

USDA Animal and Plant Health Inspection Service  
Freedom of Information Act / Privacy Act Office  
**Chief FOIA Officer Report to the Department of Justice**

**I. Steps Taken to Apply the Presumption of Openness**

**1. Describe below the steps your agency has taken to ensure that that presumption is being applied to all decisions involving the FOIA. This section should include a discussion of the range of steps taken by your agency to apply this presumption, from publicizing the President's FOIA Memorandum and Attorney General's FOIA Guidelines and providing training on them, to implementing the presumption in response to FOIA requests and administrative appeals, with examples or statistics illustrating your agency's action in making discretionary releases of records or partial releases when full disclosure is not possible.**

The Animal and Plant Health Inspection Service (APHIS) FOIA Office has informed the Agency of the President's new FOIA Memorandum and the Attorney General's FOIA Guidance through various meetings and training initiatives. APHIS continues to provide training and guidance to various components within the Agency. Our focus is mainly directed to the Program Offices and FOIA Liaisons located at Headquarters and in the Regional Offices. We provide guidance on implementing the FOIA and respond to any questions that may arise regarding the processing of requests. All Regional FOIA personnel are encouraged to call the agency FOIA Officer with questions that may arise on a daily basis regarding the processing of requests or the implementation of the Act. The Animal and Plant Health Inspection Service (APHIS) FOIA Office made discretionary disclosures of our most frequently requested documents under the FOIA. Specific examples of our discretionary disclosures include:

1. In May 2009 APHIS posted Animal Care (AC) inspection reports on the web. APHIS has created a searchable database that allows the public access to approximately 50,164 inspection reports for years 2006, 2007 and 2008. Once the AC inspection reports were posted, the number of incoming FOIA requests were reduced by 35%. The inspection reports are located at [http://www.aphis.usda.gov/animal\\_welfare](http://www.aphis.usda.gov/animal_welfare).
2. APHIS has also posted 3923 AC annual reports for years 2006 through 2008. These documents are of tremendous interest to our animal welfare community. The annual reports are located at [http://www.aphis.usda.gov/animal\\_welfare](http://www.aphis.usda.gov/animal_welfare).
3. APHIS has implemented an universal foreseeable harm standard to determine the appropriate withholdings under FOIA Exemptions 2, 5 and 7(F). We re-implemented Attorney General Reno's FOIA Memorandum of October 4, 1993.

**2. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year's Annual FOIA Report.**

The APHIS FOIA Office consistently seeks to release as much information as possible in response to FOIA requests. In Fiscal Year 2009 the APHIS processed 1,656 requests, of which 138 were released in full and 1099 released in part. In Fiscal Year 2008 the agency processed 1249 FOIA requests, of which 104 were released in full and 832 released in part.

APHIS FOIA personnel are directed to review its withholding under 5, and to review the information for discretionary release. We have also increased our attention to decreasing the dependency of Exemption 5. We continue to segregate information contained in the documents which, if released, could adversely affect the agency's internal decision making process.

**II. Steps Taken to Ensure that Your Agency has an Effective System 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.” Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. 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.**

The APHIS FOIA Office’s procedures allow for immediate acknowledgment of requests received. Our acknowledgement letters include the name and telephone number of the Specialists assigned to the case. This allows the requester direct access for contacting the analyst when checking on the status of their request. Once the Specialists receive their assigned requests, they are reviewed and if necessary the Specialist communicates with the requester if clarification is necessary. The Specialists also provide information to the requesters to assist them in receiving the information available in the public domain, i.e., referring them to information contained on the APHIS website.

Analysts also assist requesters in narrowing their requests by asking questions to ascertain the specific information that the requesters are seeking and explaining specific records APHIS is likely to have that would be responsive to their requests.

The APHIS FOIA Office has taken steps to increase communication with the Program Offices. Late reports are generated and are forwarded to the Programs. These reports reflect outstanding search requests for records. These reports keep the lines of communication open, as well as keeping the appropriate individuals informed of the need to perform a search for records that may be responsive to a FOIA request.

The APHIS FOIA Office has created a Project Manager position to support the needs of the FOIA Office. The position will enhance the effectiveness of the APHIS FOIA Program and provide an additional means to ensure timely responses to FOIA requests.

The APHIS FOIA Office is currently utilizing Adobe Acrobat Reader™ and Redax software to electronically redact documents. The APHIS Technical Assistance Center provides computer and network support to the FOIA staff.

The APHIS FOIA Office is in the process of implementing a nationally automated FOIA Tracking System, FOIAXpress, which will integrate our FOIA request management functions. The web-based system includes redacting software which will allow records to be redacted in a more efficient manner. The system will minimize the administrative processes, thus allowing more time to respond to the requesters.

### **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 to increase the amount of material that is available on your agency web site, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.**

The APHIS FOIA Office has worked diligently with our Programs in making Inspection Reports, Annual Reports and Horse Industry Organizations Suspension Lists and Audit Reports available. In addition to posting these reports on the web, the APHIS FOIA Office has collaborated with the Public Affairs staff and through press releases made responsive documents available to the public without submitting a FOIA request. The posting of this information to our website is a significant step in our ongoing efforts to be as transparent as possible. This effort is consistent with the direction of President Obama to Federal agencies regarding openness and transparency.

### **IV. Steps Taken To Greater Utilize Technology**

**A key component of the President's 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. For this section of the Chief FOIA Officer Report, please answer the following questions:**

1.) Does your agency currently receive requests electronically?

Yes. FOIA requests can be submitted via email or facsimile. The APHIS FOIA office created a special email inbox for the submission of FOIA requests.

2.) If not, what are the current impediments to your agency establishing a mechanism to receive requests electronically. N/A

3.) Does your agency track requests electronically?

Yes. While awaiting the implementation of our new tracking system, we are utilizing an Access database which is used to maintain incoming FOIA requests and appeals.

4.) If not, what are the current impediments to your agency utilizing a system to track requests electronically. N/A

5.) Does your agency use technology to process requests.

Yes. The FOIA Office scans all records received from the programs and is using the Abode redaction software to apply the exemptions. Responsive records are burned to a CD-ROM and provided to the requester for their viewing.

6.) If not, what are the current impediments to your agency utilizing technology to process requests. N/A

7.) Does your agency utilize technology to prepare you agency Annual FOIA Report.

Yes, we use our tracking system which is an Access database which captures 90% of the data needed to produce the annual reports.

8.) If not, what are the current impediments to your agency utilizing technology in preparing your Annual FOIA Report. N/A

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

**Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs is an ongoing agency effort. Both the President and the Attorney General emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the previous fiscal year and for this current fiscal year. Your Chief FOIA Officer Report should address the following elements.**

1. If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of the numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and in terms of the age of those requests and appeals.

We currently have a 367 request in backlog consisting of request from FY06-FY09. Our office has and still is working diligently to reduce our backlog. From FY08 to FY09 we have reduced our backlog from 881 to 424. The oldest FOIA request for FY08 was FOIA 01-462 and for FY09 FOIA 05-401.

We also have 74 administrative appeals which are currently in backlog. The oldest appeal for FY08 was FOIA 00-286 and for FY09 FOIA 03-529.

2. If there has not been a reduction in the backlog describe why that has occurred and what steps your agency is taking to bring about a reduction. N/A

3. Describe the steps your agency is taking to improve timeliness in responding to requests and to administrative appeals.

The APHIS FOIA Office understands the importance of being responsive to requests in a timely manner and has taken the following steps to improve timeliness when responding to requests. Management has provided the resources necessary to effectively manage the current FOIA program as well as meet any new requirements that may be forthcoming. All vacant FOIA positions have been filled. The Program Offices provided numerous detailees to assist our office in reducing our backlog cases. Strike teams were implemented that focused on the programs with a high volume of backlogged requests. We have also created an appeal, privacy and foia team to address our current backlog. In addition, three contractors were hired to process FOIA requests as well as a Project Manager who will be brought on board to oversee these efforts.