



September 1, 2011

**United States
Department of
Agriculture**

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Ann Olson
Animal Folks MN

Dear Ms. Olson:

This is our final response to your July 25, 2011, Freedom of Information Act (FOIA) request for photographs, CDs, and DVDs, concerning USDA licensed commercial dog and cat breeders in Minnesota, from January 1, 2007 through July 25, 2011. Also, you seek records regarding inspections and investigations of said breeders. Your request was received on July 26, 2011, and assigned case number 11-681.

By correspondence dated August 22, 2011, we provided you 287 documents found by the Office of Animal Care. The Investigative and Enforcement Services (IES) located 28 responsive documents. Enclosed are 12 documents in full. We are withholding 16 documents that are part of an open IES case MN11036-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' IES would harm the agency's interest in effectively enforcing APHIS-administered statutes. In this case, 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. If you wish, you may submit a request for IES case MN11036-AC at a later date.

You may appeal our determination of your request. 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, DC 20250-3401. Please refer FOIA 11-681 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.

Ann Olson
FOIA 11-681

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

Sincerely,

Tony G. Woods
TGW

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

Enclosures

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