



September 14, 2011

United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Legislative and  
Public Affairs

Freedom of  
Information

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

Rick Bogle  
Alliance for Animals  
P.O. Box 1632  
Madison, Wisconsin 53701

Dear Mr. Bogle:

This is in response to your July 17, 2011, Freedom of Information Act (FOIA) request for copies of all reports and correspondence regarding the inspection that occurred at the University of Wisconsin, Madison beginning on or about October 2010. Your request was received in this office on July 26, 2011, and assigned case number FOIA 11-675.

Please be advised, the information you have requested is currently involved in an ongoing investigation. Agency employees conducted a thorough search of their files and located records and photos that may be responsive to your request. However, we are withholding records that are part of an Open Investigative Enforcement Services (IES) cases WI10033-AC, under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities.

The agency considered whether to make a discretionary release of these documents and determined that releasing this information would harm the agency's open investigation. We have concluded that disclosing documents that are part of an open investigation by APHIS' Investigative and Enforcement Services would harm the agency's interest in effectively enforcing APHIS-administered statutes. In these cases, release of investigative information could harm the integrity of the agency's investigative and enforcement process, or provide individuals involved an opportunity to fabricate defenses, change the version of events, and alter and destroy evidence. For these reasons stated above, we have determined that these documents cannot be discretionarily released.

Moreover, we are unable to determine when the proceedings will be completed. If you wish, you may request the records at a later date. Please reference the investigation number WI10033-AC in your request. Please also note that the FOIA does not require an agency to provide records as they are created.

Please note that copies of inspection reports are now available on our Animal Welfare website. To access all available APHIS inspection reports, please visit the APHIS homepage at <http://www.aphis.usda.gov> and click on FOIA Reading Room (a bullet item located in the light blue box on the right-hand portion of the screen). Then, click on APHIS eFOIA Reading Room, then about halfway down that page, click on Animal Welfare, then click on Search Active Licensees, Registered Facilities, Annual Reports, and Inspection Reports, a bullet item located under an Animal Welfare heading. There, you will be able to access a searchable database.

Mr. Rick Bogle  
FOIA 11-675

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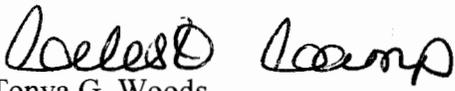
You may appeal our partial denial determination. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter to:

Administrator  
Animal and Plant Health Inspection Service  
Ag Box 3401  
Washington, D.C. 20250-3401

Please refer to FOIA 11-675 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, please provide specific reasons why you believe modification of the determination is warranted.

Because the cost to process your request is less than \$25.00, all fees have been waived. Should you have questions, please contact Sophie Lau-Lopez of this staff at (301) 734-5360.

Sincerely,

*for*   
Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs