cases in the Department's backlog.

Use of the FOIA's Law Enforcement Exclusions

Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014? If so, please provide the total number of times exclusions were invoked.

The Department did not invoke any of the three statutory exclusions during Fiscal Year 2014.

Success Story

Out of all the activities undertaken by your agency since March 2014 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.

- The Department is pleased to report that it closed its ten oldest pending perfected requests from Fiscal Year 2013.
- The Department is also pleased to report a significant decrease in backlogged FOIA requests for the FSC and NRCS. The FSC decreased its backlog by 69.69% and the NRCS by 86%. Reductions were also reported in the AMS and RD. At the conclusion of the Fiscal Year, the FAS, GIPSA, OBPA, and REE had no backlogged FOIA requests.

- As one of the Federal government's 14 principal statistical agencies, ERS provides high quality, objective statistics and data on the food, agricultural, and rural sector. In FY 2014 ERS conducted a comprehensive review of current data products proactively disclosed to the public and dissemination methods in order to develop a forward-looking vision that provides high-quality, objective, timely, and useful statistics, indicators, and research data.