



# **CHIEF FREEDOM OF INFORMATION ACT (FOIA) OFFICER REPORT**

**Prepared by: The United States Department of Agriculture  
Office of the Chief Information Officer**

**Date: March 2012**

**Revision: 1.5**





## Table of Contents

<b>SECTION</b> .....	<b>PAGE</b>
EXECUTIVE SUMMARY .....	3
SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS .....	3
SECTION II: STEPS TAKEN TO ENSURE USDA HAS AN EFFECTIVE SYSTEM FOR RESPONDING TO REQUESTS.....	6
SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOURES .....	8
SECTION IV: STEPS TAKEN TO GREATER UTILIZE TECHNOLOGY .....	10
SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCE BACKLOGS .....	12



## EXECUTIVE SUMMARY

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

USDA programs and activities affect every American, every day, by providing a safe and stable food supply, nutrition assistance, renewable energy, rural economic development, care for forest and conservation lands, and global opportunities for farm and forest products. USDA holds answers to some of the most pressing problems faced by our Nation and world—from meeting needs for renewable energy, and increasing crop yields to fight hunger, protecting the food supply to improving our environment and optimizing international trade. To successfully accomplish its mission, USDA operates 300 programs worldwide through an extensive network of Federal, State, and local cooperators. The USDA delivers more than \$170.5 billion in budgetary resources to provide public services worldwide.

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

### 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.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Yes. From March 2011 – March 2012, the Department FOIA Officer held a total of five Department meetings with USDA’s FOIA Community. Department meetings addressed among other items, upcoming training courses provided by the Department of Justice (DOJ) and the American Society of Access Professionals (ASAP) while offering on-the-spot training for interagency handling of multi component agency requests, application of fee waivers and improving public access to USDA responsive records.



The FOIA Community was also invited to participate in a brown bag lunch session with the Office of Government Information Services (OGIS). The session provided an overview of OGIS' resources in addition to strategies for dispute resolution between requesters and agencies.

The Department FOIA Officer sponsored an automated FOIA tool training for USDA's FOIA Community prior to its implementation on October 1, 2011. All members of the FOIA Community were invited to attend two full days of hands on training on all features and functions from creation of requests to closing. For select members of the FOIA Community administrator's training was also provided to assist with team monitoring and reporting requirements.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes. Multiple members of the USDA FOIA Community report attending FOIA related courses and briefings offered by DOJ. Some of these seminars included the (1) Freedom of Information Act for Attorneys and Access Professionals; (2) Overview of the Privacy Act; (3) FOIA Fee Summit; and (4) FOIA Exemption 2 Briefing after the Supreme Court's Ruling in *Milner v. Department of the Navy*.

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information?

Yes. Multiple USDA FOIA officers report making discretionary releases of otherwise exempt information.

4. What exemptions would have covered the information that was released as a matter of discretion?

In reviewing all agency responses, the Department FOIA Officer has determined that Exemptions 5 U.S.C. §§ 552 (b)(5) and (b)(7) would have covered the information that was released as a matter of discretion.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

Generally speaking, once responsive records are identified and the FOIA Office has conducted its initial review, the records are then transferred to the documents originator(s) for a final review with the instruction to adhere to the 2009 guidelines set forth by the President and the Attorney General. Responsive records suitable for release and subject to multiple requests are then posted to the agency's webpage.



- 6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

USDA’s largest initiative to increase the presumption of openness is the Open Government “Open Gov” webpage – [usda.gov/open](http://usda.gov/open) – which is prominently linked to the USDA website. The OpenGov page contains links to High Value Data Sets and incorporates interactive features including a discussion area for public sharing of ideas on government transparency, collaboration, and innovation.

In accordance with the Electronic Freedom of Information Act Amendments of 1996, USDA continues to maintain its FOIA libraries at [http://www.dm.usda.gov/foia\\_reading\\_room.htm](http://www.dm.usda.gov/foia_reading_room.htm). The FOIA library contains an index of our most frequently requested documents, special interest collections, and other information that the public is likely to have an interest, or information which has been previously released in response to FOIA requests.

The USDA FOIA Officer is currently pursuing use of a Public Access Link (PAL) web portal. PAL will allow the public to submit and track the status of FOIA requests over the internet. PAL also has a Public FOIA library on which agencies can post frequently requested documents.

Review of records for public release, and application of all FOIA exemptions, are treated in accordance with the guidelines set forth in the 2009 Memoranda issued by the President and the Attorney General, wherein a high threshold has been set for withholding information.

In **Section V.B.(1)** of your agency’s Annual FOIA Report, entitled “Disposition of FOIA Requests – All Processed Requests” the first two columns list the “Number of Full Grants” and the “Number of Partial Grants/Partial Denials.” Compare your agency’s 2011 Annual FOIA Report with last year’s Annual FOIA Report, and answer the following questions:

- 7. Did your agency have an increase in the number of responses where records were released in full?

Yes. The total number of full grants increased by 15% in FY2011.

Year	USDA Total # of Full Grant
2010	15,415
2011	17,748



- 8. Did your agency have an increase in the number of responses where records were released in part?

Yes. The total number of partial grants/partial denials increased by 6% in FY2011.

Year	USDA Total # of Partial Grants/Partial Denials
2010	1,949
2011	2,075

**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, “application 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.”

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

- 1. Do FOIA professionals within your agency have sufficient IT support?

Yes. Each FOIA professional within the Department has access to IT support, be it hardware, software, or a help desk.

- 2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes. Re-occurring meetings are held by the Chief FOIA Officer or his designee, the Department FOIA Officer, to address among other items upcoming training courses, reporting requirements, agency backlog and the handling of agency-wide requests. The entire FOIA community is invited to attend these meetings. Reports and/or minutes of these recurring meetings are provided to the Chief FOIA Officer.

- 3. Do your FOIA professionals work with your agency’s Open Government Team?

Yes. USDA’s FOIA professionals collaborate with the USDA Open Government Team to identify High Value Data Sets and other information for posting on the USDA Open Gov



website. For example, recent postings included proposals submitted to the US Forest Service for the Cleghorn Ridge and Deerfield Wind Power Projects.

The USDA Department FOIA Officer and the Office of the Chief Information Officer also partners with the USDA Open Gov team to review the interactive features of the Open Gov website and analyzes input received from the public on government transparency, collaboration, and innovation within USDA.

As in the previous year, USDA will post its combined FY 2011 FOIA Annual Report on the Open Gov website and track public comments on the report.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

Across the Department, USDA uses a number of reporting mechanisms to assess and review the staffing needs of the FOIA program. These tools include; but are not limited to; bi-weekly reports, weekly activity reports, and the automated FOIA tracking system alerts.

Each agency within the Department on a bi-weekly basis provides management with their FOIA backlog, as well as a per person current case load. In addition to the bi-weekly back log, each FOIA office adds its FOIA processing activities to the organization's weekly activity report. The weekly activity report is an avenue for each office to highlight accomplishment, concerns, issues, etc to management in a timely manner.

During the budget cycle, the FOIA back log, per person case load, and administrative costs associated with the processing of FOIA cases are assessed by each FOIA office. Based on this assessment each FOIA office makes staffing recommendations. Beyond the budget process, agencies continually review, modify and assess their FOIA staffing, training, and resources requirements.

To augment staffing and productivity the Department as a whole added FOIA to employee annual performance plans. Adding this element to the employee performance plan brings a higher level of attention to the timely processing of FOIAs, and allows the Department the flexibility to augment staffing as needed.

5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

On October 1, 2011 USDA launched its enterprise-wide automated FOIA system to increase internal accountability and to standardize reporting and tracking of USDA's FOIA data and information requests. Since implementation, USDA's FOIA system has significantly transformed the FOIA management experience within USDA as it allows for real-time tracking, management, centralized oversight, and quality control across the administration of USDA's decentralized FOIA program. With this system USDA agencies are reporting a more efficient process, resulting in much quicker responses to requesters. The USDA FOIA Officer will also be able to maintain a real time snapshot of the activities of every agency at any given time.



Shortly after the implementation, the Department FOIA Officer held a meeting with USDA's FOIA Community to ensure that FOIA tracking and review procedures remain centralized.

A charter was drafted in December 2011 to establish USDA's FOIA Officer Council. The Council will provide a centralized and focused forum to (1) streamline inter and intra-agency FOIA operations in accordance with the requirements of the Freedom of Information Act, the Privacy Act, the OPEN Government Act of 2007, the OPEN Government Act of 2009, FOIA related Executive Orders, Department of Justice/Office of Information Policy (DOJ/OIP) directives and guidance materials; (2) reduce backlog in agencies; (3) promote accountability; and (4) increase accessibility to requested USDA records.

### 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. Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Has your agency added new material to your website since last year?

Yes. USDA has added new material to our website since last year. USDA remains committed to increasing proactive disclosures. Most component agencies within the Department actively post and update materials in their electronic FOIA library. To review the Department's FOIA library additions since March 2011, please visit [http://www.dm.usda.gov/foia\\_reading\\_room.htm](http://www.dm.usda.gov/foia_reading_room.htm).

2. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

USDA has published a total of 182 datasets on Data.gov. Overall, the USDA entries on Data.gov have received approximately 83,900 visits as of January 2012. Several of the datasets received very positive public responses, particularly MyPyramid Food Raw Data, Rice Year Book data tables, and Available Technologies.

USDA was explicitly asked to submit a specific dataset entitled MyPyramid Food Raw Data for The Apps for Healthy Kids competition in support of First Lady Michelle Obama's *Let's Move* Campaign to end childhood obesity within a generation.

USDA provided to CNN cable network, at their request a dataset on the Farmers Market Search. This dataset provided the location of Farmers Markets in the United States. As a result of the publication of this dataset on Data.gov, the public now has the capability to quickly and easily find the location(s) of a Farmers Market in their area.





Since March 2010, more than forty data sets have been added to USDA’s Open Gov website. Data sets touch on a variety of issues, including, but not limited to, the Top 10 Importers of Wheat in the U.S., Farm Program Payments, U.S. Gulf Vessel Loading Activities, Grain Inspections, and Soil Climate Analysis. Additional features of the page include several related USDA blog sites and links to provincial reconstruction and agribusiness development teams.

USDA has utilized blogs, YouTube, Twitter and other electronic communication channels to proactively disclose information. Please see the posting below for a synopsis of some of USDA’s proactive disclosures:

<b>Blog Title</b>	<b>Website Link</b>
BioFuel	<a href="http://blogs.usda.gov/2012/01/16/flying-planes-with-biofuels/">http://blogs.usda.gov/2012/01/16/flying-planes-with-biofuels/</a>
Go Green with a new energy efficiency initiative	<a href="http://blogs.usda.gov/2012/01/11/supporting-those-who-go-green-with-a-new-energy-efficiency-initiative/">http://blogs.usda.gov/2012/01/11/supporting-those-who-go-green-with-a-new-energy-efficiency-initiative/</a>
Broadband to Alaska	<a href="http://blogs.usda.gov/2012/01/17/terrestrial-broadband-connects-native-communities-in-southwest-alaska-to-the-world-for-the-first-time">http://blogs.usda.gov/2012/01/17/terrestrial-broadband-connects-native-communities-in-southwest-alaska-to-the-world-for-the-first-time</a>
Hawai’I Showcases it’s AG Diversity	<a href="http://blogs.usda.gov/2012/01/17/hawaii-showcases-it%e2%80%99s-ag-diversification-%e2%80%93-the-proof-is-in-the-numbers/">http://blogs.usda.gov/2012/01/17/hawaii-showcases-it%e2%80%99s-ag-diversification-%e2%80%93-the-proof-is-in-the-numbers/</a>

<b>YouTube</b>	<b>Website Link</b>
USDA Farmer’s Market (First Lady Michelle Obama)	<a href="http://www.youtube.com/usda#p/c/634D7C576C1D2BF9/45/7_alBXtnt30">http://www.youtube.com/usda#p/c/634D7C576C1D2BF9/45/7_alBXtnt30</a>
USDA Healthy Kids (First Lady Michelle Obama)	<a href="http://www.youtube.com/usda#p/c/634D7C576C1D2BF9/57/uqhtqdvbmXU">http://www.youtube.com/usda#p/c/634D7C576C1D2BF9/57/uqhtqdvbmXU</a>
Secretary Vilsack Testifies on Biofuel	<a href="http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/127/MfWSVwu36kM">http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/127/MfWSVwu36kM</a>
Thanksgiving Advice	<a href="http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/62/OxABAo6rcd8">http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/62/OxABAo6rcd8</a>



USDA Brings Broadband to Rural America	<a href="http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/86/v8G8Wb3X3YU">http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/86/v8G8Wb3X3YU</a>
Chat Live with USDA on Food Safety	<a href="http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/87/hML0uwvsMKY">http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/87/hML0uwvsMKY</a>
USDA Renewable Fuel Plan	<a href="http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/90/rVs14lh1VhM">http://www.youtube.com/usda/#p/c/634D7C576C1D2BF9/90/rVs14lh1VhM</a>

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

When requests for particular records/data sets becomes frequent, the FOIA Officer will notify the originator(s) of the records/data sets and request written permission to post the redacted records to the respective agency’s FOIA library and for inclusion on the Open Government website.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency’s website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

Most USDA FOIA libraries are not structured to allow feedback from the public. However, the public may send comments to the FOIA Liaison or the Department FOIA Officer with recommendations.

The public is free to post comments on USDA blogs, Facebook, Twitter, and YouTube. These technology platforms allow USDA to respond quickly and directly to both the commenter and to the entire community of interest.

5. Describe any other steps taken to increase proactive disclosures at your agency.

The USDA is an active participant in the Data.gov working group. This working group meets regularly to identify high value datasets. USDA proactively discloses on its data.gov site a large percentage of the datasets identified by the working group. USDA’s datasets have been listed as 2 of the top 10 most downloaded datasets.

USDA continually reviews its internal processes, recently received FOIAs, and current events. We use these reviews to proactively disclose as much information as possible. Our most proactive disclosure sites are YouTube, Twitter, and Facebook.



## 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. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

### *Electronic receipt of FOIA requests:*

1. Can FOIA requests be made electronically to your agency?

Yes. USDA continues to encourage electronic filing of requests. The public is invited to submit its request to either the FOIA Service Center's mailbox at [USDAFOIA@ocio.usda.gov](mailto:USDAFOIA@ocio.usda.gov) or directly to one or more agency's FOIA mailbox listed at [USDA FOIA Liaisons](#) .

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

Yes. All USDA component agencies will accept FOIA requests submitted electronically. For the public's convenience, component agency mailboxes and additional contact information are listed at the web site above. The above website also provides the public with instructions for submitting a FOIA.

### *Online tracking of FOIA requests:*

3. Can a FOIA requester track the status of his/her request electronically?

No. Currently requesters cannot track the status of a request via an online portal. However, requesters are welcome to submit written, telephonic and electronic inquiries regarding the status of a request to the FOIA Service Center mailbox [USDAFOIA@ocio.usda.gov](mailto:USDAFOIA@ocio.usda.gov) or if applicable directly to one or more of the agencies.

4. If not, is your agency taking steps to establish this capability?

Yes. The USDA FOIA Officer is currently pursuing the implementation of a public access web portal to complement USDA's automated FOIA system. This public portal will allow the public to submit and track the status of FOIA requests over the internet.

### *Use of technology to facilitate processing of requests:*

5. 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?

Yes. USDA is taking steps to utilize advanced technology to facilitate overall FOIA efficiency.

6. If so, describe the technological improvements being made.

Records Sorting and De-Duplication Software: The USDA utilizes state-of-the-art proprietary document de-duplication and sorting software, through USDA's National Information Technology Center (NITC).

Document-Sharing Platforms: USDA's Washington Communications and Technology Services (WCTS) has implemented USDA Connections, a platform running on Lotus Notes, as a document-sharing area which facilitates collaboration between the USDA FOIA Service Center, Office of the Chief Information Officer (OCIO) and the various USDA FOIA offices.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs**

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.*

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

Yes. USDA utilizes a separate track for simple requests.

b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Yes. USDA's overall average number of days to process simple requests is 19.2 working days.



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

Not applicable.

- 2. Sections XII.D.(2) and XII.E.(2) of your agency’s Annual FOIA Report, entitled “Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals,” show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” and Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

Yes. The agency overall number of backlogged requests at the close of the Fiscal Year 2011 decreased by 5%.

Year	Total Number of Backlogged Requests at the End of the Fiscal Year
2010	681
2011	650

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

No. The agency overall number of backlogged administrative appeals at the close of the Fiscal Year 2011 increased by 11%.

Year	Total Number of Backlogged Administrative Appeals at the End of the Fiscal Year
2010	133
2011	147

- c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

USDA saw a slight increase in the number of FOIA request received this year. In addition, we also noted a significant increase in the overall complexity of the FOIAs received. Both the volume increase and the increase in complexity added to the challenge of closing out the ten oldest requests. USDA was unable to close the agency’s ten oldest requests that were pending as of the end of Fiscal Year 2010. .



USDA anticipates that with the implementation of USDA's automated system the number of backlogged requests will continually decrease. USDA will continue to monitor backlogs, and emphasize the importance of timely closure and disclosure.

- d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

No. USDA was unable to close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010. Again, USDA anticipates it's automated system will positively impact the oldest administrative appeals. USDA will monitor and continually remind the FOIA community of the importance of closing out these appeals.

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

*Request Backlog:*

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

Although USDA received a 13% increase in incoming requests, the agency was still able to decrease the total number of requests pending in FY2011.

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Not applicable, USDA reduced the number of pending request in FY 2011.

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Not applicable, USDA reduced the number of pending request. USDA did however noted a slight increase in the number of complex FOIAs in FY2011.

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

Not applicable.

*Administrative Appeal Backlog:*

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Yes. The increase in the number of administrative appeals increased USDA's backlog.

- b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

While the overall number of personnel involved in the FOIA process increased, many USDA agencies reported a reduction in staff or intermittent staff of FOIA activities negatively impacted their FOIA process.

- c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

USDA noted an increase in the complexity and volume of appeals. Both these factors (and others) contributed to the continuance of USDA's the appeal backlog.

- d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Resource constraints, intermittent resource allocation (e.g. summer interns, organizational restructuring, and personnel reassignment) and migration activities resulting from an enterprise-wide deployment of a new system all contributed to the lack of a decrease in the appeal backlog.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the questions below and then include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes, the Department sets goals and monitors progress. This year, the Department used the Department of Justice's dashboard as a Department goal, and socialized the goal to all USDA agencies. USDA also used the DOJ dashboard to assist in re-emphasizing the reduction of appeals. Prior to the release of the Department of Justice's dashboard, USDA agencies were and continue to be required to submit on a bi-weekly basis all pending requests to the FOIA Service Center and on a monthly basis backlog reports. USDA agency bi-weekly and backlog reports are tracked and monitored by the Chief FOIA Officer, and senior leadership.

Agencies making significant progress in eliminating pending and backlog requests are highlighted at the Department FOIA Officer's meetings.

2. Has your agency increased its FOIA staffing?

Yes. In FY2011, the total number of Full-Time FOIA Staff Employees increased by 1.9%.

3. Has your agency made IT improvements to increase timeliness?

As mentioned previously, USDA launched the automated FOIA system to increase accountability, tracking and to address standardized reporting of USDA's FOIA requests. Since implementation, the system has significantly transformed the FOIA management experience within USDA as it allows for real-time tracking, management, centralized oversight, and quality control across USDA's decentralized FOIA program.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

USDA continues to improve our consultation process. USDA receives a number of consultations from other agencies, many of which are received by the Department's FOIA Service Center for processing. The FOIA Service Center reviews the requests, coordinates with the appropriate agency, and monitors the consultation. With the implementation of the automated FOIA system, USDA will have a real time view of consultations. USDA also handles multi-agency consults at the FOIA community level. In the event a multi-agency response is required, a teleconference or in person FOIA community meeting is convened to discuss the request, share documents, and coordinate the response.

### **Use of FOIA's Law Enforcement "Exclusions"**

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No, USDA did not involve statutory exclusions during this Fiscal Year.

### **Spotlight on Success**

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

USDA as a whole made monumental strides in its efforts to increase transparency, and openness. Specifically, USDA leveraged multiple social media platforms (e.g. Facebook, Twitters, YouTube, Blogs, etc) to increase transparency. In addition to using these outlets, USDA also proactively published a significant number of datasets on Data.gov and Open.gov. USDA's datasets on Data.gov received approximately 83,900 visits and was 2 of the top 10 high interest areas.



While many USDA agencies' proactive disclosure, and other transparency related initiatives warrant highlighting, the following is a select compilation of a few initiatives that merit highlighting.

### **Animal and Plant Health and Inspection Service Spotlight on Success:**

The APHIS FOIA office reduced the pending backlog cases by 81%, exceeding our reduction goal by 41%. By processing over 278,000 pages, APHIS ended FY2011 with an unprecedented record low of 40 pending cases in the backlog. In addition to being more responsive to APHIS requesters, the FOIA library was reorganized and there was an increase in the amount of data on the Agency's FOIA and eFOIA Web sites to include:

- Monthly FOIA logs,
- Congressional Reports and Testimonies,
- Annual Reports,
- Transcripts and meeting minutes for the Secretary's Advisory Committee on Animal Health,
- Wildlife Service's fact sheets and publications,
- Wildlife Service's National Wildlife Disease Program's Quarterly Report; and
- Index to make information easily accessible to the reader.

The additions noted above resulted in the FOIA Website being viewed 15,380 times, which is a 41.44% increase from the previous fiscal year. Because the FOIA office targeted and included high interest APHIS program records, FOIA responses and records, and FOIA guidance information and training, the FOIA library also improved its viewership by 1,350%.

APHIS also added a section for tips and tidbits on its website which contains links to informational flyers that give readers a snap shot of the FOIA process. On the main APHIS FOIA page, the most current tips are posted as a pop up so that it is easily accessible and one of the first things readers see when entering the FOIA website.

### **Food Nutrition Service Spotlight on Success:**

The Food Nutrition Service has undertaken an initiative to improve the FOIA processes through the use of Lean Six Sigma and its five phases which include 1) Define, 2) Measure 3) Analyze, 4) Improve, and 5) Control. After analyzing the FOIA process using Lean Six Sigma tools, FNS was able to identify root causes that affect the processing of the request. Currently FNS is in the process of implementing ways to reduce or eliminate these root causes.

FNS also implemented one of the best practices mentioned by the National Archives and Records Administration (NARA) Office of Government Information Services (OGIS) in their list of FOIA Requirements, Agency Best Practices and OGIS Recommendations. NARA OGIS and GAO reports recommended explaining the FOIA processes to requestors.

FNS has taken the time more often this year to explain to our requestors our processes, to include providing answers as to why a requestor has been charged for this request whereas previously they were not charged for a request in the past. This practice was implemented following our review of a Government Accountability Office (GAO) analysis report and from reviewing NARA OGIS' best practice list.

**Research, Education and Economics Spotlight on Success:**

The Research Education and Economics office provides FOIA program support services to three USDA agencies. REE services the Agriculture Research Service, Economic Research Service, the National Agriculture Statistics Service, National Institute of Food and Agriculture. The following two spotlights on success are from agencies serviced by REE.

**ERS Spotlight on Success:**

Policy makers and the public are being provided with easily accessible data on rural areas through the Economic Research Service (ERS) Atlas of Rural and Small-Town America. Posted on the USDA ERS website on February 17, 2011, the online mapping tool provides county-level information on over 60 statistical indicators on the people, jobs, agriculture, and county characteristics in nonmetropolitan America. The Atlas helps State and local decision-makers pinpoint the needs of particular areas, recognize their diversity, and develop strategies to build on their assets by using location-based data on population, age structure, race and ethnicity, income, employment, agricultural well-being, and other measures.

**NIFA Spotlight on Success:**

NIFA continues to update and improve the [NIFA Tribal Institutions Portal](#), a support center for American Indian-serving educational institutions and tribes that receive NIFA research, educational or extension funding through the 1994 grant programs and the Federally Recognized Tribes Extension Program. The center provides information on how to apply for grants and post-award management along with staff contact information. Approximately 60 percent of the 1994 Tribal Institutes are using the website.

USDA as a whole continues to make great strides in its efforts to (1) increase FOIA program efficiencies, (2) reduce the number of backlog, and (3) proactively disclose information to the public. In FY 2011 USDA received 23,065 FOIA requests which is a 13.24% increase over FY 2010. In addition to the increase in the number of requests received, multiple FOIA officers have reported a significant increase in the complexity of requests. Although the number of FOIA requests received by USDA increased dramatically, and the complexity requests increased, USDA processed 2,977 more (or 13.24%) requests in FY 11 with no increase in full-time FOIA professionals. USDA is proud it's proactive disclosure, process improvements, technology implementation, openness and transparency. USDA anticipates it will continue to improve the FOIA program, and process next FY.