







One of the results of the review process, and the resulting meetings to discuss the development of the improvement plans, was increased appreciation for the sharing of information within the community. This will continue in future meetings of the USDA FOIA Officers.

**D. All areas chosen as improvement areas for the Agency plan:**

Because the USDA FOIA program is decentralized, each Mission Area and Agency chose those improvement areas that would reap the most benefit to their respective programs, and is described in each of the Mission Area/Agency plans attached to this report.

**E. Areas for Improvement at the Department Level:**

Because the USDA FOIA program is decentralized, each of the USDA Mission Areas and Agencies has their own areas for improvement at the appropriate tabs attached to this report.

**E. Scheduled Completion Dates:**

Because the USDA FOIA program is decentralized, each of the USDA Mission Areas and Agencies has their own areas for improvement and associated completion dates at the appropriate tabs attached to this report.

## USDA Agency FOIA Improvement Plans

**Because of the decentralized FOIA organization in USDA, the following USDA agencies submitted their own FOIA Improvement plans:**

Agricultural Marketing Service

Animal and Plant Health Inspection Service

Assistant Secretary for Civil Rights

Departmental Administration

Farm Services Agency

Food & Nutrition Service

Food Safety & Inspection Service

Foreign Agricultural Service

Forest Service

Grain Inspection, Shippers & Packers Administration

National Appeals Division

Natural Resources Conservation Service

Office of Budget & Program Analysis

Office of the Chief Financial Officer

Office of the Chief Information Officer

Office of General Counsel

Office of the Inspector General

Office of the Secretary

Research, Education & Economics

Risk Management Agency

Rural Development

## **AGRICULTURAL MARKETING SERVICE (AMS)**

### **Executive Order 13392**

#### **Review of Agency FOIA Operations and Plan for Improvement**

##### **A. NATURE OF Agency FOIA OEPRATIONS**

The Agricultural Marketing Service (AMS) FOIA/PA Office processes Freedom of Information and Privacy Act (FOIA/PA) requests and Appeals for records maintained by six commodity programs in AMS. In Fiscal Year 2005, AMS received 128 requests and completed processing 120 requests. These requests were processed by the agency FOIA officer and FOIA specialists in the six program areas. The Office of General Counsel reviews and clears all FOIA/PA requests and the General Law office reviews and clears all Appeals.

Should AMS regional offices receive a FOIA request, the regional office staff has been instructed to contact the agency FOIA officer. If the regional office has the requested records, those records are copied in full and sent by express mail to the program FOIA officer in Washington, DC. The FOIA is then processed at Headquarters in Washington, DC.

##### **B. AREAS SELECTED FOR REVIEW**

- Backlog Reduction
- Consultation
- FOIA Training
- Clarity of FOIA requests and responses
- Customer Service/Communications

##### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS AND REVIEW**

After a review of the items identified in Part B above, AMS determined that the processing of FOIA requests is working fine and our backlog is minimal. Our review showed that consultations with other agencies often add to the processing time for requests. We frequently consult with the agency's General Counsel's Office and the Department of Justice hotline for guidance on many of our difficult FOIAs. We frequently hold meetings when we receive FOIAs that involve more than one program area so that everyone is consistent in responding to the request. We also found that leaving detailed notes on FOIA files for final review helps considerably in the processing time.

AMS has taken advantage of training offered by the Department of Justice and the USDA Graduate School and encourages all FOIA specialists to participate in the training.

In the area of customer service/communications with requesters, the AMS is diligent in keeping requestors updated on the status of their request. We regularly acknowledge receiving requests within 20 working days, and these letters include the name and phone number of a contact person that the requestor can call with questions. For improper FOIA requests, we contact requestors and by e-mail or phone. We also contact requestors if their request is vague and ask that they send an updated version of the request narrowing the scope of the request or provide a better explanation.

#### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN**

- Backlog reduction
- FOIA Training

#### **E. IMPROVEMENT AREA PLANS**

##### **1. Backlog reduction**

Goal: To reduce the existing backlog of pending FOIA requests by 10% each year, by focusing on the backlog requests assigned to each program area.

Target completion: 10-02-06 (monthly). *Completed 10-02-06 and to continue monthly.*

Send a list of all outstanding FOIAs to each program area and request the status and the reason for the delay.

On a monthly basis, the FOIA Officer will review each case pending over twenty days and determine the best action to facilitate a reduction in the backlog.

Communicate with program areas regularly on resolving overdue FOIAs.

##### **2. FOIA Training**

Goal: To encourage FOIA staff to take FOIA training yearly.

(Target completion: 01-02-07)

Send yearly notices to FOIA contacts informing them of the FOIA training listed on the DOJ website training.

#### **F. IMPROVEMENT TIME PERIODS**

**Areas anticipated to be completed by 01-02-07**

- FOIA Training

**Areas anticipated to be completed by 10-02-06**

--Backlog reduction

**Areas anticipated to be completed after 12-31-07**

--None

## **ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)**

### **A. NATURE OF APHIS FOIA OPERATIONS**

The APHIS FOIA Program is a component of the APHIS Legislative and Public Affairs staff. Specifically, the Program consist of a staff of 20 individuals to include the Director, Deputy Director, 2 Supervisory FOIA Program Specialists, 13 FOIA Program Specialists, 1 FOIA Program Assistant, and 2 part-time Stay-In-School students. APHIS FOIA informs the public regarding the FOIA process via the Web and via responses to incoming telephone calls and incoming letters. Requesters are advised that all requests must be in writing and reasonably describe the documents sought. Specifically, requests are accepted by the APHIS FOIA Program electronically via FOIA.OFFICER@APHIS.USDA.GOV, via facsimile at 301-734-5941, and via mail at 4700 River Road, Unit 50, Riverdale, Maryland 20737. Additionally, upon receipt of incoming calls APHIS FOIA staff advises requesters and/or potential requesters of the FOIA process.

The APHIS FOIA Program is centralized. However, APHIS is a part of the Department of Agriculture, which has a decentralized FOIA Program. The APHIS FOIA Programs has a FOIA liaison for each APHIS component. Some of the liaisons are located at the field offices.

### **B. AREAS SELECTED FOR REVIEW**

APHIS reviewed the following potential improvement areas:

- Proactive disclosure of information
- Automated tracking capabilities
- Backlog reduction/elimination
- Records search process (cooperation from agency personnel)

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

The APHIS FOIA office has recently established and implemented numerous changes that have positively impacted the staff's ability to process request effectively and efficiently. The changes speak to employee accountability and effective communication with all APHIS program offices.

Currently, APHIS FOIA tracks its FOIA requests through paper logs and an Access database. However, we are in the procurement stage of obtaining a FOIA database for staff use. APHIS FOIA accepts FOIA requests via electronic mail. Requests are processed using Redax, a software system designed to perform electronic redactions/excisions. Finally, all responses that enclose more than 20 pages of responsive records are provided to the requester on diskette.

With respect to E-FOIA the APHIS FOIA Program utilizes the web to post frequently requested information.

As a matter of practice, APHIS FOIA seeks to place on its website those documents that are requested three or more times. Other documents are also placed on the Web when it is assumed that the agency will/may receive numerous requests for the given information, i.e., Animal Care Annual Reports.

Effective, December 31, 2005, APHIS FOIA had a backlog of approximately 900 requests, to include Privacy Act requests and Appeals. We have attempted to reduce the backlog through the following ways:

- Sending "Are You Still Interested" letters in regard to any requests dated on or before December 31, 2005.
- Employee Standards were changed from number of pages reviewed to require a specific number of requests to be completed each week.
- Employee accountability was raised through mandated weekly reports that indicate the number of requests acknowledged, processed, and closed and also the number of partial responses provided to requesters.
- A system of awards for the highest number of requests closed weekly.
- A change in organizational structure from two supervisors in which one reviewed FOIA and the other reviewed PA requests. Currently, the structure consist of three managers with each responsible for the review of the work of four to five Specialists.
- Providing adequate training to all Specialists to allow for more efficient FOIA processing.
- Placing frequently requested and "hot topic" information on the Web, which ultimately lessens the amount of incoming requests.

#### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR APHIS**

- Proactive Disclosure of Information
- Automated Tracking Capabilities
- Backlog Reduction/elimination
- Records search process (cooperation from agency personnel).

#### **E. IMPROVEMENT AREA PLANS**

##### **1. Proactive Disclosure of Information**

**Goal:** APHIS FOIA continues to determine and appropriate make available frequently requested records. However, it is our goal to be proactive vs. reactive in making such documents available. For example, we have a pending lawsuit as a result of not making Animal Care Annual Reports available in a timely fashion. Currently, we have already reviewed and posted the vast majority of the 2005 (CY) reports.

##### **Steps**

- Review immediately upon receipt.
- Initiate the EO 12600 process when necessary in a timely fashion.

## **2. Automated Tracking Capabilities**

**Goal:** Purchase and implement the use of an automated tracking system.

### **Steps**

- Solicit vendors (completed).
- Draft waiver for major IT purchase (completed).
- Complete purchase process.
- Install database.
- Train staff on database use.

## **3. Backlog Reduction/elimination**

**Goal:** Employ detailees from periods of 60 – 120 days to assist in case processing and, thus, backlog reduction. Also detailees will perform clerical duties, which will allow the specialists more time to analyze documents. The APHIS Administrator has placed great emphasis on the FOIA backlog reduction. FOIA backlog reduction is one of 20 FY06 APHIS Operating Plan Initiatives. As part of the FOIA backlog reduction initiative, APHIS FOIA is expected to close the amount of FOIA requests received plus an additional 20%. APHIS FOIA averages a receipt of approximately 1,000 requests per year, thus, in theory if the goal is met every year for the next five years, the backlog will be depleted.

### **Steps**

- Announce an APHIS-wide call for detailees.
- Research available programs, which offer the use of entry-level trained clerical staff, i.e., Operation Jumpstart. Operation Jumpstart is an APHIS program, which provides paid training for the participants and seeks to locate permanent positions for the participants.
- Train newly acquired detailees on the administrative areas of FOIA processing.

## **4. Records search process (cooperation from agency personnel).**

**Goal:** Communicate with senior-level staff regarding the importance of responding to requests made pursuant to the FOIA. Through communications it is our goal to encourage all components to make FOIA a priority and respond as appropriately with the necessary responds records.

- Initiate FOIA awareness-level training for all agency staff, to include FOIA mandated timelines and scope of requests.

- Consistently track pending search memos and communicate with program staff regarding any outstanding search requests.

**F. IMPROVEMENT TIME PERIODS:**

**Areas anticipated to be completed by 12-31-06**

- Proactive disclosure of information
- Records search process (cooperation from agency personnel)

**Areas anticipated to be completed by 12-31-07**

- Automated tracking capabilities

**Areas anticipated to be completed after 12-31-07**

- Backlog reduction/elimination

## **Office of the Assistant Secretary for Civil Rights Freedom of Information Act Improvement Plan**

### **A. OVERVIEW OF FOIA OPERATIONS**

The Office of the Assistant Secretary for Civil Rights (ASCR) is a centralized headquarters office with no field locations. The components within ASCR include the Office of Civil Rights, Office of Outreach and Diversity, and Conflict Prevention and Resolution Center.

The Office of Civil Rights receives the highest volume of FOIA requests among all ASCR components; therefore, this office has a full-time FOIA Specialist (Specialist) on staff. The Specialist coordinates and prepares responses to all FOIA requests and appeals received in ASCR. Each component of ASCR has designated a FOIA Point of Contact to assist the Specialist when a request pertains to records of that component. The point of contact is responsible for conducting searches for responsive documents and for providing those documents to the Specialist in a timely manner so that FOIA requests may be responded to within the statutory timeframes.

All requests for records are forwarded to the FOIA Specialist for processing. The Specialist logs the requests into an electronic tracking system and reviews the request to determine which component maintains the records. Once the search for responsive documents is complete, the Specialist corresponds with the requester informing them of approximately how many pages were located and when they can expect to receive a final determination and the responsive documents. The Specialist is responsible for reviewing the responsive records, determining fees, applying exemptions, and redacting documents as appropriate. The Specialist prepares all correspondence, such as acknowledgement, fee estimate, and interim letters to the requesters keeping them informed of the status of their requests.

The Specialist makes contact with FOIA requesters to obtain clarification of their requests and responds to calls from requesters and the general public. The Specialist also prepares responses to congressional inquiries regarding FOIA.

### **B. AREAS SELECTED FOR REVIEW**

ASCR reviewed the following potential improvement areas:

- Improvement of Agency's FOIA Reference Guide
- Electronic FOIA—Automated Tracking and Processing
- Overall FOIA Website Improvement
- Increased Staffing
- Purchase of new equipment

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

Many requests and appeals received by ASCR have either a high volume of responsive records or a high volume of documents to search and review.

ASCR currently has six overdue requests. The two major causes of our backlog are the volume of documents requested and the time consuming review and redaction process. When the responsive documents are retrieved, the Specialist will:

- Make two copies of the responsive records.
  - On the first copy, review and mark the material to be withheld with a yellow highlighter.
  - On the second copy, review side by side, and duplicate the redactions with a black marker.
  - Make a copy of the redacted pages to ensure markings are unreadable.
  - Shred the copy with the black markings.
- If the requester appeals, the Specialist must make a third copy of the documents and create a duplicate highlighted copy to be sent to the Office of the General Counsel for review.

ASCR believes the following may assist in reducing its FOIA backlog:

- **Better File Organization/Maintenance.** ASCR is currently establishing standard operating procedures for program discrimination complaint files. Implementation of these procedures will reduce the time it takes to locate responsive documents.
- **Utilization of Available Technology.** The Office of Civil Rights is working closely with the Office of Operations to obtain improved copiers. Access to a color copier would relieve some time constraints of the redaction processes. Redacting on a copy that shows the highlighted portions will eliminate the side-by-side review, and speed the black marker redaction. We are also arranging for access to a scanner and printer with color capability to increase efficiency.

#### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR ASCR**

- Improvement of Agency's FOIA Reference Guide
- Electronic FOIA—Automated Tracking and Processing
- Overall FOIA Website Improvement
- Increased Staffing
- Purchase of new equipment

#### **E. IMPROVEMENT AREA PLANS**

##### **1. Improvement of Agency's FOIA Reference Guide**

**Goal:** ASCR will review the contents of the FOIA Reference Guide posted on the website to ensure that the information is current.

**Target completion:** 12-31-06

**Steps:**

- Review and update the contents of the FOIA reference guide. **(To be completed by 11-30-06).**
- Post revised guide to ASCR FOIA website. **(To be completed by 12-31-06)**

**2. Electronic FOIA—Automated Tracking and Processing**

**Goal:** ASCR will research the available electronic FOIA tracking systems and redaction tools.

**Target completion:** 02-30-07

**Steps:**

- Review available FOIA systems. **(To be completed by 12-30-06)**
- Provide information to the ASCR FOIA Officer for review. **(To be completed by 1-31-07)**
- If system is found that meets ASCR budget requirements, forward to Assistant Secretary for Civil Rights for approval to purchase. **(To be completed by 2-30-07)**

**3. Overall FOIA Website Improvement**

**Goal:** ASCR will review the contents of the FOIA website and make changes as necessary.

**Target completion:** 12-31-06

**Steps:**

- Review the contents of the ASCR FOIA website. **(To be completed by 11-30-06)**
- Work with ASCR Webmaster to make necessary revisions, if any. **(To be completed by 12-31-06)**

**4. Increased Staffing**

**Goal:** ASCR will provide assistance to FOIA Specialist for clerical duties and redaction assistance when available.

**Target completion:** 12-31-06 (and continuing thereafter).

**Steps:**

- Review staff to find available personnel to provide assistance to FOIA Specialist. **(To be completed by 11-30-06)**
- Provide general instruction to assistant(s) in the processing of FOIA cases. **(To be completed by 12-31-06)**
- FOIA Specialist to begin utilizing the assistant(s) provided by ASCR. **(To be completed by 12-31-06)**

**5. Purchase of New Equipment**

**Goal:** ASCR will look into the feasibility of acquiring a scanner or color copier to assist the FOIA specialist in the redaction process.

**Target completion:** 12-31-06

**Steps:**

- Work with the Office of Operations to obtain improved copier equipment. **(Completed 9-30-06).**
- Receive approval to purchase new copier equipment. **(To be completed by 10-30-06).**
- Receive and implement new copier equipment **(To be completed by 12-31-06).**

**F. IMPROVEMENT TIME PERIODS**

**Areas anticipated to be completed by 12-31-06**

- Improvement of Agency's FOIA Reference Guide
- Overall FOIA Website Improvement
- Increased Staffing
- Purchase of new equipment

**Areas anticipated to be completed after 12-31-06**

- Electronic FOIA—Automated Tracking and Processing

## **DEPARTMENTAL ADMINISTRATION (DA)**

### **A. NATURE OF DA's FOIA OPERATIONS**

DA is staffed with one person as the Freedom of Information Act/Privacy Act Officer. The vast majority of FOIA requests in this area of USDA concern procurement contracts and personnel issues, both of which require extensive and careful redaction under the law. The DA FOIA Officer is also assigned the duties as the DA Agency Audit Liaison Officer, the DA Directives Manager and the DA Records Manager, along with duties as assigned. This allows approximately 10% of his/her time to devote to FOIA/PA issues and operations. DA processes approximately 60 to 65 FOIA requests per year. Therefore, although the number of requests is not large, the time needed for expert management is substantial.

### **B. AREAS SELECTED FOR REVIEW**

DA reviewed the following potential improvement areas:

- Electronic FOIA—automated processing
- Clarity of FOIA requests and responses
- Acknowledgment letters
- Backlog reduction
- Politeness/courtesy
- Process by which necessary cooperation is obtained from agency “program personnel”

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

The DA organization consists of 9 separate Offices. The only FOIA/PA officer resides in one of the Offices, in the Information Resources Division. The other eight Offices do not have a single point of contact for FOIA requests, and because of that, it is often difficult to track the exact status of a request. This can result in delays in the processing time for the FOIA/PA request. Also, because there are many people involved in the processing of the requests, the level of knowledge concerning the FOIA/PA requirements is not as extensive as it should be.

The service provided to those seeking information under the FOIA is very responsive and excellent in most areas. Time is taken to contact requestors by email, telephone, or by letter to clarify requests to the extent possible, which enables the FOIA Officer to accurately describe to the program management offices what the requestor is seeking. Although the website provides information about the FOIA process, personal contact helps in many ways to reach a satisfactory conclusion.

DA allows any form of written request for information under FOIA: letter, email or facsimile. This enables the program to more citizens. Telephone requests alone are not allowed.

DA is comprised of 9 separate Offices. The only FOIA/PA officer resides in one of the Offices, in the Information Resources Division. The other Offices do not have a single point of contact for FOIA requests, which can make obtaining the exact status of a request difficult. This can also cause delays in processing of certain requests. Because there are many people involved in the processing of the requests within DA, the level of knowledge concerning the FOIA/PA requirements is not as extensive as it should be.

#### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR DA**

- Backlog reduction
- FOIA Website Improvement
- Improvement of agency's FOIA Reference Guide
- Acknowledgment letters

#### **E. IMPROVEMENT AREA PLANS**

##### **1. Backlog reduction**

**Goal:** The actual backlog (number of actual backlog requests) will be reduced by 20% by June 1, 2007, and by 40% by June 1, 2008. (Actual backlog requests existing on those dates.) In addition, no request will be greater than 3 months old by June 1, 2008.

**Target completion: 6-01-07, 6-01-08 (and continuing thereafter).**

##### **Steps**

- Review backlog of existing requests (**First Review completed on 9-30-06, and to be continued on 03-30-07 (and quarterly thereafter).**)
- Contact the appropriate program office for a status of each request (**To be completed within 15 days of each review above**)
- Meet with the program office to discuss how to best expedite satisfactory completion of the open requests (**To be completed within 7 days of contacting the program office**)

- Meet with the heads of the Program Offices to establish a single point of contact for FOIA requests **(To be completed by June 1, 2007)**

## **2. FOIA Website Improvement**

**Goal: DA will develop** a new FOIA website, which will include FOIA submission, Reading Rooms, and contact information.

**(Target completion: 12-31-06).**

### **Steps**

- Review existing FOIA webs pages throughout the Federal government to determine best design, serviceability to DA customers. **(To be completed by 11-15-06).**
- Design the DA web page to ensure ease of use by the public to initiate FOIA requests (by letter, fax, or email) and to allow for enhanced communication between the public and the FOIA staff. **(To be completed by 11-15-06).**
- Complete the DA web page and links to appropriate USDA pages. **(To be completed by 12-31-06.)**

## **3. Improvement of agency's FOIA Guide**

**Goal:** DA will develop a DA FOIA Instruction/Manual to implement the USDA Departmental Regulation, and will make it part of the standard operating procedures to include a reference to the online Guide in all acknowledgement letters.

**Target completion: 6-30-07).**

### **Steps**

- Review several other USDA agency-level FOIA reference guides. **(To be completed by 11-30-06).**
- Develop a DRAFT DA FOIA Guide. **(To be completed by 1-30-07)**
- Distribute the DRFAT DA FOIA guide for review and comments by DA Office heads and the USDA FOIA Officer. **(To be completed by 4-30-07).**
- Finalize the DA FOIA Reference Guide and obtain signature of the Assistant Secretary for Administration **(To be completed by 6-30-07).**

## **4. Acknowledgement Letters**

**Goal:** DA will increase communication with the requestors, using follow-up letters, emails or telephone calls, to keep the requestor better informed. Communication with DA FOIA requestors (acknowledgement, follow-up, and Final letters, emails, and telephone calls, will all contain reference to the various means of communication available to all requestors.

**Target completion: 12-31-06.**

#### **Steps**

- Develop a small checklist to be completed by the FOIA Officer prior to writing the acknowledgement letter, which will include that steps were taken to clarify the request to the maximum extent possible. (**Completed 10-15-06**).
- Ensure that the acknowledgement letter templates have references to all means of communication for the requestors. (**To be completed by 12-31-06**).

#### **F. IMPROVEMENT TIME PERIODS**

##### **Areas anticipated to be completed by 12-31-06**

- FOIA Website Improvement
- Acknowledgement Letters

##### **Areas anticipated to be completed by 12-31-07**

- Improvement of agency's FOIA Guide

##### **Areas anticipated to be completed after 12-31-07**

- Backlog reduction

## **FARM SERVICE AGENCY (FSA)**

### **A. NATURE OF FSA's FOIA OPERATIONS**

FSA currently has a decentralized FOIA program where potentially responsive records are processed in several locations: three staff locations within the National Office in Washington, DC, the central database in the Kansas City Administrative Office (KCAO), the Kansas City Commodity Office (KCCO), 50 State Offices (STO) and approximately 2350 county offices (COs).

The Kansas City Administrative Office (KCAO) maintains several databases containing information received from the STOs and COs. Each of these COs receives and reviews FOIA requests to determine if it has the responsive records, and each CO responds to the requester pursuant to FOIA requirements. Requests for Nationwide and Statewide individual electronic records are handled by KCAO.

It is important to note that for county employees, FOIA is a collateral duty, not a full-time responsibility. Because FOIA is a collateral duty, and because of other deadlines pertinent to COs, FOIA matters have a lower priority on the duty list. Similarly, the STOs and KCCO FOIA Offices and two FOIA Officers located in the National Office also handle FOIA on a part-time basis.

If a STO FOIA Officer cannot answer a FOIA requester with information gleaned from reviewing the FSA FOIA Handbook, 2-INFO, the STO Officer contacts the National FOIA Officer in Washington, DC. Likewise, the FOIA Officers in KCAO, KCCO and the three other National FOIA Officers will contact the National FOIA Officer when necessary.

The main National FOIA Office consists of two FOIA paralegal specialists, one considered to be the FOIA Officer, and the other who, processes FOIA requests for responsive records located in the National Office and assists the FOIA Officer in responding to inquiries from the public, media and congressional offices; as well as providing guidance to the 50 STO FOIA Officers. The KCAO FOIA Office consists of one FOIA Officer and six contractors.

There is one FSA employee assigned to review all Agency administrative FOIA appeals. This person located in Washington, DC is a paralegal specialist who, following an independent review, determines if material should continue to be withheld and prepares the determination to be sent to U.S. Department of Agriculture (USDA), Office of General Counsel (OGC), General Law Division for legal concurrence.

USDA's FY2005 Annual FOIA Report indicates a total of 51,516 FOIA requests received by all agencies. FSA received a total of 43,147 FOIA requests 83.7% of all USDA requests. The number of backlogged FSA FOIA requests was 220 which is approximately .05% of cases received and processed.

## **B. AREAS SELECTED FOR REVIEW**

FSA reviewed the following potential areas of improvement:

- Training of FOIA staff and program staff
- FOIA Website Improvement
- Improvement of FSA's FOIA Reference Guide
- Development of automated tracking capabilities

## **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

Because receiving and processing FOIA requests is considered a collateral duty for the majority of FSA employees, continuous training is needed to handle the numerous and complex requests that FSA receives. In addition, some experienced STO FOIA Officers have retired leaving some States without a knowledgeable individual that CO personnel can contact regarding the occasional FOIA request received. The number of COs has decreased in the past few fiscal years (FY2004 – 2372 county offices, FY2005 – 2360 and FY2006 – 2346), leaving fewer county personnel to process FOIA requests. The STOs have again been requested to reduce the number of COs due to budget constraints. FSA is also currently implementing a web based application so producers can apply on line to participate in mandated FSA programs allowing for fewer COs which saves taxpayer dollars.

Requesters may make FOIA requests by letter, email or facsimile. Like other agencies, telephone requests are not allowed. Most requests are for documents regarding subsidy payments made in one of the Agency's many program areas (disaster aid, conservation and commodity support). The simple requests are processed within several days of receipt. More complex requests, for example, pertaining to certain details regarding FSA's common land units that detail the farm, tract and field boundaries and other linked personal information furnished by producers participating in FSA programs, are more cumbersome and take much longer to process. The requesters are a variety of local and State entities as well as commercial organizations and media (making requests for voluminous records including Nationwide statistical data from the KCAO FOIA Office). Review is underway to determine if "routine uses" can be established for some of the similar requests allowing fewer but more detailed reports to be used to share information: thus reducing the number of FOIA requests.

## **D. IMPROVEMENT AREA PLANS**

### **1. Training of FOIA staff and program staff**

**Goal:** Training of FOIA staff will help eliminate the inconsistency in processing requests that are made to several CO or other STO offices for similar information. Training will also assist the National FOIA Officer in responding to the many inquiries in FOIA

matters. As new STO FOIA Officers are appointed, FOIA training has been recommended through Department of Justice or the American Society of Access Professionals (ASAP): this should be done if STO's budget allows. Specialized FSA FOIA training for all STO, KCAO, KCCO and the three National Office FOIA Officers is being planned. Specialized FOIA training must also be given to the one FSA employee and the six contractors in the KCAO FOIA Office due to the complexity and volume of information requested from the database holding Nationwide statistical data.

The National FOIA Officer will meet with Deputy Administrators in the seven program areas and discuss assigning a FOIA Coordinator to receive requests and to locate responsive records located in Washington, DC. The coordinators will also be trained in the areas of search time and adequacy requirements. This will assist the National FOIA Office in reducing the number of pending backlogged requests.

A discussion is also underway with FSA Executive Management concerning the centralization of request processing FSA FOIA in several stages. The first stage would be to have requests for CO information handled and processed in the STO. The STO FOIA Officer would contact the CO to obtain the responsive records and, upon receipt, would review the records and make the appropriate release to the requester. This would reduce the number of FSA individuals needing FOIA training from approximately 2350 to approximately 65. The second stage would be handling and processing of all requests to the National Office. The STO FOIA Officer would become a STO FOIA Coordinator in locating and forwarding responsive records to the National Office for processing. Processing would continue in the KCAO FOIA Office. Due to the implication of web based applications, FOIA requests may increase and require additional contracting support to be procured in the KCAO FOIA Office. The National FOIA Office would have to increase the staff size to include the following individuals: to those that deal with the administrative handling of requests (acknowledgement, entering into FOIA database, requesting for and receiving of STO responsive records and maintaining of pending requests), processors (approximately 5 or 6 depending on number of FOIA requests and budget) and several assistant supervisors (for training and policy needs) along with the supervisor. This would increase consistency in processing and timeliness in releasing records to the public.

**Target completion: 9/30/07 (and continuing thereafter as needed and budget allows).**

### **Steps**

- Determine the number of newly appointed STO FOIA Officers and others needing training **(To be completed by 12/31/06, 03-31-07 and quarterly thereafter).**
- Discuss and determine if centralization is feasible, cost effective and beneficial to the public in receiving all non-exempt information. **(To be completed by 3/31/07. If plan or revised plan accepted, implementation would begin immediately).**

- Contact each of the seven program areas as described above to have central coordination to locate responsive records in the National Office (**To be completed by 3/31/07 and continuous contact thereafter**).

- Insure that all FSA employees, either processing or retrieving responsive records are trained to perform necessary FOIA duties. (**To be completed by 9/30/07**).

## **2. FOIA Website Improvement**

**Goal:** National FOIA Office will work with FSA's Webmaster to improve existing FOIA website, which will include FOIA's link to FSA's System of Records, additional affirmative disclosures under subsection (a)(2), and contact information. Because FSA has changed servers and server applications, the FOIA website needs updating and improvement for the public

**Target completion: 12/31/07.**

### **Steps**

- Review the FSA web page to ensure ease of use by the public to initiate FOIA requests (by letter, fax, or email) and to allow for enhanced communication between the public and the FOIA staff. (**To be completed by 11/15/06**).

- Review existing FOIA web pages and, with assistance of FSA's Webmaster, provide link to FSA's System of Records as published in the Federal Register, giving requesters a description of Agency records. (**To be completed by 3/31/07**).

- Review and determine what additional disclosures under subsection (a)(2) can be placed on FOIA web page with links to appropriate FSA program pages. (**To be completed by 12/31/07**).

## **3. Improvement of the Agency's FOIA Guide**

**Goal:** FSA will review and amend the FSA FOIA Guide/Manual, 2-INFO, to include USDA Departmental Regulation, and provide guidance in processing Agency records due to new requirements mandated by court determinations and OGC recommendations following their review of Agency administrative appeals.

**Target completion: 3/31/08.**

### **Steps**

- Draft a revised FSA FOIA Guide. This task was assigned to the FOIA Officer in the KCAO FOIA Officer. Due to the retirement of the experienced FOIA Officer and the ongoing process to hire a replacement, portions of the responsibility to maintain the FOIA Guide may have to be distributed to other

experienced STO and National Office FOIA Officers. **(To be completed by 9/30/07)**

- Distribute the draft FSA FOIA Guide for review and comments by FSA Program heads and the USDA FOIA Officer. **(To be completed by 12/31/07).**

- Finalize the FSA FOIA Guide and obtain approval by the FSA Administrator. Release updated FOIA Guide to FSA employees and place on FSA website for public consumption. **(To be completed by 3/31/08)**

#### **4. Development of automated tracking capabilities**

**Goal:** The main National FOIA Office and KCAO FOIA Office both log onto database programs (ACCESS) to track FOIA requests. Some STOs and COs do not have electronic tracking and only track requests on paper. FSA does not have a computerized redacting program. Because the FSA FOIA program is decentralized, it takes about three months to obtain the data required for the annual FOIA report. The data are collected from the COs and forwarded to the STO FOIA Offices for submission to the National Office. It is challenging to get the necessary information from COs for such reasons previously cited. Without a central FOIA tracking system, it is extremely difficult to obtain Agency-wide statistical data in a timely manner. FSA needs to implement an Agency-wide database or, at the very least, a centralized database for use by STOs, KCAO and the National FOIA Offices to track all requests, handle public inquiries regarding status of their requests and prepare a more accurate annual FOIA report.

**Target completion: 9/30/07.**

#### **Steps**

- Discuss with web/IT personnel to determine if the current database in the National FOIA Office can be upgraded to include additional fields to better assist in completing an accurate Annual FOIA Report. **(To be completed by 12/31/06).**
- Contact and discuss with several private software companies programs suitable for a nationwide and/or limited FSA FOIA tracking system. Share proposals with FSA management including Budget. **(To be completed by 3/31/07)**
- Implement final decision regarding upgrading FOIA tracking software. **(To be completed by 9/30/07).**

#### **F. IMPROVEMENT TIME PERIODS**

**Areas fully anticipated to be completed by 9/30/07**

- Training of FOIA staff and program staff
- Development of automated tracking capabilities

**Area fully anticipated to be completed by 12/31/07**

-- FOIA Website Improvement

**Area fully anticipated to be completed after 3/31/08**

-- Improvement and revision of Agency's FOIA Guide

**RESULTS OF ANTICIPATED GOALS SET BY FSA**

The number of FOIA requests is increasing and these requests are becoming more complex. Completion of the following goals will improve FSA's abilities in releasing all non-exempt information to the public; allowing centralizing of FOIA processing requests in the National Office, to be processed by a better trained staff using an updated agency FOIA guide; improving the FSA FOIA website to allow links to publicly available information and, thus, decrease the number of FOIA requests, and upgrading the automated request tracking capabilities to ensure that all FOIA requests are being handled in a timely and efficient manner.

## **FOOD AND NUTRITION SERVICE (FNS)**

### **A. NATURE OF FNS' FOIA OPERATIONS**

FNS has a de-centralized Freedom of Information Act (FOIA) program. The FOIA Officer is stationed in headquarters in Alexandria, Virginia. FNS has a FOIA Coordinator for each Program Office (12 FOIA Coordinators) and each Regional Office (7 FOIA Coordinators). The majority of FOIA requests received in FNS pertain to Food Stamp fraud and Food Stamp trafficking, both of which require extensive and careful redaction under the law. The FOIA Officer is also the Directives Manager, Acting Records Officer, and Intranet Liaison for the Information Administration Branch. This allows approximately 30% of his/her time to devote to FOIA/PA issues and operations. FNS processes approximately 165 FOIA requests per year. Therefore, although the number of requests is not large, the time needed for expert management is substantial.

### **B. AREAS SELECTED FOR REVIEW**

FNS reviewed the following potential improvement areas:

- Electronic FOIA—automated processing
- Clarity of FOIA requests and responses
- Acknowledgment letters
- Backlog reduction
- Politeness/courtesy

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

The FNS organization consists of 12 Program Offices and 7 Regional Offices. The FOIA officer resides in one of the Offices, in the Information Technology Division. Because there are so many individuals involved in the processing of the requests, and the turnover of employees in the Agency, it is difficult to maintain the level of knowledge required to process FOIA requests.

The service provided to those seeking information under the FOIA is very responsive and excellent in most areas. Time is taken to contact requestors by email, telephone, or by letter to clarify requests to the extent possible, which enables the FOIA Officer to accurately describe to the Program and Regional offices what the requestor is seeking.

Although the website provides information about the FOIA process, personal contact helps in many ways to reach a satisfactory conclusion.

FNS allows any form of written request for information under FOIA: letter, email or facsimile. Telephone requests are also allowed with a letter from the Agency confirming the requested information in the telephone call.

## **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR FNS**

- Backlog reduction
- FOIA Website Improvement

## **E. IMPROVEMENT AREA PLANS**

### **1. Backlog reduction**

**Goal:** The actual backlog will be reduced by 90% by December 31, 2007, and by 95% by July 1, 2008.

**Target completion: 12-31-2007, 7-1-2008 (and continuing thereafter).**

#### **Steps**

- Review backlog of existing requests (*Completed on 9-30-2006 and monthly thereafter.*)
- Contact the appropriate Program Office via email messages to remind offices of upcoming due dates on a weekly basis. (**To be completed each week.**)

### **2. FOIA Website Improvement**

**Goal:** FNS will update the FOIA website, which will include FOIA submission, Reading Rooms, and contact information.

**(Target completion: 12-31-2006).**

#### **Steps**

- Review existing FOIA webs pages throughout the Federal government to determine best design, serviceability to FNS customers. (*Completed on 9-30-2006.*)
- Design the FNS web page to ensure ease of use by the public to initiate FOIA requests (by letter, fax, or email) and to allow for enhanced communication between the public and the FOIA staff. (**To be completed by 11-30-2006.**)
- Complete the FNS web page and links to appropriate USDA pages. (**To be completed by 12-31-06.**)

**F. IMPROVEMENT TIME PERIODS**

**Areas anticipated to be completed by 12-31-2006**

-- FOIA Website Improvement

**Areas anticipated to be completed by 12-31-2007**

-- Backlog reduction up to 90%

**Areas anticipated to be completed after 7-1-2008**

-- Backlog reduction up to 95%

**FOOD SAFETY AND INSPECTION SERVICE (FSIS)  
EXECUTIVE CORRESPONDENCE AND ISSUES MANGEMENT STAFF  
(ECIMS)  
AGENCY PLANNING DOCUMENT**

**A. NATURE OF FSIS' FOIA OPERATIONS**

The Food Safety and Inspection Service (FSIS) is the public health regulatory Agency in the U.S. Department of Agriculture. The FSIS Freedom of Information Act (FOIA) Service Center, situated in the Office of Public Affairs, Education, and Outreach, Executive Correspondence and Issues Management Staff (ECIMS), is the central FOIA/Privacy Act (PA) office for FSIS. The FOIA Staff currently consists of one FOIA supervisor, three FOIA Specialists, and one FOIA Assistant. The Director of ECIMS is the FOIA Liaison Officer and the Deputy Director of ECIMS is the official responding authority. The FOIA office receives an average of 500 FOIA requests

per year, relating, but not limited to: Non-compliance Records, Notice of Intended Enforcements, Misconduct/Personnel Issues, and Microbiological Data. Most FOIA requests processed by FSIS are voluminous in nature and involve confidential commercial information. As a result, requests require extensive analysis for disclosure determination.

**B. AREAS SELECTED FOR REVIEW**

FSIS reviewed the following potential improvement areas:

- Affirmative disclosure under subsection (a)(2).
- Proactive disclosure of information
- Improvement of Agency's FOIA Reference Guide
- Automated tracking capabilities
- Electronic FOIA -- automated processing
- Electronic FOIA -- receiving/responding to requests electronically
- Troubleshooting of any existing problems (even minor ones) with existing request tracking
- Expedited processing
- Backlog reduction/elimination
- Politeness/courtesy
- Forms of communication with requesters
- Training
- Recycling of improvement information gleaned from FOIA Request Service Centers

**C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

The FSIS FOIA operations review covered the receipt of responsive records and the response time to the requester. Agency records are maintained by the Office of the Administrator and eight (8) separate FSIS program area offices. Most of our records however, are maintained in the 15 FSIS District Offices from the largest program area, the Office of Field Operations (OFO). Our operations require that FOIA requests be transmitted to the FSIS program offices with systems

of records that may be responsive to the incoming request. For example, requests for inspection records would be forwarded OFO. The OFO District Offices regulate approximately 6000 meat and poultry establishments throughout the United States and Puerto Rico. District Offices may need to forward FOIA requests to FSIS personnel who maintain Agency records in FSIS offices within the meat or poultry establishments to which they are assigned. Due to limited or no administrative personnel assigned to meat or poultry establishments, supervisors forward any possible responsive records to the responsible District Office to be copied and transmitted to the central FSIS FOIA Service Center to be processed. In cases where the Agency receives requests for records that may be considered "confidential commercial information" (Exemption (b)(4)), the Agency may be required to provide the records to the submitter for review and comment prior to a determination being made on whether to release. Due to the staffing of in-plant FSIS personnel and our requirement under the Executive Order (EO) 12,600 (Submitter's rights notice), this portion of the Agency FOIA operations can not be streamlined.

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With respect to the Agency's FOIA response time, we are currently improving in this area with limited staffing. We have determined that the current and backlog cases will be processed on specific days. This operation has proven to be effective for the Agency and we plan to continue this procedure beyond the period required to reduce the current backlog of FOIA cases. Also, with the posting of the customer-feedback tool on the Agency's Web site and the Agency's attentiveness to customer feedback, the Agency will be able to continue to improve its services.

#### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR FSIS' PLAN**

- Improvement of Agency's FOIA Reference Guide
- Automated tracking capabilities
- Backlog reduction/elimination
- Recycling of improvement information gleaned from FOIA Requester Service Centers

#### **E. IMPROVEMENT AREA PLANS**

##### **1. Improvement of Agency's FOIA Reference Guide**

**Goal:** FSIS will revise the FOIA Directive to align it with EO 13392. The Directive will outline the role and responsibility of the ECIMS Director/Public Liaison Officer, Deputy Director, and FOIA staff and be posted on the Agency's Web site along with other FOIA reference guides.

**Target Completion:** November 2006

##### **Steps:**

- Revised based upon review and comparison with EO 13392.
- Clearance through appropriate FSIS offices prior to posting.
- Will request FSIS Web Services Staff to track FOIA Web site activities and provide reports on the FOIA Web page activities to monitor areas of highest interest (on-going).

## 2. Automated Tracking Capabilities

**Goal:** To enhance FSIS' existing automated system (E-FOIA) to produce various staff reports to improve case tracking; to assist with the Agency's submission of the Annual FOIA Report; and generate meaningful reports in compliance with Agency FOIA program requirements.

**Target Completion:** June 30, 2007

### **Steps:**

- Assigned Project Manger will review software (E-FOIA) to determine what upgrades can be performed by the Agency and/or contractor.
- On-going contact with the Program Manager to monitor completion.

## 3. Backlog Reduction/Elimination

**Goal:** To reduce/eliminate FSIS' current backlog of 147 cases on a monthly basis by 10 cases and quarterly by 15 cases.

**Target Completion:** December 2006 and December 2007 (continuing thereafter).

### **Steps:**

- Every month the goal will be to reduce the "submitter's rights" cases by 10. Thirty-nine of the backlog cases at present are requests under the submitter's rights; we expect to reduce/eliminate this number on or before December 30, 2006.
- We have a quarterly goal to reduce the backlog by 15 cases. The staff will process backlog cases on Thursday and Friday of each week. Reduction of backlog to 49 cases by December 30, 2007. Continuing this process will reduce the backlog after December 2007 to a number of 10 or below.

## 4. Recycling of Improvement Information Gleaned from FOIA Requester Service Centers

**Goal:** FSIS will provide a customer-feedback feature on its Web site.

**Target Completion:** November 2006

### **Steps:**

- FSIS will design a customer-feedback feature and provide to the FSIS Web Services Staff for posting onto the FOIA Web page.
- Will request FSIS Web Services Staff to track and provide reports on the FOIA Web site activities (on-going).
- Review all customer-feedback comments and adjust FOIA program/operations, when appropriate.

#### **F. IMPROVEMENT TIME PERIODS**

##### **Areas anticipated to be completed by December 31, 2006**

- Improvement of Agency's FOIA Reference Guide
- Recycling of Improvement Information Gleaned from FOIA Requester Service Centers

##### **Areas anticipated to be completed by December 31, 2007**

- Automated Tracking Capabilities
- Backlog Reduction/Elimination

## **FOREIGN AGRICULTURAL SERVICE (FAS)**

### **A. NATURE OF FAS' FOIA OPERATIONS**

The FAS FOIA operation is located in the Public Affairs Division, which is in the Office of the Administrator. The Division's deputy director serves as the FAS FOIA Officer; it is a part-time responsibility. She is responsible for logging and tracking requests, drafting the annual report, and serves as the agency's technical expert on FOIA. Information on how to make a request under FOIA is available on the FAS homepage. FAS FOIA employee guidelines and sample letters are available on the agency's intranet.

FAS receives about 50 FOIA requests per year. FAS conducts FOIA operations as a decentralized process. FAS field locations are at U.S. embassies around the world. FAS personnel tasked with responding to a FOIA request work closely with the FAS FOIA officer to search and review documents in response to a request. The FOIA Officer reviews all responses.

### **B. AREAS SELECTED FOR REVIEW**

FAS identified the following potential improvement areas:

- Proactive disclosure of information
- Forms of communications with requesters
- Process by which necessary cooperation is obtained from agency personnel

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

FAS consists of five program areas plus the Office of the Administrator. The FOIA officer resides in the Office of the Administrator. The five program areas have a designated contact for processing FOIA requests. The FOIA officer logs in the request and determines which program area should be assigned. The program area contacts determine who in their program area should handle the request. In fiscal year 2005, FAS responded to 44 requests, with 34 full releases, 6 no records found, 3 full denials, and 1 referral to another agency. FAS had no appeals. All of the denials for documents fell under exemption 4, commercial or financial information. The median number of days to process a request was 14.

Due to the small number of requests, the agency does not use tracking software. The FOIA officer encourages program areas to respond to requesters via email if possible and to document the communication. The agency does not have a backlog.

The FAS Web page includes a section titled "How to Make a FOIA Request to FAS." The information advises visitors that documents that they request could already be available online without filing a request, and examples are provided. If the agency receives three or more requests for the same documents, the material is posted online.

### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR FAS**

### **1. Proactive disclosure of information**

**Goal:** Encourage FAS program areas to increase the amount of information available electronically via the FAS Website.

**Target completion: Ongoing.**

#### **Steps**

- Meet with agency and program area leadership annually to encourage them to post material on the agency Website. *Completed on 9-30-06 and continuing thereafter.*
- Review each FOIA request and response with responding office to determine if material in response could be posted on the agency Website. **Ongoing.**

### **2. Forms of communications with requesters**

**Goal:** Encourage FAS program areas to increase communication with FOIA requesters about their requests.

**Target completion: Ongoing.**

#### **Steps**

- Meet with agency and program area leadership annually to encourage them to take the initiative with requesters to improve the clarity of all agency-requester communications. *Completed on 9-30-06 and continuing thereafter.*
- Review each incoming FOIA request with responding office to determine if the request requires a phone call or email to clarify the request or if the request could be handled via phone or email. **Ongoing.**

### **3. Process by which necessary cooperation is obtained from agency personnel.**

**Goal:** Reinforce employees' understanding of FOIA legal requirements to ensure continued compliance.

**Target completion: Ongoing.**

#### **Steps**

- Meet with agency and program area leadership annually to outline FOIA legal requirements and encourage them to communicate the importance of meeting those requirements to staff handling requests. *Completed on 9-30-06 and continuing thereafter.*
- Review each FOIA response for timeliness and completeness. **Ongoing.**

**E. IMPROVEMENT TIME PERIODS**

**Areas anticipated to be completed by 12-31-06**

--Proactive disclosure of information

**Areas anticipated to be completed by 12-31-07**

--Forms of communications with requesters

**Areas anticipated to be completed after 12-31-07**

--Process by which necessary cooperation is obtained from agency personnel

# Forest Service FOIA Planning Document

## A. Nature of FOIA Operations

The Forest Service receives annually about 4,000 requests. Over the last two years, 70 to 75 percent of the responses to those requests have been made within the statutory time frame. Generally, Forest Service Freedom of Information Act (FOIA) operations are decentralized. Requests are received at all levels of the agency, but appeals are processed only in the headquarters. Headquarters has a FOIA staff of six. Four of those analyze and process FOIA requests and appeals. One serves as the point of contact, intake person, and is responsible for the annual report. The final person reviews all requests and appeals. Each Forest Service region has a regional FOIA coordinator who analyzes and processes FOIA requests received at the regional office and has oversight of the National Forest level FOIA coordinators. Each Forest level FOIA coordinator responds to requests received by the forest; this level has no denial authority and must refer to the respective regional FOIA coordinator a request, in whole or in part, that requires a denial of any nature. Finally, other discrete, organizational elements of the Forest Service also have FOIA coordinators; however, as a group these units received very few requests.

## B. Areas Selected for Review

Forest Service reviewed the following areas of its FOIA program:

- Communication with Requesters
- Automated Tracking
- Backlog Reduction
- Proactive disclosure of agency records

## C. Summary of Results of Review

The agency review revealed that in its communication with its requesters, at all levels within the agency, FOIA coordinators and analysts are quick to contact a requester to clarify a request. Because about 80% of requests are answered within the statutory time period, few regional or National Forest level coordinators send acknowledgement letters. The review disclosed that the headquarters level needed to improve its communications with those who appeal because legal review may take considerable time.

When reviewing the automated tracking capabilities of the agency, Forest Service found that some regions have no automated system and that those with systems often have systems that do not work with the systems of the other coordinators. Similarly, the review found that only one of the existing systems had the capability to produce the annual FOIA report.

Review of the backlog yielded a backlog of 64 as of December 31, 2005. The backlog is almost entirely within the headquarters.

The review also examined proactive disclosure of agency records. While Forest Service web sites contain massive amounts of information. A typical FOIA request still must rely upon providing paper or other electronic records.

#### **D. Areas Selected for Improvement**

The FS has selected the following as improvement areas:

- Proactive disclosure of information
- Improvement of agency's FOIA Reference Guide
- Automated tracking capabilities
- Troubleshooting of any existing problems (even minor ones) with existing request tracking
- Expedited processing
- Backlog reduction/elimination
- Overall FOIA Web site Improvement
- Case-by-case Problem Identification
- Additional training

#### **E: IMPROVEMENT AREA PLANS:**

Specifically, the Forest Service plans to:

Establish criteria to identify types of records that should be posted on the web

- By December 31, 2006
- Criteria will be developed by November 15, 2006
- Criteria will be disseminated to agency personnel by December 31, 2006.

Revise its FOIA Reference Guide currently found on the web

- By March 31, 2007
- Initial revision by October 31, 2006
- Review initial revision by December 15, 2006
- Send to Regional FOIA Coordinators for comment on December 15, 2006
- Obtain feedback by mid January 2007
- Make necessary revisions by end of February 2007
- Post updated Reference Guide by March 31, 2007

Procure a new electronic tracking/redacting system with enhanced features

- By September 30, 2007
- Secured funds - *Completed September 30, 2006*

- Implement first phase (install/configure system, train staff at headquarters) by February 2007
- Implement second phase for Regional FOIA Coordinators
- By June 30, 2007

Develop and use prompt responses to notify requesters of receipt of request, of issues related to unperfected request, or date appeal was sent to OGC for review

- **Completed August 31, 2006**
- Prompt Responses in use

Develop and use prompt responses to notify requesters of determinations on requests for expedited review

- **Completed July 31, 2006**
- Prompt responses in use

Reduce or eliminate the backlog

- Continue to provide timely reminders to staff FOIA coordinators regarding overdue FOIA requests
- Continue sending overdue reports to program area staff directors who must provide responsive records to the FOIA Office.
- Begin sending overdue reports to the Deputy Chiefs for their program areas
  - Developed format for the overdue report – **Completed March 31, 2006**
  - Obtained approval to send report – **Completed March 31, 2006**
  - Sent out first overdue report – **Completed April 2006**
- Exclusive of those in the Office of the General Counsel, eliminate 75% of the backlog (42) existing on December 31, 2005
- **Completed September 30, 2006**

Improve FOIA Website

- Review headquarters FOIA website and update as required
- **Complete August 31, 2006**
- FS will review the Regional FOIA websites and update as required
- By end of January 2007
- All Regional websites will be updated
- By end of March 2007

On a case-by-case basis, identify and share common problems and the solutions to those problems

- Include an agenda item and time set aside at each regularly scheduled FOIA Coordinators conference call to discuss problem areas and/or problems that arose in the processing of FOIA requests.
- Immediate
- Agenda item will be established for each meeting

Provide training needed (formal and/or on-the-job)

- Continue to provide FOIA training opportunities to agency FOIA coordinators
  - Regional FOIA Coordinators will continue to provide training to the forest FOIA coordinators.
  - Headquarters FOIA group will continue to provide quarterly training to WO staff FOIA coordinators.
- Immediate
- Recorded training sessions held and number of attendees per session
- Training is on-going

#### **F. Improvement areas by time periods**

##### 1. By December 31, 2006

- Proactive disclosure of information
- Troubleshooting of any existing problems with existing request tracking
- Expedited processing
- Backlog reduction/elimination
- Case-by-case Problem Identification
- Process by which necessary Cooperation Is Obtained from Agency Program Personnel
- Additional training

##### 2. By December 31, 2007

- Improvement of agency's FOIA Reference Guide
- Automated tracking capabilities
- Overall FOIA Web Site Improvement

##### 3. After December 31, 2007

None

### **GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION (GIPSA)**

#### **A. NATURE OF GIPSA'S FOIA OPERATIONS**

GIPSA's FOIA responsibilities are a collateral duty for two people who serve as FOIA coordinators—one person handles the Federal Grain Inspection Service (FGIS) requests while the other person handles the Packers and Stockyards Program (P&SP) requests. The majority of FOIA requests GIPSA receives seek the release of grain inspection and weighing documentation; complaints and investigation reports which require extensive and careful redaction under the law and review by USDA's Office of the General Counsel; and lists of packers and registrants (livestock dealers and auction markets). Approximately 40 percent of GIPSA's FOIA coordinators' time is devoted to FOIA issues and operations. GIPSA processes approximately between 80 and 90 FOIA requests per year. Although the number of requests is not large, the time needed for expert management is substantial.

GIPSA headquarters' office will be reorganized beginning October 1, 2006. One of the objectives of this reorganization is to consolidate a wide array of support services currently handled in various office throughout the D.C. complex into one office—the Management Support Staff (MSS). FOIA processing and operations, which have been handled by one person from each of the Agency program areas, now will be handled by one person in the MSS who already is knowledgeable and proficient in FOIA laws, guidelines, and processing.

## **B. AREAS SELECTED FOR REVIEW**

GIPSA reviewed the following potential improvement areas:

- Affirmative disclosure under subsection (a)(2)
- Proactive disclosure of information
- Improvement of Agency's FOIA Reference Guide and Directive
- Automated tracking capabilities
- Electronic FOIA—automated processing

## **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

The Grain Inspection, Packers and Stockyards Administration (GIPSA) works to ensure a productive and competitive global marketplace for U.S. agricultural products. One of GIPSA's programs, the Packers and Stockyards Programs (P&SP), promotes fair and competitive markets for livestock, meat, and poultry by enforcing the Packers and Stockyards Act of 1921. The other program, the Federal Grain Inspection Service (FGIS), provides the U.S. grain market with Federal quality standards and a uniform system for applying them. FGIS has both service and regulatory roles, and was founded to provide impartial, accurate quality and quantity measurements to create an environment that promotes fairness and efficiency.

GIPSA's headquarters offices are located in Washington, D.C., as well as having many offices located throughout the country. The FGIS program has 9 field offices, 1 Federal/State Office, and 8 suboffices; the P&S program has 3 regional offices.

All FOIA requests are processed from the headquarters offices; however, many search efforts require that we request the records from GIPSA's offices across the country. Sometimes this results in processing delays. We also receive requests for complaints, investigation case files,

and recommendation reports. These types of records are confidential and sensitive and often times require that much of the information be redacted and withheld from disclosure based upon the FOIA exemption(s). GIPSA processing guidelines require that these records and FOIA response be reviewed and approved by the Office of General Counsel which again can result in processing delays. GIPSA makes a concerted effort to respond to requests within the 20 business day time frame; but if this cannot be accomplished, we send an interim response to the requester estimating the number of responsive documents, the time to complete the request, and a cost estimate for completion.

GIPSA provides very responsive and excellent service for the FOIA program. We contact requesters by email, telephone, or by letter to clarify requests to the extent possible which enables the FOIA coordinators to know the status of the requests. We also maintain an EXCEL spreadsheet to log and to track FOIA requests, and we update the log as requests progress in the system.

GIPSA allows any form of written request for information under FOIA—letter, email, facsimile, and telephone requests, which enables the program to be more citizen friendly.

#### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR GIPSA**

- Improvement of Agency's FOIA Reference Guide and Directive
- Proactive Disclosure of information

#### **E. IMPROVEMENT AREA PLANS**

##### **1. Improvement of Agency's FOIA Reference Guide and Directive**

**Goal:** Provide current and up to date information regarding GIPSA's FOIA program on the GIPSA website and Agency directive due to the Agency reorganization

**Target Completion: June 2007**

**Steps:**

- Review reference guide and directive (to be completed by December 2006)
- Draft new reference guide and directive (to be completed by March 2007)
- Circulate revised directive to GIPSA management for input and concurrence (to be completed by May 2007)
- Post new reference guide and directive (to be completed by June 2007)

## **2. Proactive Disclosure of Information**

**Goal:** Consider posting additional records to GIPSA's website, such as P&SP registrant lists and other frequently requested records

**Target Completion: September 2007**

### **Steps:**

- Review GIPSA's FOIA log and the information currently on GIPSA's FOIA website to determine if the website should provide other frequently requested records that are not already posted (to be completed by January 2007)
- Notify GIPSA management if the determination is made that additional information should be posted to the website (to be completed by April 2007)
- Post additional information to website based on GIPSA management decision (to be completed by September 2007)

## **F. IMPROVEMENT TIME PERIODS**

### **Area anticipated to be completed by June 2007:**

- Improvement of Agency's FOIA Reference Guide and Directive

### **Area anticipated to be completed by September 2007:**

- Proactive Disclosure of Information

## **NATIONAL APPEALS DIVISION (NAD)**

### **A. NATURE OF NAD'S FOIA OPERATIONS**

NAD has a centralized FOIA program. It is operated out of NAD Head Quarters in Alexandria, VA. I am the only person authorized to handle FOAI requests for NAD. All incoming FOIA request are received in my office. When necessary, I contact the requester by telephone to clarify FOIA requests. I produce and sign all FOIA responses. The entire NAD staff is instructed to forward all FOIA related correspondence to my office.

### **B. AREAS SELECTED FOR REVIEW**

NAD reviewed the following potential areas for improvement:

- Clarity of FOIA requests and responses-expedited responses
- Acknowledgement letters

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

NAD handles a very small number of FOIA requests each year. All incoming FOIA request are received in a one-person office. When necessary, the requester is contacted by telephone to clarify FOIA requests. All FOIA responses are produced and signed by the single FOIA officer. The entire NAD staff is instructed to forward all FOIA related correspondence to the single FOIA office. There appears to be no problems with communication between the NAD FOIA officer and the requestors.

### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR NAD**

Not applicable because of the small number of FOIA requests.

### **E. IMPROVEMENT AREA PLANS**

Not applicable because of the small number of FOIA requests.

### **F. IMPROVEMENT TIME PERIODS**

Not applicable because of the small number of FOIA requests.

## **NRCS PLAN/REPORT**

### **A. Characterize overall nature of agency's FOIA operations (degree of detail optional), with optional reference to areas preliminarily considered for agency review.**

All FOIA requests to NRCS are generally sent to either the NRCS State Office or to the national office. For requests for records in the state, the name and state office address of the State Conservationist or the State FOIA/PA Officer is provided to the requester from headquarters or state staff or may be obtained from the NRCS website. Requests for records which are national in scope should be sent to the National FOIA Officer located in Beltsville, Maryland. Information about the FOIA process can be obtained from the NRCS website.

NRCS has a decentralized FOIA program. There is one headquarters office, 50 state offices, and numerous field and area offices. Each state has an appointed FOIA/PA Officer. All FOIA and PA requests for records in the state must be referred to that person for processing.

NRCS takes a personable approach when communicating with requesters. NRCS responds to FOIA requests by mailing personal letters to requesters. These letters may include an acknowledgement of receiving the request, the status of a pending request or appeal, and a response regarding the outcome of the request, which may include the mailing of responsive documents. Letters may also address particular needs or concerns of the requester. Moreover, letters are generated by headquarters and state staffs on office computers using word processing software. Telephone calls and electronic mail messages are also used to communicate with requesters.

NRCS maintains a FOIA website which contains final opinions and adjudications (currently under construction), information on how to make a request to NRCS, including information on fees, a FOIA reading room which provides links to frequent FOIA requests, and contact information for headquarters and state offices. The Agency's policy on FOIA may also be located on the website. The Electronic Directives System, also located on the NRCS website, provides access to manuals, handbooks and technical references issued by the Agency. Records provided to three or more requesters in a particular state may be listed on the NRCS website specific to that state.

NRCS considers as challenges to its FOIA operations training of state and field personnel, maintaining uniformity of responses, and backlog of requests. NRCS has improved in these areas but would like to see increased improvement.

### **B. List all areas selected for review**

Please see Agency Planning Document

**C. Include narrative statement summarizing results of review.**

Please see Agency Planning Document

**D. List all areas chosen as improvement areas for agency plan.**

Affirmative Disclosure under subsection (a)(2)  
Proactive disclosure of information  
Overall FOIA website improvement  
Improvement of agency's FOIA Reference Guide  
Automated tracking capabilities  
Electronic FOIA--automated processing  
Multi-track processing  
Troubleshooting of any existing problems  
Expedited processing  
Backlog/reduction elimination  
Politeness/courtesy  
Forms of communication with requesters  
Process by which necessary cooperation is obtained from agency "program personnel"  
Additional training needed  
Contracting out/hiring of contract employees  
Recycling of improvement information gleaned from FOIA Requester Service Centers

**E. For each improvement area provide:**

**1. Name (e.g., backlog reduction/elimination)**

Affirmative disclosure under subsection (a)(2)

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Disclosure is already on website but would like to provide monthly updates

**3. List of all distinct steps planned to be taken**

Monthly monitoring of website to be certain it contains the most updated information

Any changes should be updated to the website within 14 days

**4. Time milestones (in relation to specific timetables and outcomes)**

Monthly updates and monitoring

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Reviewing updated material on website

**1. Name (e.g., backlog reduction/elimination)**

Proactive disclosure of information

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Make public information readily available

**3. List of all distinct steps planned to be taken**

Monthly monitoring of website to be certain it contains public information

Coordinate with state offices

Changes should be updated to the website within 14 days

**4. Time milestones (in relation to specific timetables and outcomes)**

Monthly updates and monitoring

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Reviewing updated material on website and success of communicating with state offices

**1. Name (e.g., backlog reduction/elimination)**

Overall FOIA website improvement

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Monthly monitoring that the information provided on website is current

**3. List of all distinct steps planned to be taken**

Monthly monitoring of website to be certain it contains the most updated information

Any changes should be updated to the website within 14 days

**4. Time milestones (in relation to specific timetables and outcomes)**

Monthly updates and monitoring

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Reviewing updated material on website

**1. Name (e.g., backlog reduction/elimination)**

Improvement of agency's FOIA reference guide

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Provide updates as necessary and yearly monitoring

**3. List of all distinct steps planned to be taken**

Coordinate with state and field offices to obtain and updates

**4. Time milestones (in relation to specific timetables and outcomes)**

Updates as necessary and monitoring

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Successful coordinating with state and field offices

**1. Name (e.g., backlog reduction/elimination)**

Automated tracking capabilities

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Develop uniform national and state office tracking system

**3. List of all distinct steps planned to be taken**

Coordinate with state and field offices as necessary to develop and implement system

**4. Time milestones (in relation to specific timetables and outcomes)**

Coordinate with state offices by October 2006 and yearly updates as necessary

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Successful coordination with state offices and implementation of system

**1. Name (e.g., backlog reduction/elimination)**

Electronic FOIA--automated processing

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Research agency need and budget allocations to determine if automated processing is feasible at this time

**3. List of all distinct steps planned to be taken**

By October 2006, have a plan in place to begin research  
Have research completed by December 2006

**4. Time milestones (in relation to specific timetables and outcomes)**

By October 2006, have a plan in place to begin research  
Have research completed by December 2006

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

If states determine that there is a need at this time then the research will be considered successful. Feasibility will also be considered.

**1. Name (e.g., backlog reduction/elimination)**

Multi-track processing

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To develop and implement once need has been assessed by state and national offices

**3. List of all distinct steps planned to be taken**

Coordinate with state and field offices to determine if there is a need for multi-track processing

**4. Time milestones (in relation to specific timetables and outcomes)**

Monthly updates and monitoring

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Successful coordination with state and field offices

**1. Name (e.g., backlog reduction/elimination)**

Troubleshooting of any existing problems (even minor ones) with existing request tracking

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Coordinating with state and field offices to develop a uniform process to manage problems with request tracking

Provide training on request tracking

**3. List of all distinct steps planned to be taken**

Coordinating with state and field offices to determine the best plan available

**4. Time milestones (in relation to specific timetables and outcomes)**

Updating yearly as needed

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Successful coordination with state and field offices

Implementation of troubleshooting process

**1. Name (e.g., backlog reduction/elimination)**

Expedited processing

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Develop uniform national and state office tracking system

**3. List of all distinct steps planned to be taken**

Coordinate with state and field offices to determine need

Have national office determine tracking system from state and field input

**4. Time milestones (in relation to specific timetables and outcomes)**

Yearly reviews

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

All state offices implementing system

**1. Name (e.g., backlog reduction/elimination)**

Backlog/reduction elimination

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To reduce backlog or eliminate it through state and field office training and coordination/training to program personnel

**3. List of all distinct steps planned to be taken**

Provide regional agency training on FOIA

**4. Time milestones (in relation to specific timetables and outcomes)**

Beginning in fall 2006, begin training seminars to be completed by December 2007.

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

A reduction of pending requests and program personnel providing documents prior to the 20 day time limit

**1. Name (e.g., backlog reduction/elimination)**

Politeness/courtesy

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To make state FOIA personnel customer friendly

**3. List of all distinct steps planned to be taken**

Provide customer service training as a part of the FOIA training

**4. Time milestones (in relation to specific timetables and outcomes)**

Begin with regional training to be completed by December 2007

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Better customer service and reduction of time delays

**1. Name (e.g., backlog reduction/elimination)**

Forms of communication with requesters

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

Continue providing excellent communication via email, fax, and letters, and telephone calls.

**3. List of all distinct steps planned to be taken**

State and field office customer service training

**4. Time milestones (in relation to specific timetables and outcomes)**

Yearly monitoring and updating the communication process

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Measure state and field office input and requester satisfaction

**1. Name (e.g., backlog reduction/elimination)**

Process by which necessary cooperation is obtained from agency "program personnel"

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To make program personnel aware of the time limits under FOIA and stress document search importance

**3. List of all distinct steps planned to be taken**

Program personnel training

**4. Time milestones (in relation to specific timetables and outcomes)**

Keep lines of communication open yearly

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Document search and release to the appropriate agency FOIA officer for review prior to release within time limits

**1. Name (e.g., backlog reduction/elimination)**

Additional training needed

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To provide training to all regional FOIA officers and program personnel

**3. List of all distinct steps planned to be taken**

Encourage state FOIA officers to attend training sponsored by DOJ, USDA Graduate School, and NRCS

**4. Time milestones (in relation to specific timetables and outcomes)**

Begin in 2006 and complete in 2007

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Decrease in national office phone calls and reduction in backlog

**1. Name (e.g., backlog reduction/elimination)**

Contracting out/hiring of contract employees

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To assist with overload at national level and provide assistance to state FOIA personnel

**3. List of all distinct steps planned to be taken**

Discuss with management the need to provide additional assistance

**4. Time milestones (in relation to specific timetables and outcomes)**

Discuss immediately with management

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Assistance provided by contractor

Decrease in backlog of work including review of documents for appeal

**1. Name (e.g., backlog reduction/elimination)**

Recycling of improvement information gleaned from FOIA Requester Service Centers

**2. Brief statement of goal(s)/objective(s)(i.e., improvement(s) sought to be made)**

To assess how agency is providing FOIA services

**3. List of all distinct steps planned to be taken**

Obtain state office input and develop form

**4. Time milestones (in relation to specific timetables and outcomes)**

Discuss with state and field offices; to be completed in 2007

**5. Means of measurement of success (e.g., quantitative assessment of backlog reduction expressed in numbers of pending requests, percentages, or working days)**

Positive feedback forms from requesters

**F. For the entire plan, group the improvement areas into the following time periods:**

**1. Areas anticipated to be completed by December 31, 2006**

- Affirmative disclosure under subsection (a)(2)
- Proactive disclosure of information
- Overall FOIA website improvement
- Improvement of agency's FOIA reference guide
- Automated tracking capabilities
- Electronic FOIA--automated processing
- Multi-track processing
- Troubleshooting with existing request tracking
- Expedited processing
- Contracting out/hiring of contract employees

**2. Areas anticipated to be completed by December 31, 2007**

- Electronic FOIA--automated processing
- Backlog/reduction elimination
- Politeness/courtesy
- Forms of communication with requesters
- Process by which necessary cooperation is obtained from agency "program personnel"
- Additional training needed
- Recycling of improvement information gleaned from FOIA Requester Service Centers

**3. Areas anticipated to be completed after December 31, 2007**

None at this time

## **OFFICE OF BUDGET AND PROGRAM ANALYSIS (OBPA)**

### **A. NATURE OF OBPA'S FOIA OPERATIONS**

OBPA is staffed with one person as the Freedom of Information Act/Privacy Act Officer. The vast majority of FOIA requests received by OBPA are ones that are sent to every agency in the Department or requests that are mistakenly sent to the Budget Office instead of the Chief Financial Office. OBPA processed 10 requests in fiscal year (FY) 2005 and to date has processed 16 requests for fiscal year 2006. As the number of requests is small, OBPA's FOIA Officer spends 5% of their time a year on FOIA related matters. Also as the number is relatively small, OBPA is able to respond quickly to requests and therefore does not have a backlog.

### **B. AREAS SELECTED FOR REVIEW**

OBPA reviewed the following potential improvement areas:

- Electronic FOIA—automated tracking
- Acknowledgement Letters
- Politeness/courtesy

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

OBPA's FOIA office by large is efficiently run. Requests are received and promptly responded to within a few days by the manner in which the requestor stated they would prefer.

However there are always areas of improvement and OBPA has decided to update our tracking system to an electronic process from our paper tracking system and to become more user friendly to the public. We have updated our contact information and have tried to respond to requests in a manner that encourages the requestor to have no hesitation in contacting OBPA again by being more personable instead of a dry and sterile.

I have found no need for acknowledge letters as OBPA typically responds to requests in a few days; however, we will not hesitate to send one if the request appears to require it.

### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR DA**

- Electronic FOIA—automated tracking
- Politeness/courtesy

## **E. IMPROVEMENT AREA PLANS**

### **1. Electronic FOIA-Automated processing.**

**Goal:** To set up an electronic tracking document that can be reviewed at any time by the FOIA Service Center and the Public Liaison.

**Target completion: 12-31-06 (Completed)**

#### **Steps**

- I created a table in Microsoft Excel and had our IT staff create a public FOIA folder for the document. I also went back and was able to add the requests from FY 2002 through the present.

### **2. Politeness/Courtesy**

**Goal:** OBPA's goal is to have our FOIA office be thought of as efficient, helpful and friendly by all requestors.

**Target completion: 12-31-06 (Completed)**

#### **Steps**

- Have updated USDA's contact information on our website to include specific FOIA contact information and have created a FOIA e-mail address for OBPA.
- The FOIA Officer will leave additional contact information for a back-up if they will be out of the office for more than a day.
- Respond to every request efficiently and friendly. All letters include the phrase, "If we can be of further assistance, please do not hesitate to contact us".

## **F. IMPROVEMENT TIME PERIODS**

**Areas anticipated to be completed by 12-31-06 (Both items have been completed)**

- Electronic FOIA—automated tracking
- Politeness/courtesy

## **OFFICE OF THE CHIEF FINANCIAL OFFICER (OCFO)**

### **A. Nature of OCFO's FOIA Operations**

The Office of the Chief Financial Officer is comprised of the Chief Financial Officer, the Deputy Chief Financial Officer, three Associate Chief Financial Officers in Headquarters, and the National Finance Center (NFC) located in New Orleans, LA. A brief overview of responsibilities is set forth below.

OCFO is responsible for developing current, intermediate and long-range policies, programs, plans, standards, systems and procedures to carry out USDA financial management functions and Federal Chief Financial Officer legislative mandates. The Chief Financial Officer advises the Secretary, USDA and its general officers on the financial aspects of planning, developing, and executing Departmental policies and programs. The Chief Financial Officer represents USDA interests in all financial matters that require coordination with other executive branch agencies, Congress, and the private sector. The Chief Financial Officer directs the development of USDA wide automated financial systems; the effective recording and accounting of USDA expenditures; and the operation of the Working Capital Fund.

OCFO receives approximately 50 to 60 inquiries for information annually. Most of the Freedom of Information Act (FOIA) requests received in Headquarters are referred to other USDA agencies. Requestors are referred to individual USDA agency FOIA contacts or the Department FOIA coordinator if we are unable to determine the source of the agency records or if it involves more than one USDA agency.

The FY 2005 FOIA OCFO Report included a total of 19 FOIA requests processed by OCFO, including the National Finance Center (NFC). For NFC, the majority of FOIA requests involve personnel records which are frequently referred to the agency personnel office at the servicing agency.

OCFO maintains a FOIA web page that lists the OCFO and NFC FOIA liaison contact information. The FOIA web page also provides information about how to file a FOIA request. Copies of the agency FOIA Reports are also published on this agency web page.

### **B. AREAS SELECTED FOR REVIEW**

OCFO reviewed the following potential areas for improvement:

- Electronic FOIA – automated processing
- Clarity of FOIA requests and responses-expedited responses
- Acknowledgement letters
- Backlog reduction
- Politeness/courtesy

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

We use an electronic word table log to track FOIA requests. Separate logs are maintained by Headquarters and NFC. The information is combined at the end of the year to prepare the annual OCFO FOIA report. The information on the log includes the name of FOIA requestor, date of FOIA request, number of days to process, exemptions applicable, and final status of the request. Given the small number of FOIA requests processed annually, it is not necessary to track communication with requestors. In Headquarters, we frequently receive inquiries from the public that need to be directed to other offices at USDA. The FOIA liaison calls or emails the requestor and refers them to the program office or USDA offices that may have information responsive to their requests. So, acknowledgement letters aren't needed.

Requests for information are received via telephone, electronic mail, facsimile and regular mail. OCFO has one FOIA liaison for Headquarters, and another FOIA liaison for the NFC. Responses to FOIA requests are prepared separately by Headquarters and the NFC. However, copies of the responses by NFC are sent to the Headquarters office as all FOIA appeals are handled centrally in Headquarters. There is frequent interaction and consultation between Headquarters and the NFC on pending FOIA requests. We receive very few, if any, FOIA appeals. In FY 2005, there were no FOIA appeals filed.

Given the small number of FOIA requests received by OCFO, requests for expedited processing are not received frequently. However, if a request for expedited processing is received; it is granted if request meets the criteria in Department regulations. Most of the requests for expedited processing are received from news organizations and are usually sent to all USDA agencies. So, the Department coordinator usually establishes the deadline for responses and any coordination needed.

OCFO Headquarters and NFC maintain a large number of policies and procedures on their respective web pages. Any information about OCFO and NFC available to the public is usually published on our web pages. OCFO doesn't recall an instance when three or more requestors asked for the same records due to the small volume of FOIA requests processed by OCFO.

OCFO has not experienced a backlog in responding to FOIA requests or appeals because of the small number of FOIA requests. Most requests are processed within 20 working days, unless they are complex and involve an extensive search for records. However, appeals generally take several months as they require review by the Office of the General Counsel. We contact the FOIA requestor by email or telephone if we need clarification about the records search or if there are any difficulties processing the request.

The FOIA Liaison in Headquarters also receives emails and telephone calls for USDA records or request for assistance about who to contact in USDA to obtain records on loans, grants or program payments, and other records not maintained by the OCFO. The OCFO FOIA liaison contacts other USDA FOIA liaisons or the Department FOIA coordinator to identify where the records are located in USDA and then promptly calls or emails the FOIA requestor back to identify the USDA office where the FOIA request should be made.

**D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR OCFO**

Not applicable because of the small number of FOIA requests.

**E. IMPROVEMENT AREA PLANS**

Not applicable because of the small number of FOIA requests.

**F. IMPROVEMENT TIME PERIODS**

Not applicable because of the small number of FOIA requests.

## **OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)**

### **A. Nature of OCIO's FOIA Operations**

OCIO has a centralized FOIA Program located in the OCIO Cyber Security office. OCIO has processing centers and staff at the National Finance Center, National Information Technology Center and at various technical support areas throughout USDA. All OCIO FOIA requests are forwarded to OCIO Cyber Security for processing.

### **B. AREAS SELECTED FOR REVIEW**

OCIO reviewed the following potential areas for improvement:

- Electronic FOIA – automated processing
- Clarity of FOIA requests and responses-expedited responses
- Acknowledgement letters
- Backlog reduction
- Politeness/courtesy

### **C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

At the present time, no aspect of the OICO FOIA process has been automated. However, OCIO is working with OCE to implement a FOIA tracking capability utilizing the ECCM software OCE uses to track and monitor correspondence in their area.

Given the small number of requests OCIO receives and the focused area of information requested (i.e., number of staff, type of staff positions, budget items, salary data, etc.), the implementation of an automated correspondence tracking and monitoring capability should ensure the timely handling of the limited volume (8 - 12 annually) and types of requests.

### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR OCIO**

Implement an automated request tracking and monitoring capability.

### **E. IMPROVEMENT AREA PLANS**

Work with OCE to utilize their ECCM software to pilot and administer automated request tracking and monitoring capability.

### **F. IMPROVEMENT TIME PERIODS**

Implement pilot request tracking and monitoring capability by February 2007.

## OFFICE OF THE GENERAL COUNSEL

### **A. Characterize overall nature of agency's FOIA operations (degree of detail optional), with optional reference to areas preliminarily considered for agency review. (Agencies may also describe any particular FOIA challenges that they face.)**

The Office of the General Counsel (OGC) receives approximately 15 to 20 Freedom of Information Requests for its own records each year, and as many as 5 appeals. Within OGC, major FOIA responsibility falls to the General Law Division (GLD). The head of GLD is the FOIA Officer for OGC nationwide.

The primary interface that OGC makes with FOIA is in advising clients, reviewing for legal sufficiency any withholding on appeal, and providing litigation support to the Department of Justice, including to United States Attorneys' offices. These responsibilities fall upon six attorneys within GLD. The office receives innumerable telephone calls for advice from colleagues and the 30-plus client agencies and staff offices of the Department. There are frequent in-person discussions with agency FOIA and Program personnel to analyze requests, where to look for records, and substantive positions to take on particular requests. Program divisions and field offices of OGC also advise clients concerning FOIA issues.

In addition, the Division reviews approximately 175-190 FOIA appeals each year. Most of these are complex, involving numerous pages of documents and raising multiple legal issues. Review in GLD often results in examination of issues not discerned upon initial request additional document release on appeal. GLD carefully reviews each FOIA appeal in which withholding is proposed in order to guarantee maximum release in accordance with the law.

Each FOIA attorney in the Division generally has three or four active FOIA civil actions at any given time. Frequently OGC attorneys draft memoranda in support of motions for summary judgment, and *Vaughn* indices and declarations for filing in litigation.

### **B. LIST ALL AREAS SELECTED FOR REVIEW**

General Law Division selected the following areas for review:

1. Contact with requesters of OGC records.
2. Potential additional assistance to clients
3. Renewed and reinvigorated efforts to educate agency FOIA staff on preparation of appeal files, substantive areas of repeating issues, documenting search efforts, and preparation of *Vaughn* indices in litigation.
4. Internal administrative improvements.

### **C. INCLUDE NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW**

OGC determined that its responses to initial requests were in the main timely in light of the overall FOIA load, that searches are well-conducted, and that there is maximum disclosure, including waivers of privilege, where appropriate. GLD attorneys often contact requesters personally to discuss requests, and respond promptly to inquiries from requesters.

OGC considered the fact that its attorneys frequently provide written guidance to agency FOIA officers with respect to specific issues raised in appeals, and devotes a great deal of attorney time assisting clients and colleagues in Program Divisions and Field Offices in analyzing FOIA requests and appeals. In view of the current burden of FOIA appeals and litigation, OGC believes that it provides maximum support. We have decided we could provide additional assistance by drafting a uniform, Departmentwide cover sheet for all FOIA appeal packets to be filled out by agencies prior to submission to OGC. In addition, we believe that OGC could lend additional support to FOIA officers by preparing brief written guidance for program officials to be forwarded with each initial FOIA request. We have set a goal for these two items to be completed by November 30, 2007.

OGC has also developed a new standardized informational memorandum for clients to be dispatched to the appropriate client officials as soon as word is received that a civil action has been filed. We hope to instill a greater sense of urgency in responding to litigation and engender prompt response. This memorandum reemphasizes the reach of FOIA, and the burdens that agencies must carry in order to withhold documents.

Within GLD, we have instituted improved logging procedures to make it easier to retrieve information from our electronic tracking system with respect to all FOIA matters in the office. In addition, we have recently procured our own flatbed multi-page scanner to assist in passing documents to other locations.

### **D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR PLAN FOR OGC**

OGC handles very few FOIA requests as a program agency. These requests are handled expeditiously. Therefore, we have determined that the burdens of imposing an improvement plan would outweigh any potential benefit. Other than as indicated under heading "C" with respect to OGC obligations in connection with FOIA-related legal review and litigation, OGC has not created an improvement plan.

### **E. IMPROVEMENT AREA PLANS**

Not applicable because of the small number of FOIA requests.

### **F. IMPROVEMENT TIME PERIODS**

Not applicable because of the small number of FOIA requests.

## OFFICE OF THE INSPECTOR GENERAL

### **A. Characterize overall nature of agency's FOIA operations (degree of detail optional), with optional reference to areas preliminarily considered for agency review. (Agencies may also describe any particular FOIA challenges that they face.)**

OIG has a centralized FOIA program. We have field office locations, but they do not process FOIA requests. All FOIA processing is done at OIG Headquarters. We accept FOIA requests by regular mail, by phone and by fax, and have a dedicated FOIA mailbox on the internet. We are available by phone to answer questions, to walk requestors through the process of making a FOIA request, to clarify FOIA requests, and to give the status of FOIA requests. We receive many phone calls in connection with FOIA/PA requests.

The OIG FOIA program is found at 7 C.F.R. Part 2620. OIG Office of Counsel (of which the FOIA Staff is a part) processes and advises the Inspector General on FOIA appeals. All FOIA appeals are decided by the Inspector General.

OIG has its own FOIA program and handles its own appeals due to OIG's statutory independence within USDA. Additionally, many OIG records, particularly criminal investigation records and sensitive audit records and materials, present specialized concerns regarding FOIA processing

Staffing consists of four full time employees who work on FOIA matters: a FOIA Attorney, who acts as the Team Leader, a Management Analyst, a FOIA Administrative Assistant, and a FOIA Paralegal, who started on April 17, 2006, but is currently on maternity leave. Supervisory oversight is provided by the Deputy Counsel to the IG for Congressional and Media Affairs, who in turn reports to the Counsel to the IG.

OIG utilizes the ARGOS system, which is an Oracle database that provides all functions required for FOIA tracking. We use ARGOS to track and log requests, send out acknowledgment letters (both on initial requests and appeals), and to calculate our numbers for the annual report, our monthly reports, and the OIG's Semiannual Report to Congress. Searches for responsive documents are also made on this system based upon the information provided by requesters.

Pursuant to the DOJ guidelines, expedited processing has been granted in instances where the media requester has established an urgent need to inform the public concerning an OIG matter. Litigation deadlines also may be cause for expedited processing.

OIG has four tracks: 1) expedited, 2) a simple track, 3) a complex track, and 4) a remanded track for appeals that are remanded to FOIA staff for initial processing. Remanded cases occur, for example, in instances when an Exemption 7(A) case is no longer open, and the IG as the appellate authority remands the case for further processing.

OIG's website at <http://www.usda.gov/oig/index.htm> has many final products of OIG online, including our audit reports, investigative summaries, and the Inspector General's Congressional testimonies. Because our investigative reports are frequently part of a Privacy Act record, and additionally often contain sensitive information on subjects and witnesses, as well as on law enforcement techniques, we generally do not post our investigative reports. Instead, we post sanitized summaries of investigative results.

The website also contains detailed instructions on how to submit a FOIA request to OIG. We accept requests by e-mail, fax or by regular mail, as stated on our FOIA page at <http://www.usda.gov/oig/foiareq.htm>. Our annual reports are also listed on our FOIA website, as well as links to the Department's FOIA websites. See <http://www.usda.gov/oig/foia.htm>.

OIG FOIA Staff routinely provides courteous service to each FOIA requester, and provides alternative phone numbers for a member of the staff when they are on any extended leave from the office.

OIG has had a significant backlog in the past which is, with continued effort, showing steady improvement. In April of 2004, the backlog stood at 142. In FY 2004, we processed 226 FOIAs, including five appeals. In FY 2005, we processed 201 FOIAs, including 15 appeals. As of April 31, 2006, the backlog was 67. We are working to continue this downward trend

**B. LIST ALL AREAS SELECTED FOR REVIEW:**

Backlog, website improvement, various other processes as described.

**C. INCLUDE NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW:**

Our biggest challenge is our backlog. To eliminate/reduce the backlog, the following steps have been taken:

1. In February 2006, we requested and were granted authority to hire an additional, full time FOIA staff person (a Paralegal) to work solely on processing FOIAs. However, because this new hire is on maternity leave, we are in the process of hiring a temporary contractor to fill in for her so that we do not "lose ground." Additionally, we will have a college student intern over the summer, which we will use to assist us in further improving our OIG FOIA website, and to provide input for a FOIA Reference Guide.
2. We continue to train staff, including attorneys working on appeals.
3. We have established monthly internal FOIA meetings. These meetings are devoted to awareness and education, including the discussion of new ideas that may have been learned from other sources such as DOJ or ASAP-sponsored training. We also use these

meetings to coordinate high priority or complex response efforts and to discuss FOIA policies and procedures that are working well, the implementation of new or improved “best practices,” issues and requests needing special attention, and any problem areas that have arisen.

4. We periodically examine our internal work practices, which are captured in our “Workflow & Procedures.” This gives us opportunity to identify bottlenecks in our process, so that we can try to resolve them as they arise. Examples in the past have included making website improvements, instituting new processing tracks, and making updates to the acknowledgement letter.

5. Several FOIA staffers typically devote several days each month to a joint effort to process “Old Dogs.” These are typically the oldest and larger FOIA cases in our backlog. We have found that working together on these helps to clear them out in a more expeditious fashion.

6. We have established a bifurcated process for handling FOIA appeals. The appeals are processed by attorneys in the OIG Office of Counsel.<sup>1</sup> This bifurcation was done to further alleviate the workload on the FOIA Staff, allow them to focus on initial requests, and to allow a different “processor” to take a “fresh look” upon appeal at the reasons for withholding or redacting documents at the initial processing stage.

7. FOIA Staff revised OIG’s FOIA webpage, adding a FOIA Service Center and a Public Liaison as the public’s point of contact for FOIA inquiries.

To eliminate/reduce the backlog, the follows steps are being considered:

1. We will continue to review and improve our website, including having a link to the Department’s Handbook online.
2. We are also looking into the feasibility of establishing an OIG automated redaction system, and are considering the feasibility of purchasing a new/improved copier, perhaps with scanning abilities.

**D. List all areas chosen as improvement areas for agency plan:**

Backlog reduction is of particular focus for OIG’s plan.

**E. For each improvement area provide:**

- 1. Name:** Backlog reduction.
- 2. Brief statement of goal(s)/objective(s):** Have a manageable backlog, with a goal of its elimination.
- 3. List of all distinct steps planned to be taken:** See above.

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<sup>1</sup> With consultation, as needed with the FOIA Attorney mentioned above, who acts as the Team Leader in the processing of initial FOIA requests.

**4. Time milestones (in relation to specific timetables and outcomes):** See below.

**5. Means of measurement of success: Backlog reduction expressed in numbers of pending requests.** Reduce pending requests numbers to 55 pending requests by December 2006. Reduce pending requests to 30 by December 2007.

**F. For the entire plan, group the improvement areas into the following time periods:**

**1. Areas anticipated to be completed by December 31, 2006:** Reduction of backlog to 55 requests.

**2. Areas anticipated to be completed by December 31, 2007:** Reduction of backlog to 30 requests.

**3. Areas anticipated to be completed after December 31, 2007:** Reduction of backlog to a number between 10 and zero.







































