

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

<b>Information Available to the Public</b> <b>2-INFO</b>	<b>Amendment 7</b>
---	--------------------

**Approved by:** Acting Administrator



**Amendment Transmittal**

**A Reason for Amendment**

Part 3 has been withdrawn because procedure for processing appeals under FOIA is now included in 1-APP.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibits</b>
1, 2	2-9 through 2-12 3-1, 3-2 (remove) 3-3 (remove)	



## Table of Contents

Page No.

### Part 1 Basic Provisions

1	Handbook Purpose and Related Handbooks .....	1-1
2	Sources of Authority .....	1-1
3	Disclosure Policy .....	1-3
4	Responsibility for Complying With FOIA .....	1-5
5	Records Holding Office Responsibility .....	1-5
6	General Procedures for Processing FOIA Requests .....	1-6
7	Public Information Requested .....	1-11
8	Administrative Reply Deadline .....	1-12
9	FSA-534, Freedom of Information Request Log .....	1-14
10	Annual FOIA Report (MS-271P) .....	1-15
11-18	(Reserved)	

### Part 2 Responding to Requests

19	Records Holding Office and FOIA Policy Change .....	2-1
20	Legal Basis for Denying Requests .....	2-1
21	Unavailable Records and Recording Denials .....	2-9
22	Issuing Denial .....	2-10
23	Deleting Restricted Data .....	2-11
24	FOIA and Privacy Act Relationship .....	2-12
25-35	(Reserved)	

### Part 3 (Withdrawn--Amend. 7)

36-40	(Withdrawn--Amend. 7)	
41-50	(Reserved)	

## Table of Contents (Continued)

Page No.

### Part 4 Fees Under FOIA

51	Records and Services Provided Without Charge .....	4-1
52	Description of Services and Fee Schedule .....	4-2.5
53	Categorizing Requesters for Fees .....	4-3
54	Waiving Fees .....	4-5
55	Materials and Services .....	4-6
56	Handling Collected Fees .....	4-8
57-66	(Reserved)	

### Part 5 Available Records

67	Rules, Procedures, and Decisions .....	5-1
68	FSA Indexes .....	5-1
69	Requests for Names and Addresses .....	5-2
70	Adverse Determinations .....	5-5
71	Aerial Photography .....	5-5
72	Subpoenaed Records .....	5-6
73-82	(Reserved)	

### Part 6 Information Available to Other Federal Departments or Agencies and Congress

83	Information Available to Other Departments and Agencies .....	6-1
84	Data Provided to State Statisticians, NASS .....	6-2
85	Information Available to Congress .....	6-2

### Exhibits

1	Reports, Forms, Abbreviations, and Delegations of Authority
2	Definitions of Terms Used in This Handbook
3	(Reserved)
4	Available Records
5	Records Withheld for a Limited Time
6	FSA-533, Public Information Requested
7	FSA-534, Freedom of Information Request Log

## 21 Unavailable Records and Recording Denials

### A Unavailable Records

Record may be unavailable because the record:

- does not exist

**Note:** Inform requester that the requested records do not exist or have been destroyed according to the Agency's record retention schedule.

- is not held by the receiving office

**Note:** See subparagraph 22 B.

- must be compiled from multiple existing records, including computerized records.

**Note:** FOIA does not require the Agency create records that do not exist, or create records by combining or compiling information contained in existing records. The requester has the right to appeal a "no records" response to the Administrator. \* \* \*

According to the following exceptions, the Agency may:

- voluntarily create a record if the FOIA officer or coordinator determines that releasing the information is in the public interest and creation of the record does not interfere with the normal functioning of the office
- provide unrestricted raw data for the requester to compile the information
- request a computer search and printout of payments made to producers. This information must be provided upon receipt of a proper FOIA request and willingness to pay fees. See paragraph 52 for the fee schedule.

### B Recording Denials

In preparing FSA-534, column 10, record the exemption invoked using the exemption number. Indicate "no records" in column 10 when records could not be located or do not exist. See Exhibit 7.

**22 Issuing Denial****\*--A Submitting FSA-533**

If a request is partially or totally denied:

- State and County Offices shall prepare FSA-533 within 20 workdays after receiving--\* the request, showing:
  - reason for denial or exemption invoked, according to paragraph 20
  - name and title of the records holding office that initially denied the request
- County Offices shall send a copy of FSA-533 through the State Office to the Director, PAS
- \*--KCCO and KCMO shall submit a copy of FSA-533 to the Director, PAS.--\*

**B Information Not Held by Receiving Office**

If the office denies the request because it does not hold the records, that office shall notify the requester and immediately refer the request to either of the following offices:

- the appropriate records holding office, if known
- PAS, if:
  - request is for national directives, procedural material, or statistical publications
  - records holding office is unknown.

**23 Deleting Restricted Data****A Partial Releases**

When withholding exempt portions of a record:

- delete only the restricted portion and release all nonrestricted material
- treat any deleted material as a partial denial according to exemptions in paragraph 20
- \*--make a reasonable effort to estimate the volume of the records denied and provide this estimate to the requester, unless providing this estimate would harm an interest protected by an exemption of FOIA.

**Note:** Use either of the following methods to indicate the amount of deleted information:

- on the released portion of paper records, use brackets or darkened areas to indicate removal of information
- on electronic documents or deletion in audiovisual or microfiche records, if technically feasible, use brackets, shaded areas, or some other identifiable technique that clearly shows the limits of the deleted information.--\*

**B Fees**

Offices shall not charge fees for time spent deleting restricted material, except for commercial use requesters. See paragraph 53.

**24 FOIA and Privacy Act Relationship****A General Provisions**

FOIA applies to all Agency records.

The Privacy Act applies to records about individuals maintained in a Privacy Act system of records. A system of records is a group of records under the control of an Agency from which information is retrieved by the name of the individual or by some other identifying particular assigned to the individual, such as Social Security number, badge number, fingerprint, or voice print.

**B Processing Under Both Acts**

A person may request records about himself or herself under FOIA, the Privacy Act, or both. The Agency should give the requester as much information as would be available under either Act.

The Privacy Act never prohibits disclosure of material that FOIA requires to be released, such as the grade level and salary of an Agency employee.

The Privacy Act, unlike FOIA, only applies to U.S. citizens or lawfully admitted aliens.

**C Unlawful Disclosure**

When a third party submits an FOIA request for information that is subject to the Privacy Act, and the information is not required to be released under FOIA, the material may not be disclosed without the prior written approval of the individual on whom the record is maintained.

Any employee who knowingly and willfully discloses information protected by the Privacy Act may be subject to criminal penalties.

**25-35 (Reserved)**

**Part 3 (Withdrawn--Amend. 7)**

**36-40 (Withdrawn--Amend. 7)**

**41-50 (Reserved)**