



FOIA OVERVIEW

Tonya G. Woods
FOIA Director

FOIA Training

- FOIA Overview
- Agency Records
- Searching for Records
- FOIA Time Limits
- FOIA Fees
- FOIA Exemptions
- Electronic FOIA, E-FOIA

FOIA Overview

FOIA

- Establishes the public's right to obtain *agency records* from the federal government
- “Any person” can file a FOIA request – U.S citizens, foreign nationals, organizations, associations, and state/local governments, etc.

What Are Agency Records?

- Records:
 - CREATED or OBTAINED by an agency
 - Under agency control at the time of the request
- Very broad: Includes paper documents, emails, videos, audio-tapes, photos, electronic records, etc.



Which Agencies Comply

- Subject to the FOIA –
 - All agencies within the executive branch of the federal government, including the Office of the President
- Not Subject to the FOIA –
 - State/local governments, the courts, Congress, private citizens, or corporations



PROGRAM RESPONSIBILITIES

SEARCHING FOR RECORDS



Searching For Records

- Search is a “review, manually or by automated means agency records for the purpose of locating records responsive to a request.”
- Every person, database, archives that may have responsive records should be searched

Searching for Records

Determine what the requester wants

1. Read the request several times
2. Is the request clear?? - if not - communicate your concerns with your FOIA liaison (Janean Romines) and the FOIA staff
3. FOIA/Program staff will contact requester for clarification

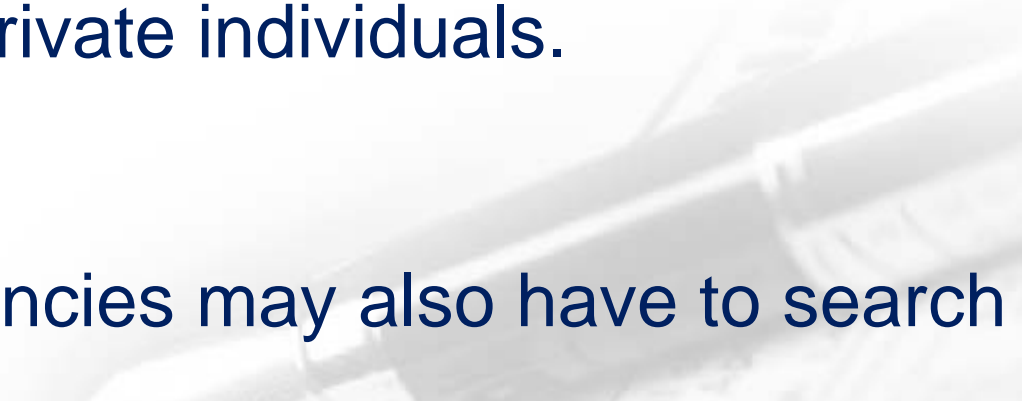
Searching For Records

Determine who has the requested records

1. Distribute the request to as many people that may maintain the records mentioned in the request.
2. Search databases - use tailored search terms for electronic searches.
3. Search paper and electronic files, databases, emails, archives, calendars, drafts, etc.

Searching For Records

What you may find:

1. Other federal agency records in our files.
 2. Information from outside sources – business submitters and private individuals.
 3. Other USDA agencies may also have to search for records.
- 

Searching For Records

- Search for and collect responsive records and provide them to the FOIA office within **5** work days.
- Provide one unedited copy of each responsive record located.
- Records may be submitted in hardcopy or electronically.
- **DO NOT CREATE RECORDS OR DENY INFORMATION TO FOIA STAFF.**

Searching For Records

If you are returning a NO records response

- Explain how you searched – what files, what databases, date perimeters, who searched, etc.

Typical examples of a no records determination are

- Requested records are beyond the agency's record retention schedule
- The agency does not maintain this type of information
- The request should be referred to another agency.
- Various files were searched and no records were located, etc.

Searching For Records

When all responsive records are located:

- Review all the documents – make sure they are all responsive to the FOIA request.
- If a portion of the documents have attachments, make sure they are included (i.e., CDs, videos or photos).
- Include documents for each item of a request.
- Once the search is completed, return the completed search request sheet and responsive records to your FOIA liaison.

Search Request Sheet

TO: _____
REQUEST #: _____ FOIA- _____ REQUESTER: _____
DUE TO FOIA: _____

Attached is a FOIA request for documents maintained by your office. You must search in every place where a reasonably knowledgeable professional could expect to find responsive records. The search obligation goes far beyond the file cabinet or file folders. It includes searches of electronic media, such as computer hard drives, e-mail, electronic calendars, archives, servers, cd's, thumb drives etc.

Please complete this page and return it with the responsive records. If providing records electronically, please e-mail them to: foia.officer@aphis.usda.gov, if sending by mail, send to USDA, APHIS, LPA, FOI, 4700 Riverdale Road, Unit 50, Riverdale, MD 20737 or hand deliver to Suite 2B-02, Place records in box outside Space 2B-02.7 Address records to the attention of Shirley Boyd.

SEARCH START DATE: _____
Search time* (clerical): _____
Search time* (professional): _____
*Does not include photocopying time
Review time (professional): _____

Search conducted by:

Name	Title	Office and Phone
_____	_____	_____

Missing Document Explanation/Special Notes:

*****PLEASE NOTE: Agency records retention periods are affected by this FOIA/PA request. DO NOT DESTROY ORIGINALS for a minimum of 3 years. Please see APHIS Records Management Handbook: Inf 8 - Privacy Act Requests and Inf 9 - FOIA Requests.**



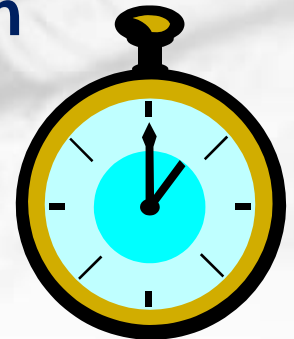
FOIA TIME LIMITS



FOIA Time Limits

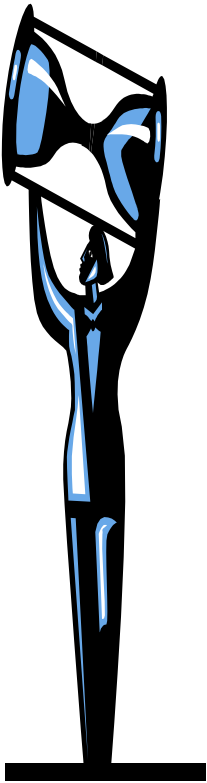
Receipt of a Request

- **20 Working Days to Make a Determination – excludes holidays and weekends**
- **Receipt of the request STARTS the clock -- when it's FIRST received by the appropriate agency**
- **Program has 5 days to gather records**
 - **Need more time? Contact your FOIA liaison and/or the FOIA Office for an extension**



Time Extensions

- Voluntary Time Extensions
 - Preferred – Contact the requester to agree on a later date
 - Must be in writing to the requester
 - Should always provide partials and provide a production schedule



Time Extensions

Unusual Circumstances

- To search for and collect records from field facilities or other separate offices
- To search for, collect and examine a voluminous amount of records in a single request
- To consult with another Department/Agency or two or more components of USDA

Time Extensions

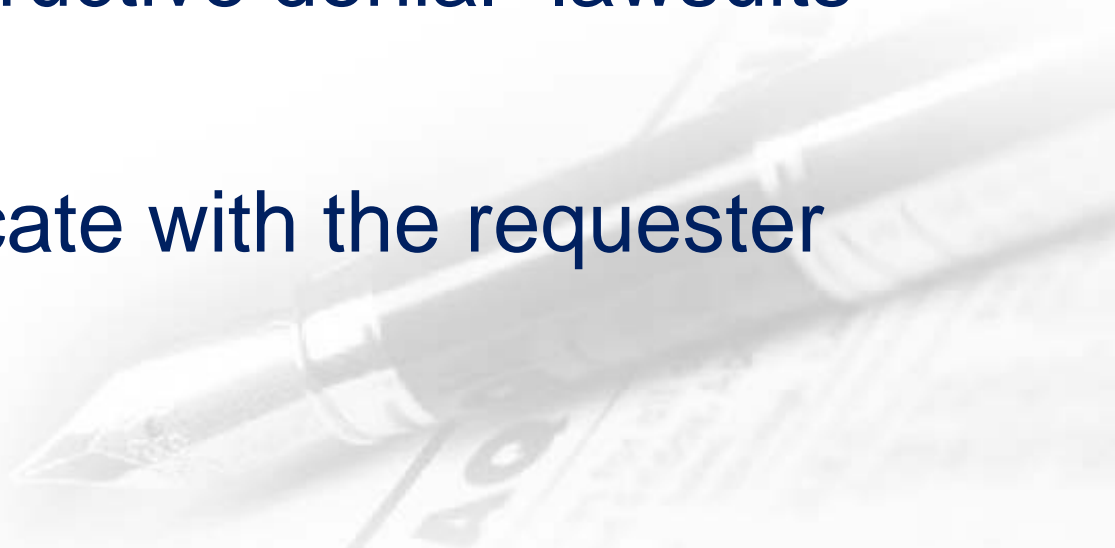
Unusual Circumstances

- Can extend the request for 10 additional working days
- Extension beyond 10 days
 - Requester can limit the request to meet the extended timeframe
 - Come up with an alternative timeframe to process the request
- Must be in writing



Time Extension

Considerations

- Can still charge fees
 - Prevents “constructive denial” lawsuits
 - Over-communicate with the requester
- 



FOIA FEES



Three Types of Fees

- **Search - Time spent searching for responsive records**
- **Review – Time spent reviewing records**
- **Duplication – Copying costs**

Search

- Includes all time spent looking for responsive material
- May charge for no records
- Includes manual and computer searches
- Includes time to program a computer to produce requested documents
- Includes hourly salary rate of the employee doing the review plus 16%

Review

- Includes examining responsive documents for exemptions and redaction time
- Includes hourly salary rate of the employee doing the review plus 16%

Duplication

- Includes direct costs of making copies of documents.
- Includes “direct costs” to produce records



Types of FOIA Requesters

- **Commercial-Use Requesters**
- **Education Institutions and Noncommercial Scientific Institutions**
- **Representatives of News Media**
- **All Others**

How Do We Charge?

Program and FOIA Offices complete the “Fee Estimate Worksheet”:

Fees less than \$250 – requesters must agree to pay in writing

Fees more than \$250 – requesters must pre-pay the entire FOIA charge

FOIA Fee Worksheet

**APHIS
Freedom of Information Act
Search, Review, Duplication Work Sheet
FOIA Request**

Table 1. Estimated Labor Fees For Manual/Computer Search*

Name	GS Grade	Hourly Salary	Plus 16% Overhead	Number of Hours	Total
Total					

Table 2. Estimated Labor Fees For Review

Name	GS Grade	Hourly Salary	Plus 16% Overhead	Number of Hours	Total
Total					

Table 3. Estimated Duplication Costs**

Number of Pages (or 250 pages per inch)	Total	Copy Rate	Total Cost
		.20	

Grand Total

*The time spent searching even if you do not locate responsive records.

**Includes the direct cost of making copies.

FOIA Fees - All Together

Requests are answered within 20 working days or extended time

THREE FEE CATEGORIES

Requester Type	Search	Review	Duplication
Commercial	Yes	Yes	Yes
Educational/Non-commercial Scientific Institute	No	No	Yes (100 pages free)
News Media	No	No	Yes (100 pages free)
All Others	Yes (2 hrs free)	No	Yes (100 pages free)

Tardy Processing Implications

Requests answered in <u>more than 20 working days</u>	THREE FEE CATEGORIES		
Requester Type	Search	Review	Duplication
Commercial	No*	Yes	Yes
Educational/Non-commercial Scientific Institute	No	No	No*
News Media	No	No	No*
All Others	No*	No	Yes (100 pages free)

*Change resulting from OPEN Gov't Act FOIA amendments



FOIA Exemptions



Disclosure -vs- Protecting Information

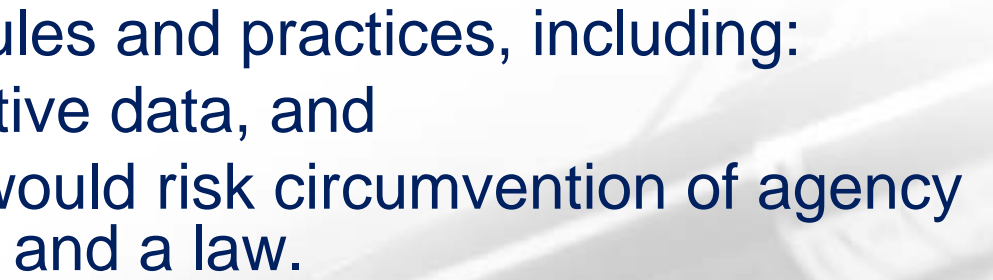
- Federal Agencies must review records to DISCLOSE information

HOWEVER

- Disclosure is not absolute – 9 exemptions to protect information from disclosure

Disclosure –vs- Protecting Information

FOIA Exemptions

1. As authorized by Executive Order or classified national security information.
 2. Internal personnel rules and practices, including:
 - Trivial administrative data, and
 - Information that would risk circumvention of agency rules, regulations and a law.
- 

Disclosure –vs- Protecting Information

FOIA Exemptions


3. Information exempt from release by other federal statutes.
4. Confidential business information and trade secret information



Disclosure –vs- Protecting Information

FOIA Exemptions

5. Inter- and intra-agency privileged material, including:
 - Pre-decisional advice, opinions, recommendations,
 - Attorney-client communications, and
 - Attorney-work products.

 6. Personnel, medical, and similar files where release could result in a clearly unwarranted invasion of privacy.
- 

Disclosure –vs- Protecting Information


FOIA Exemptions

7. Law enforcement records, but only those where release:
 - Could interfere with enforcement proceedings,
 - Would deprive a person of the right to an impartial adjudication,
 - Could constitute an unwarranted invasion of privacy
 - Would disclose law enforcement techniques, methods, guidelines, and
 - Could endanger the life or physical safety of any individual.

Disclosure –vs- Protecting Information

FOIA Exemptions

8. Information that is contained in or related to the examination, operating, or condition reports... prepared by an agency responsible for the regulation/supervision of financial institutions.

 8. Geological information and data, including maps, concerning wells
- 



*E-FOIA READING
ROOM*



E-FOIA Reading Room

What is the E-FOIA Reading Room?

- All Federal agencies must routinely make “certain types” of records available to the public for inspection and copying
- Requires that records are available in “electronic reading” rooms



E-FOIA Reading Room

What is the purpose of the FOIA Reading Room?

- Records required to be made available in the FOIA reading room cannot be the subject of regular “FOIA requests”
- Provides the public better understanding of APHIS
- Assists in reducing FOIA backlog



Achieving Transparency

Agencies are to:

- ***Proactively*** post information online
- Anticipate interest in Agency records
- Utilize technology – databases and the web
- Increase the amount of information on the APHIS E-FOIA Reading Room

WS & Transparency

What Does Our FOIA Reading Room Look Like?





Search APHIS

Browse by Audience

Select an Option

Browse by Subject

- ▶ Animal Health
- ▶ Animal Welfare
- ▶ Biotechnology
- ▶ Emergency Preparedness and Response
- ▶ Import and Export
- ▶ International Services
- ▶ Permits
- ▶ Plant Health
- ▶ Regulations and Assessments
- ▶ User Fees
- ▶ Wildlife Damage Management

You are here: [Home](#) > [FOIA](#)

Freedom of Information Act (FOIA)

Before submitting a FOIA request, please check to see if the information you are requesting is available on APHIS Web site.

The FOIA Electronic Reading Room contains documents specifically identified for inclusion by the Freedom of Information Act (FOIA), as well as documents for which we have received multiple FOIA requests.

APHIS only maintains an electronic reading room. If you should need assistance using the APHIS electronic reading room, you may contact the FOIA Office at 301-734-8296

- [APHIS eFOIA Reading Room](#)

APHIS FOIA Contact Information

Tonya Woods, FOIA Director
 Legislative and Public Affairs
 Freedom of Information Act
 4700 River Road, Unit 50
 Riverdale, MD 20737

Phone: 301-734-8296
 Fax: 301-734-5941
 Email: foia.officer@aphis.usda.gov

Related Topics


- [How to Make a FOIA request](#)
- [eFOIA Reading Room](#)
- [Learn more about APHIS Programs and Offices](#)
- [USDA FOIA Information](#)
 - [Annual Reports](#)
 - [Reading Room](#)
- [USDA FOIA Regulations](#)
- [USDA FOIA Reference Guide](#)

Quick Links

- [Programs and Offices](#)
- [DOJ Guides to the Freedom of Information Act](#)
- [The Privacy Act of 1974](#)
- [Open Government Act](#)
- [President Obama Memorandum](#)
- [Your Right to Federal Records](#)

Search APHIS

Browse by Audience

Select an Option 

Browse by Subject

- ▶ Animal Health
- ▶ Animal Welfare
- ▶ Biotechnology
- ▶ Emergency Preparedness and Response
- ▶ Import and Export
- ▶ International Services
- ▶ Permits
- ▶ Plant Health
- ▶ Regulations and Assessments
- ▶ User Fees
- ▶ Wildlife Damage Management

You are here: [Home](#) > [FOIA](#)

Freedom of Information Act (FOIA)

FOIA Reading Room

The FOIA Electronic Reading Room contains documents specifically identified for inclusion by the Freedom of Information Act (FOIA), as well as documents for which we have received multiple FOIA requests.

APHIS only maintains an electronic reading room. If you should need assistance using the APHIS electronic reading room, you may contact the FOIA Office at 301-734-8296.

- [APHIS On-Line Manuals](#)
- [APHIS Directives](#)
- [Administrative Law Judge - Initial Decisions](#)
- [Administrative Law Judge - Consent Decisions](#)

Frequently Requested Documents

- [Annual Report of Research Facilities](#)
- [Inspection Reports](#)
- [Inspection Reports and License and Registration List \(searchable database\)](#)

Documents Released by Request

This category consists of any records that have been processed and disclosed in response to a FOIA request that APHIS determines have become--or are likely to become--the subject of multiple requests for substantially the same records.

- [eFOIA Requests](#)

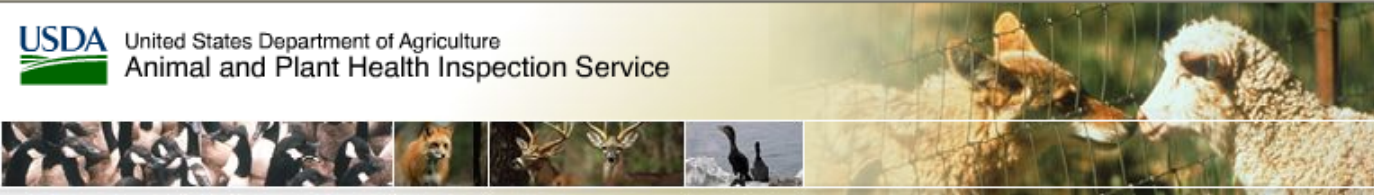
Animal Health

Related Topics

- [How to Make a FOIA request](#)
- [eFOIA Reading Room](#)
- [Learn more about APHIS Programs and Offices](#)
- [USDA FOIA Information](#)
 - [Annual Reports](#)
 - [Reading Room](#)
- [USDA FOIA Regulations](#)
- [USDA FOIA Reference Guide](#)

Quick Links

- [Programs and Offices](#)
- [DOJ Guides to the Freedom of Information Act](#)
- [The Privacy Act of 1974](#)
- [Open Government Act](#)
- [President Obama Memorandum](#)
- [Your Right to Federal Records](#)



Search APHIS

Search input field with a 'Go' button.

Browse by Audience

Select an Option dropdown menu.

Browse by Subject

- ▶ Animal Health
- ▶ Animal Welfare
- ▶ Biotechnology
- ▶ Emergency Preparedness and Response
- ▶ Import and Export
- ▶ International Services
- ▶ Permits
- ▶ Plant Health
- ▶ Regulations and Assessments
- ▶ User Fees
- ▶ Wildlife Damage Management

You are here: Home > FOIA > Requests

Freedom of Information Act

FOIA REQUESTS: [FOIA Requests](#) > 2010

- [Animal Care \(AC\)](#)
- [Biotechnology Regulatory Services \(BRS\)](#)
- [Executive Correspondence \(EC\)](#)
- [Freedom of Information Act \(FOIA\)](#)
- [Investigative and Enforcement Services \(IES\)](#)
- [Marketing and Regulatory Programs Business Services \(MRBPS\)](#)
- [Plant Protection and Quarantine \(PPQ\)](#)
- [Veterinary Services \(VS\)](#)
- [Wildlife Services \(WS\)](#)

Related Topics

- [How to Make a FOIA request](#)
- [eFOIA Reading Room](#)
- [Learn more about APHIS Programs and Offices](#)
- [USDA FOIA Information](#)
 - [Annual Reports](#)
 - [Reading Room](#)
- [USDA FOIA Regulations](#)
- [USDA FOIA Reference Guide](#)

Quick Links

- [Programs and Offices](#)
- [DOJ Guides to the Freedom of Information Act](#)
- [The Privacy Act of 1974](#)
- [Open Government Act](#)
- [President Obama Memorandum](#)
- [Your Right to Federal Records](#)



Search APHIS

Browse by Audience

Select an Option

Browse by Subject

- ▶ Animal Health
- ▶ Animal Welfare
- ▶ Biotechnology
- ▶ Emergency Preparedness and Response
- ▶ Import and Export
- ▶ International Services
- ▶ Permits
- ▶ Plant Health
- ▶ Regulations and Assessments
- ▶ User Fees
- ▶ Wildlife Damage Management

You are here: [Home](#) > [FOIA](#) > [Requests](#)

Freedom of Information Act

 FOIA REQUESTS: [FOIA Requests](#) > [2010](#) > [Wildlife Services \(WS\)](#)

- [10-001 - Deer Culling Grand Haven MI](#)
- [10-034 - Deer Culling Grand Haven MI](#)
- [10-045 - Aerial Gunning - Ungulate Recruitment](#)
- [10-096 - Beaver Eradication](#)
- [10-097 - Agreement No 09-73-06-9-346-FA - Related Wildlife Services Activities](#)
- [10-138 - Wolf Management 2008 2009](#)
- [10-156 - Death of Wolf No 314F](#)
- [10-181 - Deer Control Activities in Cobbs Creek Park 2009](#)
- [10-196 - Deer Culling Grand Haven MI](#)
- [10-218 - Aerial Gunning of Wildlife](#)
- [10-504 - WS Policy Regarding Form 37.1](#)

Related Topics

- [How to Make a FOIA request](#)
- [eFOIA Reading Room](#)
- [Learn more about APHIS Programs and Offices](#)
- [USDA FOIA Information](#)
 - [Annual Reports](#)
 - [Reading Room](#)
- [USDA FOIA Regulations](#)
- [USDA FOIA Reference Guide](#)

Quick Links

- [Programs and Offices](#)
- [DOJ Guides to the Freedom of Information Act](#)
- [The Privacy Act of 1974](#)
- [Open Government Act](#)
- [President Obama Memorandum](#)
- [Your Right to Federal Records](#)

Q & A

Questions?

