



United States
Department of
Agriculture

July 15, 2011

Marketing and
Regulatory
Programs

Michael Budkie

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Dear Mr. Budkie:

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

This is in response to your March 3, 2011 Freedom of Information (FOIA) request for copies of all correspondence, records, inspection reports, photographs, etc. between the University of Nebraska Medical Center and the USDA regarding complaints for the last 2 years. Your request was received by our office on March 3, 2011, and assigned FOIA 11-301.

Agency employees conducted a thorough search of their files and located one investigation responsive to your request. With the letter, we are providing 34 pages, which are releasable at this time. However, information has been withheld under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). This exemption protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy. In addition, we withheld the same information under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information collected for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Certain personal information, such as third party names, signatures, e-mail addresses and phone numbers, was redacted from these pages.

In addition, information is being withheld under 5 U.S.C. § 552 (b)(7)(F) respectively. Exemption 7F protects from disclosure law enforcement –related information, which if disclosed could reasonably be expected to endanger the life or physical safety of an individual.

Please be advised, records you have requested are involved in an ongoing investigation, (case number NE10010) therefore, we are withholding the remaining documents pursuant to 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. Because Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies. If you wish, you may file another FOIA request at a later date.

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Michael Budkie
FOIA 11-301

You may appeal our partial denial of this information. If you choose to appeal, your appeal must be in writing and must be sent 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

If you should appeal, please refer to FOIA 11-301 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.

Because the cost to process your request is less than \$25.00, the fee has been waived. If you have any questions, please contact Ms. Lyndia Taylor of my staff at (301) 734-0597.

Sincerely,



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

Enclosures