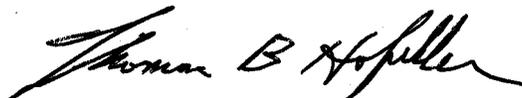


For: FSA Offices

Annual Freedom of Information Act Report to USDA

Approved by: Acting Administrator



1 Overview

A Background

Executive Order 13392 of December 14, 2005, has elevated the importance of FOIA in the Executive Branch. Management has taken steps to increase attentiveness to FOIA issues, particularly as there is some perceived intersection with Personally Identifiable Information (PII) data.

In enacting the Electronic FOIA Amendments of 1996, Pub. L. 104-231, 110 Stat. 3048, Congress made major revisions to the part of FOIA, subsection (e) that pertains to the process by which Federal agencies provide information about their administration of FOIA, through their annual reports to Congress.

USDA submits its FOIA Annual Report, reflecting the information from all agencies' individual reports, to the Department of Justice, Office of Information and Privacy (DOJ, OIP), for its review and completeness. DOJ, OIP makes available to the public annual reports from all federal agencies subject to FOIA at www.usdoj.gov/oip/04_6.html. USDA's 2006 Annual FOIA report is available at www.usda.gov/da/foia/2006_report.pdf.

B Purpose

This notice:

- reinforces current FOIA policy and procedures for preparing and submitting the annual FOIA Report for 2007 and subsequent years
- emphasizes the importance of accurately reporting FSA's FOIA operations at all levels
- provides additional State Office oversight to ensure accuracy of information submitted to the Director, PAS.

Disposal Date	Distribution
January 1, 2008	All FSA Offices; State Offices relay to County Offices

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1 Overview (Continued)

C Contact

For questions about this notice, contact Norma Ferguson, FOIA Chief Public Liaison, by either of the following:

- e-mail to norma.ferguson@wdc.usda.gov
- by telephone at 202-720-5534.

2 Action

A FOIA Action

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

- (1) The number of requests for records pending before the agency as of the end of the fiscal year.**
- (2) The median number of days that such requests had been pending before the agency as of that date.**
- (3) The number of requests for records received by the agency.**
- (4) The number of requests that the agency processed.**
- (5) The median number of days taken by the agency to process different types of requests.**
- (6) The number of determinations made by the agency not to comply with requests for records made to the agency.**
- (7) The reasons for each such determination.**
- (8) A complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3).**
- (9) A description of whether a court has upheld the decision of the agency to withhold information under each such statute.**
- (10) A concise description of the scope of any information withheld under each such statute.**

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2 Action (Continued)

A FOIA Action (Continued)

(11) The number of appeals made by persons under subsection (a)(6).

(12) The result of such appeals.

(13) The reason for the action upon each appeal that results in a denial of information.

(14) The total amount of fees collected by the agency for processing requests.

(15) The number of full-time staff of the agency devoted to processing requests for records under the Act.

(16) The total amount expended by the agency for processing such requests.

B State Office Action

State Offices shall immediately ensure that County Offices are aware of the contents of this notice.

3 Annual FOIA Report (MS-271P)

A Purpose of Annual FOIA Report

FSA-537 (MS-271P) uniformly captures the statistics needed to file an accurate report to the Departmental FOIA Officer.

B Report Due Dates

The FY 2007 report is due October 30, 2007. All future FY reports are due by October 30 each year. When October 30 falls on a Saturday or Sunday, the FY reports are due the previous Friday.

All offices shall:

- log FOIA requests on FSA-534, according to 2-INFO, Exhibit 7
- complete MS-271P for all FOIA activities for the previous FY
- use FSA-537 to prepare MS-271P.

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

B Report Due Dates (Continued)

Submit MS-271P's as follows:

- County Offices shall send MS-271P's to the State Office by October 15
- Each National Office division or office, APFO, KCCO, and MSD, Kansas City Administrative Management Branch, shall send MS-271P to the Director, PAS, by October 30.

C Current Version of FSA-537

All offices shall use the current version of the FSA-537, dated 11-17-00. Do not use any previous versions.

Note: FSA-537 is available electronically from the FFAS Employee Forms Online Website at <http://intra3.fsa.usda.gov/dam/ffasforms/forms.html>.

D State Office Reporting

The designated State FOIA Coordinator shall:

- review the county MS-271P's for completeness
- contact individual County Offices to resolve any discrepancies found
- consolidate the county MS-271P's with the State MS-271P
- submit the State MS-271P to the Director, PAS, by October 30.

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

E Completing FSA-537

All offices responsible for FOIA processing, shall:

- obtain applicable information from FSA-534
- enter the information on FSA-537, according to the following table.

Item No.	Instructions
1	Enter the office name.
2	Enter the office location.
3	Enter FY being reported.
Part A – Number of Initial Requests (Include all access requests, whether first or third party)	
4	Enter the number of requests pending as of end of preceding fiscal year.
5	Enter the number of requests received during current fiscal year.
6	Enter the number of requests processed during current fiscal year.
7	Enter the number of requests pending as of end of current fiscal year.
Part B – Disposition of Initial Requests	
8	Enter the number of total grants.
9	Enter the number of partial grants.
10	Enter the number of denials.
11	Enter the number of times each FOIA exemption used (counting each exemption once per request). (1) Exemption 1 (2) Exemption 2 (3) Exemption 3 (For Exemption 3, state applicable statute according to 2-INFO, subparagraph 20 C). (4) Exemption 4 (5) Exemption 5 (6) Exemption 6 (7) Exemption 7(A) (8) Exemption 7(B) (9) Exemption 7(C) (10) Exemption 7(D) (11) Exemption 7(E) (12) Exemption 7(F) (13) Exemption 8 (14) Exemption 9
12A	Enter the other reasons for non-disclosure (total).
12B	Enter the number of no records.
12C	Enter the number of requests referred elsewhere.
12D	Enter the number of requests withdrawn.
12E	Enter the fee-related reason.
12F	Enter the number of records not reasonably described.
12G	Enter the number of requests that were not proper FOIA requests.
12H	Enter the number of requests for records that are not agency records.
12I	Enter the number of duplicate requests.
12J	Enter the number of other (specify).

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

E Completing FSA-537 (Continued)

Item No.	Instructions
<p>Part C – Median Processing Time for Requests</p> <p>(Example for calculations of median when odd number of requests: Given 7 requests 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> <p>(Example for calculations of median when even number of requests: If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers).)</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 median days to process.
<p>Part D – Status of Pending Requests</p> <p>(States using multiple tracks may provide numbers for each track as well as totals.)</p>	
16A	Enter the number of requests pending as of end of current fiscal year.
16B	Enter the median number of days that such requests were pending as of that date.
17A	<p>Enter the total costs (include staff and all resources for processing FOIA requests).</p> <p>Note: This amount covers all administrative costs associated with completing each FOIA request, even though FSA may not recover these costs from the requester.</p> <p>Example: Expenditures include postage for shipping records from one Government location to another, supplies, reproduction, and base salary plus 16 percent (per 7CFR) of employees who process FOIA requests.</p>
17B	Statement of additional resources needed.
18A	<p>Enter the total fees collected for search, review, duplication, and other direct costs permitted by agency regulations.</p> <p>Note: 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.</p>
18B	<p>Enter the percentage of total costs.</p> <p>Formula: 18B = 18A divided by 17A</p>
<p>Part E – Staffing Levels</p>	
19A	Enter the number of full-time FOIA personnel.
19B	Enter the number of personnel with part-time or occasional FOIA duties (in total work-years).
19C	Enter the total number of personnel (in work-years).
20	Enter remarks.
21	Sign, provide title, and date prepared.

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

F Example of FSA-537

The following is an example of FSA-537.

This form is available electronically.

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

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