

January 2004

U.S. DEPARTMENT OF AGRICULTURE

Freedom of Information Act Annual Report FY 2003

I. Basic Information Regarding Report

Responsibility for preparing the U.S. Department of Agriculture's Freedom of Information Act Annual Report for fiscal year 2003 rests with USDA's Office of Communications. The report can be accessed from the World Wide Web at:

<http://www.usda.gov/news/foia/main.htm>

A paper copy of the report may be obtained by requesting it. For additional information, contact:

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II. How to Make a FOIA Request

Anyone may request USDA records under the FOIA by letter, fax or e-mail. A requester who sends USDA a FOIA request that is understandable and specific about the time frame of the records sought and who has addressed the request to the USDA agency with responsibility for the records has the greatest likelihood of receiving a response within 20 working days of the agency's receipt of the request. Any request that fails to identify the records sought or is sent to the wrong agency must be clarified before an agency can begin a search; in such case, USDA will try to contact the requester for additional information.

The url (universal resource locator) for the U.S. Department of Agriculture's home page is <http://www.usda.gov>. All USDA agencies are linked to the USDA home page. A significant portion of USDA records are maintained in agency files and are described on agency web pages, which are linked to the USDA home page. Potential requesters may want to review agency web pages in order to identify the USDA agency likely to have possession of the records sought.

USDA employs a number of Freedom of Information Act specialists who make every effort to comply with the requirements of the Freedom of Information Act as amended. A list of USDA agency employees responsible for handling FOIA requests can be found at <http://www.usda.gov/news/foia/contacts.htm>

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms are as follows:

AMS - Agricultural Marketing Service;
APHIS - Animal and Plant Health Inspection Service;
CCC - Commodity Credit Corporation;
DA - Departmental Administration;
FAS - Foreign Agricultural Service;
FNCS - Food, Nutrition and Consumer Service;
FSA - Farm Service Agency;
FSIS - Food Safety and Inspection Service;
FS - Forest Service;
GIPSA - Grain Inspection, Packers and Stockyards Administration;
NAD - National Appeals Division;
NFC - National Finance Center;
NRCS - Natural Resources Conservation Service;
OBPA - Office of Budget and Program Analysis;
OC - Office of Communications;
OCFO - Office of the Chief Financial Officer;
OCIO - Office of the Chief Information Officer;
OCR - Office of Civil Rights;
OGC - Office of General Counsel;
OIG - Office of the Inspector General;
RD - Rural Development;
REE - Research, Education and Economics; and
RMA - Risk Management Agency

B. Basic terms are as follows:

FOIA/PA request - a Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization or a particular topic of interest. A Privacy Act request is a request for records concerning oneself. Requests filed under either law are treated as FOIA requests and are processed as expeditiously as possible.

Initial request - a request to a Federal agency for access to records under the Freedom of Information Act.

Appeal - a request to a Federal agency asking that it review at a higher level of administrative authority any full or partial denial of access to records under the Freedom of Information Act or Privacy Act or any other FOIA determination, such as a proposed fee for access to records.

Processed request - a request or appeal for which an agency has made its final determination or taken its final action.

Multi-track processing - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous, complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing.

Expedited processing - an agency will process a FOIA request on an expedited basis when the requester has shown a compelling need for a specific record. A compelling need is a threat to life or physical safety for an individual or, in the case of the media, urgency to inform the public concerning actual or alleged Federal Government activity.

Simple request - a FOIA request that an agency using multi-track processing places in its fastest, nonexpedited track based on the volume and/or simplicity of records requested.

Complex request - a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

Grant - an agency decision to disclose all records in full in response to a FOIA request.

Partial grant - an agency decision to disclose part of a record in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions, or a decision to disclose some records in their entirety but withhold others in whole or in part.

Denial - an agency decision not to release a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions or because of a procedural reason, such as no record was located.

Time limits - the time period authorized in the FOIA for an agency to respond to a FOIA request is 20 working days from proper receipt of a "perfected" FOIA request.

"Perfected" request - a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

Exemption 3 statute - a separate Federal statute prohibiting the disclosure of certain types of records and authorizing their withholding under FOIA subsection (b)(3).

Median number - the middle, not average, number. For example, of 3, 7 and 14, the median number is 7.

Average number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7 and 14, the average number is 8.

IV. Exemption 3 Statutes

Statute/Rule	Type of Information Withheld	Case Citation
7 U.S.C. § 201(c)	Store records for food stamp applications	None
7 U.S.C. § 1219.63	Membership list of the Avocado Importers Assc.	None
7 U.S.C. § 1373(c)	Quantity of burley tobacco sold by producer	None
7 U.S.C. § 2018(c)	Electronic Benefit Transactions	None
7 U.S.C. § 2276	Unaggregated Farm Statistics	None
7 U.S.C. § 4901-4916	List of growers, handlers, & importers	None
7 U.S.C § 8401	Agents & Toxins which could be used as weapons of mass destruction	None
16 U.S.C. § 470hh	Archaeological site maps, cultural resource survey maps	None
16 U.S.C. § 470w-3	Nature & location of historic resources	None
16 U.S.C. § 3844(b)	Administrative requirements for conservation programs	None
41 U.S.C. § 253(b)	Unsuccessful contract bid proposals	None
F.R.Cr.P. 6(e)	Grand jury information	<u>Iglesias v. CIA</u> , 525 F. Supp. 547, 556 (D.C. Cir. 1987)

V. INITIAL FOIA/PA ACCESS REQUESTS.

A. NUMBERS OF INITIAL REQUESTS.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR
AMS	14	119	120	13
APHIS	891	912	863	940
DA	42	59	87	14
FAS	4	45	45	4
FNCS	2	88	87	3
FSA	191	59,580	59,733	38
FS	346	3795	3763	378
FSIS	248	469	528	189
GIPSA	4	65	67	2
NAD	1	38	39	0
NRCS	4	300	296	8
OBPA	0	2	2	0
OC	37	316	297	56
OCFO	3	25	27	1
OCIO	0	2	2	0
OCR	12	79	88	3
OGC	3	18	15	6
OIG	52	292	262	82
REE	10	183	184	9
RMA	1	67	68	0
RD	27	1595	1590	32
TOTALS	1892**	68,049	68,163	1778

**The number of pending requests bought forward differs from the number of pending requests in the 2002 report because several agencies used electronic tracking systems to prepare the 2003 annual report and the totals were more accurately reflected.

B. DISPOSITION OF INITIAL REQUESTS.

	NUMBER OF TOTAL GRANTS	NUMBER OF PARTIAL GRANTS	NUMBER OF DENIALS	NO RECORDS	REFERRALS	REQUEST WITHDRAWN	FEE-RELATED REASON	RECORDS NOT REASONABLY DESCRIBED	NOT A PROPER FOIA REQUEST FOR SOME OTHER REASON	NOT AN AGENCY RECORD	DUPLICATE REQUEST	OTHER
AMS	49	39	8	12	3	1	3	0	4	0	1	0
APHIS	141	344	30	55	13	71	0	0	5	0	2	202
DA	50	2	2	18	0	14	0	0	0	1	0	0
FAS	37	2	0	4	1	0	0	0	0	0	1	0
FNCS	39	32	7	4	4	0	1	0	0	0	0	0
FSA	56,543	895	1142	333	163	78	93	97	144	69	31	145
FS	2364	649	349	196	22	41	23	17	13	8	18	63
FSIS	164	135	38	45	23	60	5	5	8	19	26	0
GIPSA	33	18	4	8	0	1	3	0	0	0	0	0
NAD	15	2	12	10	0	0	0	0	0	0	0	0
NRCS	132	49	63	24	15	3	0	5	1	4	0	0
OBPA	2	0	0	0	0	0	0	0	0	0	0	0
OC	0	35	7	5	250	0	0	0	0	0	0	0
OCFO	12	8	1	4	0	1	0	0	0	1	0	0
OCIO	0	0	0	0	0	2	0	0	0	0	0	0
OCR	9	31	14	5	4	3	3	5	14	0	0	0
OGC	3	6	3	2	1	0	0	0	0	0	0	0
OIG	59	53	21	26	55	5	8	0	12	3	7	13
REE	81	45	4	22	14	11	4	0	2	1	0	0
RMA	26	22	4	4	0	4	0	0	0	8	0	0
RD	1333	80	90	25	18	17	13	7	3	3	1	0
TOTALS	61,092	2447	1799	802	586	312	156	136	206	117	87	423

B. DISPOSITION OF INITIAL REQUESTS (Continued)

EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS:
OTHER REASONS FOR NONDISCLOSURE
(COLUMN MARKED "OTHER")

Component	Number of Times	Reason(s)
AMS	0	
APHIS	202	Refer to regional offices
DA	0	
FAS	0	
FNCS	0	
FSA	145	Transferred to field offices Duplicates Failure to comply with requirements
FS	63	Nonresponse to clarification request Unable to contact requester
FSIS	0	
GIPSA	0	
NAD	0	
NRCS	0	
OBPA	0	
OC	0	
OCFO	0	
OCIO	0	
OCR	0	
OGC	0	
OIG	13	No authorization letter Requesters referred to Website On-going audit
REE	0	
RMA	0	
RD	0	

B. DISPOSITION OF INITIAL REQUESTS (Continued)

EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT

	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)
AMS	0	0	2	22	2	31	4	1	0	0	0	0	0	0
APHIS	0	22	6	138	78	272	29	0	42	3	3	2	0	0
DA	0	0	0	1	0	3	0	0	1	0	0	0	0	0
FAS	0	0	0	0	1	1	0	0	0	0	0	0	0	0
FNCS	0	0	3	2	4	29	0	4	27	20	9	1	0	0
FSA	2	27	164	38	78	1065	22	0	0	0	0	0	0	0
FS	0	6	25	60	145	273	33	1	100	0	0	6	0	0
FSIS	0	9	0	96	18	101	23	0	1	1	0	0	0	0
GIPSA	0	0	0	11	4	11	4	0	1	4	0	0	0	0
NAD	0	0	0	0	0	7	0	0	0	0	0	0	0	0
NRCS	0	1	44	12	7	42	1	1	0	1	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC	0	0	0	0	0	42	0	0	0	0	0	0	0	0
OCFO	0	2	0	0	0	7	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCR	0	14	0	0	9	13	16	0	15	0	0	0	0	0
OGC	0	0	0	0	4	1	0	0	0	0	0	0	0	0
OIG	0	4	4	3	2	15	20	0	56	0	4	1	0	0
REE	0	2	4	33	7	34	0	0	0	0	0	0	0	0
RMA	0	0	0	5	8	17	5	0	8	3	4	0	0	0
RD	0	8	0	42	33	88	3	0	15	0	0	0	0	0
TOTALS	2	95	252	463	400	2052	160	7	266	32	20	10	0	0

VI. Appeals of Initial Denials

	Appeals Received FY 2003	Appeals Processed FY 2003	Appeals Upheld	Appeals Partly Reversed	Appeals Completely Reversed	(b)(1) Upheld on Appeal	(b)(2) Upheld on Appeal	(b)(3) Upheld on Appeal	(b)(4) Upheld on Appeal
AMS	7	1	1	0	0	0	0	0	0
APHIS	34	12	2	1	5	0	1	0	2
DA	1	1	0	0	0	0	0	0	0
FAS	1	0	0	0	0	0	0	0	0
FNCS	3	2	2	0	0	0	0	0	0
FSA	19	18	8	4	5	0	0	0	0
FS	82	97	2	27	28	0	4	1	3
FSIS	4	6	2	3	0	0	2	0	3
GIPSA	1	1	1	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0
NRCS	8	7	3	1	3	0	0	4	0
OBPA	0	0	0	0	0	0	0	0	0
OC	1	1	0	0	0	0	0	0	0
OCFO	3	2	2	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0
OCR	8	3	2	1	0	0	0	0	0
OGC	3	2	0	1	0	0	0	0	1
OIG	3	4	2	1	0	0	0	1	0
REE	2	2	0	0	0	0	0	0	0
RMA	1	6	2	4	0	0	0	0	1
RD	26	12	0	6	3	0	0	0	1
Total	207	177	29	49	44	0	7	6	11

VI. Appeals of Initial Denials (continued):

	(b)(5) Upheld on Appeal	(b)(6) Upheld on Appeal	(b)(7)(A) Upheld on Appeal	(b)(7)(B) Upheld on Appeal	(b)(7)(C) Upheld on Appeal	(b)(7)(D) Upheld on Appeal	(b)(7)(E) Upheld on Appeal	(b)(7)(F) Upheld on Appeal	(b)(8) Upheld on Appeal	(b)(9) Upheld on Appeal
AMS	0	0	1	1	0	0	0	0	0	0
APHIS	5	8	3	0	1	0	1	0	0	0
DA	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0
FNCS	0	2	0	0	2	2	0	0	0	0
FSA	5	5	5	0	4	0	0	0	0	0
FS	15	19	6	0	6	0	0	0	0	0
FSIS	1	2	2	0	2	2	0	0	0	0
GIPSA	0	0	1	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0
NRCS	1	2	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0
OC	0	0	0	0	0	0	0	0	0	0
OCFO	0	2	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0
OCR	0	1	2	0	0	0	0	0	0	0
OGC	1	0	0	0	0	0	0	0	0	0
OIG	0	0	2	0	1	0	0	0	0	0
REE	0	0	0	0	0	0	0	0	0	0
RMA	1	4	0	0	1	0	0	0	0	0
RD	0	5	0	0	2	0	0	0	0	0
Total	29	50	22	1	19	4	1	0	0	0

VI. Appeals of Initial Denials (continued):

	Other reasons for Non-disclosure	No Records	Referred elsewhere	Request Withdrawn	Fee-related reason	Records not Reasonably Described	Not a Proper FOIA Request	Not an agency record	Duplicate Request	Other
AMS	0	0	0	0	0	0	0	0	0	0
APHIS	4	3	0	1	0	0	0	0	0	0
DA	1	0	0	1	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0
FNCS	0	0	0	0	0	0	0	0	0	0
FSA	1	0	0	0	1	0	0	0	0	0
FS	40	28	2	3	1	4	1	1	0	0
FSIS	1	0	0	0	1	0	0	0	0	0
GIPSA	0	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0
NRCS	0	0	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0
OC	1	1	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0
OCR	0	0	0	0	0	0	0	0	0	0
OGC	1	1	0	0	0	0	0	0	0	0
OIG	1	0	0	1	0	0	0	0	0	0
REE	2	2	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0
RD	3	0	1	2	0	0	0	0	0	0
Total	55	35	3	8	3	4	1	1	0	0

VII. Compliance with Time Limits/Status of Pending Requests

A. MEDIAN PROCESSING TIME FOR REQUESTS PROCESSED DURING THE YEAR

	<u>Simple Requests</u>		<u>Complex Requests</u>		<u>Requests Accorded Expedited Processing</u>	
	<u>Number of Requests Processed</u>	<u>Median Number Of Days To Process</u>	<u>Number of Requests Processed</u>	<u>Median Number Of Days To Process</u>	<u>Number of Requests Processed</u>	<u>Median Number Of Days To Process</u>
AMS	120	12	0	0	0	0
APHIS	736	17	87	467	40	30
DA	86	91	0	0	1	12
FAS	45	17	0	0	0	0
FNCS	87	15	0	0	0	0
FSA	57,262	14	1700	45	771	14
FS	2860	15	891	19	12	5
FSIS	0	0	528	61	0	0
GIPSA	0	0	67	9	0	0
NAD	39	4	0	0	0	0
NRCS	264	6	20	4	12	9
OBPA	0	0	2	26	0	0
OC	297	42	0	0	0	0
OCFO	0	0	27	11	0	0
OCIO	2	1	0	0	0	0
OCR	0	0	88	24	0	0
OGC	15	30	0	0	0	0
OIG	211	1	51	100	0	0
REE	0	0	184	15	0	0
RMA	49	20	15	60	4	10
RD	0	0	1590	9	0	0
TOTAL	62,073	N/A	5,250	N/A	840	N/A

B. STATUS OF PENDING REQUESTS

	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR	MEDIAN NUMBER OF DAYS PENDING	
AMS	13	17	
APHIS	940	295	
DA	14	180	
FAS	4	20	
FNCS	3	35	
FSA	38	60	
FS	378	19	
FSIS	189	69	
GIPSA	2	13	
NAD	0	0	
NRCS	8	5	
OBPA	0	0	
OC	56	49	
OCFO	1	355	
OCIO	0	0	
OCR	3	16	
OGC	6	20	
OIG	82	153	
REE	9	15	
RMA	0	0	
RD	32	15	
TOTAL	1,778	N/A	

VIII. Comparisons With Previous Years

Improve timeliness.

Agencies are continuing to provide public information and frequently requested information through their agency FOIA websites.

Expedited processing.

Agencies received a total of 1,526 requests for expedited processing and granted a total of 840 requesters expedited processing.

Reduce backlog.

One agency has improved timeliness and reduced backlog as a result of posting completed audit reports on their agency web site. This resulted in 11% fewer FOIA requests in 2003 due to the availability of the reports on the internet.

Several agencies have increased contact with requesters in order to clarify and/or narrow requests.

Several agencies have established electronic tracking systems which have been successful in reducing processing time.

Provide training.

The FOIA personnel of most USDA agencies attended training sponsored by the Department of Justice, the USDA Graduate School, or the American Society for Access Professionals. Most of the agencies provided on-the-job FOIA training for agency personnel, and three of the largest agencies held agency-wide FOIA/PA meetings that included field units.

Several agencies provided field locations with copies of the Freedom of Information Act Guide & Privacy Act Overview and the Department of Justice quarterly FOIA Updates to use as reference material.

All agency FOIA personnel continue to meet quarterly to share information and establish consistent standards for processing of FOIA requests within the Department.

Add new categories of records.

IX. Costs/FOIA Staffing

A. Staffing Levels

	<u>Staffing Levels</u>			<u>Total Costs (Including Staff and All Resources)</u>		
	Number of Full Time Personnel	Number of Personnel With Part Time or Occasional FOIA Duties (In Total Workyears)	Total Number Of Personnel (In Work-Years)	FOIA Processing (Including Appeals) (Estimated)	Litigation-Related Activities (Estimated)	Total
AMS	1	2.5	3.5	338,374	0	338,374
APHIS	19	0	19	1,600,879.32	0	1,600,879.32
DA	0	1	1	75,000	0	75,000
FAS	0	2	2	147,000	0	147,000
FNCS	1	4.375	5.375	80,000	0	80,000
FSA	135	320	455	1,604,969	0	1,604,969
FS	19	52	71	2,713,114	35,642	2,748,756
FSIS	7	4	11	502,934	0	502,934
GIPSA	0	.47	.47	48,820	0	48,820
NAD	0	.33	.33	1105	0	1105
NRCS	1	18	19	126,167.55	0	126,167.55
OBPA	0	.02	.02	2000	0	2000
OC	1	0	1	126,000	0	126,000
OCFO	0	1	1	12,910.63	0	12,910.63
OCIO	0	.2	.2	22,000	0	22,000
OCR	1	0	1	82,864	0	82,864
OGC	0	5.5	5.5	500,000	250,000	750,000
OIG	0	2.9	2.9	185,489	465	185,954
REE	1	.5	1.5	120,000	0	120,000
RMA	1	1.275	2.275	83,498	0	83,498
RD	3	2.13	5.13	460,795.73	0	460,795.73
TOTALS	190	418.2	608.2	8,833,920.23	286,107.00	9,120,027.23

X. Fees

	Total Fees collected	Percentage of Total costs	
Total	140,461.48	1.54	

XI. FOIA Regulations

USDA's regulations implementing the Electronic Freedom of Information Act Amendments of 1996 were published in the Federal Register July 28, 2000, and are available on the World Wide Web at:

<http://www.usda.gov/News&Information;/FOIA Information/USDA FOIA Regulations>

USDA's current fee schedule was published in the Federal Register December 31, 1987.

USDA's home page is located at <http://www.usda.gov>. The web sites of USDA agencies are linked to this home page, and each agency's web site contains explanatory information about FOIA processing.