



MAY 16 2011

United States
Department of
Agriculture

Marketing and
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Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Jeffrey Kerr
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, VA 23510

Dear Mr. Kerr:

This is our second partial response to your March 25, 2011, Freedom of Information Act (FOIA) request records from November 18, 2010 to the present regarding Ringling Bros' Blue Unit's November 2010 inspection. Your request was received March 25, 2011, and assigned case number FOIA 11-359.

The Agency's Investigative and Enforcement Services (IES) conducted a search of their files and located 106 pages responsive to your request. A line by line review of the pages, determined that seven pages can be released in part. Portions of these pages have been redacted under the FOIA Exemptions stated below. Furthermore, our review determined that 87 pages are exempt from disclosure pursuant to FOIA Exemptions 6, 7(A), and 7(C).

Exemption 6, 5 U.S.C. § 552(b) (6) protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy. Specifically, the names, titles, and contact information of Ringling Brothers employees and other third parties are withheld.

Exemption 7(A), U.S.C. § 552(b)(7)(A), protects information that could reasonably be expected to interfere with law enforcement proceedings. IES is currently conducting an investigation into Ringling Brothers and certain responsive pages are a part of their investigation. The IES Case number is CA1009-AC; however, our office is unable to determine when their investigation will be completed.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), protects information compiled for law enforcement purposes, and protects personal information when disclosure "could reasonably be expected to constitute an unwarranted invasion of personal privacy. Information meeting this Exemption includes witnesses, witness statements, names of enforcement personnel, investigators, and third parties.

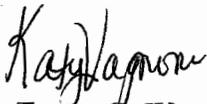
The remaining pages consisted of copies documents previously provided to you on April 20, 2011. As a result, they were not provided.

In addition, Agency employees have completed their search and located an estimated 300 additional pages that require a line by line review. As a result, we request an extension to *review the pages* pursuant to the USDA FOIA Regulations, 7 CFR 1.16(b)(2), and (b)(3). Pursuant to the U.S Department of Agriculture FOIA Regulations, 7 CFR 1.16(b)(2), this extension is necessary because of the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct pages that are the subject of a single request. Pursuant to the U.S Department of Agriculture FOIA Regulations, 7 CFR 1.16(b)(3), this extension is necessary because of the need to consult with another Department, agency or USDA component that has substantial interest in the documents. We anticipate our review to be completed by May 31, 2011.

You may appeal our partial denial of this information. If you choose to appeal, and you may hold your appeal in abeyance until your final response is received. Your appeal must be in writing and must be received within 45 days of the date of this letter to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401. Please refer **FOIA 11-359**, in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

If you have any questions, please contact the FOIA Staff at (301) 734-8296.

Sincerely,

ja. 
Tonya G. Woods
Director

Freedom of Information & Privacy Act

Enclosures



Safeguarding American Agriculture

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