

For: FSA Offices

**Freedom of Information Annual Report to USDA**

Approved by: Administrator



**1 Overview**

**A**

**Background**

In enacting the Electronic FOIA Amendments of 1996, Pub. L. No. 104-231, 110 Stat. 3048, Congress made major revisions to the part of FOIA, subsection (e), that pertains to submitting annual reports by Federal agencies to their administration of FOIA.

**B**

**Purpose**

Report MS-271P and FSA-537 do not capture the statistics needed to file an accurate report to the Departmental FOIA Officer. This notice provides:

- the categories of information needed to compile the FOIA Annual Report for future FY's
- the revised FSA-537.

**C**

**FOIA Contact**

If there are any questions about this notice, contact Diane Flores Korwin at 202-720-5534.

<p><b>Disposal Date</b></p> <p>January 1, 2002</p>	<p><b>Distribution</b></p> <p>All FSA Offices; State Offices relay to County Offices</p>
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## Notice INFO-20

### 2 Action

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#### A FOIA Action

The following basic required elements for annual FOIA reports are specified in the statute, as amended.

- The number of requests for records pending before the agency as of the end of FY.
- The median number of days that such requests had been pending before the agency as of that date.
- The number of requests for records received by the agency.
- The number of requests that the agency processed.
- A complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3).
- A description of whether a court has upheld the decision of the agency to withhold information under each such statute.
- A concise description of the scope of any information withheld under each such statute.
- The number of appeals made by persons under subsection (a)(6).
- The result of such appeals.
- The reason for the action upon each appeal that results in a denial of information.
- The total amount of fees collected by the agency for processing requests.
- The number of full-time staff of the agency devoted to processing requests for records under the Act.
- The total amount expended by the agency for processing such requests.

**Note:** The report is due at the end of October, except for FY 2000. **The due date for FY 2000 is November 30, 2000.**

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#### B State Office Action

State Offices shall immediately distribute this notice to County Offices.

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Notice INFO-20

**3 Annual FOIA Report (MS-271P)**

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**A**

**Report Due Dates**

**The due date for the FY 2000 report is November 30, 2000.**

All offices shall:

- log FOIA requests on FSA-534
- complete MS-271P for all FOIA activities for the previous FY
- prepare MS-271P on FSA-537.

**Note: All future FY reports are due October 30.**

Submit MS-271P's as follows:

- County Offices shall send MS-271P's to the State Office by October 15
  - each National Division or Office, APFO, KCCO, and KCAO shall send MS-271P to the Director, PAS, by October 30.
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**B**

**State Office Reporting for Future FY's**

State Offices shall:

- consolidate the County MS-271P's with the State MS-271P
  - submit the State MS-271P to the FOIA Officer, FSA, by October 30.
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**C**

**Reporting Requirements**

All offices responsible for FOIA processing, shall:

- obtain applicable information from FSA-534
  - enter the information on FSA-537, according to the following table.
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3 Annual FOIA Report (MS-271P) (Continued)

C  
Reporting  
Requirements

Item No.	Instructions
1	Enter the office name.
2	Enter the office location.
3	Enter FY being reported.
<b>PART A - NUMBER OF INITIAL REQUESTS</b> (Include all access requests, whether first or third party)	
4	Enter the number of requests pending at end of FY (previous year).
5	Enter the number of requests received during FY (reporting year).
6	Enter the number of requests processed during FY (reporting year).
7	Enter the number of requests pending at end of FY (reporting year).
<b>PART B - DISPOSITION OF INITIAL REQUESTS</b>	
8	Enter the number of total grants.
9	Enter the number of partial grants.
10	Enter the total number of denials .
11	Enter the number of times each FOIA exemption was used. Enter the number of times that <b>each</b> exemption was invoked to deny initial requests.  <b>Notes:</b> Count each exemption once per request. When reporting exemption 3 denials, state the applicable statute according to subparagraph 2A.
12A.	Enter the other reasons for non-disclosure: (total).
12B	Enter the number of no records.
12C	Enter the number of referred elsewhere.
12D	Enter the number of requests withdrawn.
12E	Enter the number of fee-related reasons.
12F	Enter the number of records not reasonably described.
12G	Enter the number of not a proper FOIA request.
12H	Enter the number of not an agency record.
12I	Enter the number of duplicate requests.
12J	Enter the number of other (specify).

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**Notice INFO-20**

**3 Annual FOIA Report (MS-271P) (Continued)**

**C  
Reporting  
Requirements  
(Continued)**

<b>Item No.</b>	<b>Instructions</b>
<p><b>PART C - MEDIAN PROCESSING TIME FOR REQUESTS</b>                      (Example for calculation of median: Given 7 request completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)</p>	
13A	Enter the number of simple requests (if multiple tracks used).
13B	Enter the median number of days to process.
14A	Enter the number of complex requests (specify for any and all tracks used).
14B	Enter the median days to process.
15A	Enter the number of expedited requests.
15B	Enter the number of median days to process.
<p><b>PART D - STATUS OF PENDING REQUESTS</b>                      (States using multiple tracks may provide numbers for each track as well as totals.)</p>	
16A	Enter the number of requests pending at end of FY (reporting year).
16B	Enter the number of median number of days requests were pending at end of FY (reporting year).
17A	Enter the total costs (include staff and all resources for processing FOIA requests).  <b>Note:</b> This amount covers all administrative costs associated with completing each FOIA request, even though FSA does not recover these costs from the requester.  <b>Example:</b> Expenditures include postage, supplies, reproduction, and salaries of employees who process FOIA requests.
17B	Statement of additional resources needed
18A.	Enter the total fees collected for search, review, duplication, and other direct costs permitted by agency regulations.  <b>Note:</b> Do not include sales of photocopies that are normally made from photographs obtained from APFO. Sales of aerial photographs obtained from APFO are not FOIA requests. Record fees from these sales on FSA-603.
18B	Enter the percentage of total costs.

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3 Annual FOIA Report (MS-271P) (Continued)

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**C**  
**Reporting**  
**Requirements**  
**(Continued)**

<b>Item No.</b>	<b>Instructions</b>
<b>PART E - STAFFING LEVELS</b>	
19A	Enter the number of full-time FOIA personnel.
19B	Enter the number of personnel with part-time or occasional FOIA duties (in work-years)
19C	Enter the total number of personnel (Work-years). Enter total amount expended for processing FOIA requests.
20	Enter remarks.
21	Sign, give title, and date prepared.

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3 Annual FOIA Report (MS-271P) (Continued)

D  
Example of  
FSA-537

The following is an example of FSA-537.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

<b>FSA-537</b> (11-17-00)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1 OFFICE NAME (State Office, KCCO, etc.)						
<b>ANNUAL FREEDOM OF INFORMATION ACT REPORT</b>  Report Control No. MS-271P				2 OFFICE LOCATION (City and State)						
				3 FISCAL YEAR (Reporting period)						
<b>PART A - NUMBER OF INITIAL REQUESTS</b>										
4 No. of Requests Pending at End of FY (Previous Year)		5 No. of Requests Received During FY (Reporting Year)		6 No. of Requests Processed During FY (Reporting Year)						
<b>PART B - DISPOSITION OF INITIAL REQUESTS</b>										
8 No. of Total Grants			9 No. of Partial Grants		10 Total No. of Denials					
11. No. of Denials for Each Redemption:										
Exemption No.	No. Times Each Exemption Was Invoked to Deny Initial Requests	Exemption No.	No. Times Each Exemption Was Invoked to Deny Initial Requests	Exemption No.	No. Times Each Exemption Was Invoked to Deny Initial Requests					
1		4		7A	7E					
2		5		7B	7F					
3	For Exemption 3, state applicable statute according to 2-INFO, subparagraph 20C.	6		7C	8					
				7D	9					
12A. Other Reasons for Non-Disclosure (Totals)	12B. No. of No Records	12C. Referred Elsewhere	12D. Request Withdrawn	12E. Fee-related Reason	12F. Records Not Reasonably Described	12G. Not a Proper FOIA Request	12H. Not an Agency Record	12I. Duplicate Request	12K. Other (Specify)	
									No.:	
<b>PART C - MEDIAN PROCESSING TIME FOR REQUESTS</b>										
13A. No. of Simple Requests		13B. Median No. of Days to Process		14A. No. of Complex Requests		14B. Median Days to Process		15A. No. of Expedited Requests		15B. Median Days to Process
<b>PART D - STATUS OF PENDING REQUESTS</b>										
16A. No. of Requests Pending at End of FY (Reporting Year)			16B. Median No. of Days Requests Were Pending at End of FY (Reporting Year)		17A. TOTAL COSTS (include staff and all resources for processing FOIA requests)			17B. Additional Resources Needed (Optional)		
18A. Total Fees Collected		18B. Percentage of Total Costs		<b>PART E - STAFFING LEVELS</b>			19A. No. of Full-Time FOIA Personnel		19B. No. of Part-Time or Occasional FOIA Duties (in Work-Years)	19C. Total No. of Personnel (in Work-Years)
20. REMARKS										
21. SIGNATURE OF PREPARER _____ TITLE _____ DATE _____										

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