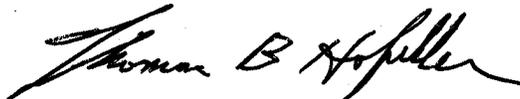


For: State and County Offices

2008 Supplement for Annual FOIA Report to USDA

Approved by: Associate Administrator for Operations and Management



1 Overview

A Background

In early 2007, it was determined by GAO that data from USDA’s annual FOIA report was not reliable. As part of FSA’s Corrective Action Plan, based on GAO’s report, FSA committed to:

- developing an electronic tracking system for the collection of the annual FOIA report data
- providing required oversight for FOIA processing at all levels.

In Notice INFO-29, State and County Offices were advised to complete FSA-534A to facilitate the dataloading of all FOIA requests processed in FY 2008 into the planned electronic FOIA tracking system.

Because the planned electronic FOIA tracking system will **not** be fully operational in time for the FY 2008 annual FOIA report, FY 2008 FOIA request data will be loaded into an alternate electronic application called FOIA-Capture (FOIA-CAP).

B Purpose

This notice provides:

- notification that FSA-537 will **not** need to be completed for FY 2008
- instructions for entering data into FOIA-CAP
- a data conversion table that shows the FSA-534 and FSA-534A items that correspond to the data entry fields on FOIA-CAP

Disposal Date	Distribution
February 1, 2009	State Offices; State Offices relay to County Offices
9-2-08	Page 1

Notice INFO-30

1 Overview (Continued)

B Purpose (Continued)

- a certification form for:
 - documenting that all applicable FOIA and FOIA/privacy requests processed in FY 2008 have been entered into FOIA-CAP
 - providing FOIA office staffing and administrative cost data formerly provided on FSA-537.

C FOIA-CAP Information

FOIA-CAP contains only the minimum number of data elements required to allow FSA to respond fully to all Department of Justice (DOJ) reporting requirements. Most of this information is already captured on FSA-534 and FSA-534A. All other required information should be available in the individual file maintained for each request, as prescribed by Notice INFO-29.

Note: If FSA-534A has **not** yet been completed for any particular FOIA request, completing FSA-534A for this request is **not** required for FY 2008. All information for this request **not** captured on FSA-534 should be available in its individual FOIA request file.

D Exhibits

The following are provided in the exhibits:

- instructions for entering data into FOIA-CAP (Exhibit 1)
- FOIA-CAP Quick Start guide (Exhibit 2)
- data entry screens for FOIA-CAP (Exhibit 3)
- data conversion table that shows the FSA-534 and FSA-534A items that correspond to the data entry fields on FOIA-CAP (Exhibit 4)
- copy of the Annual Freedom of Information Act Report Certification Form (Exhibit 5).

Notice INFO-30

2 Training

A State Office Training

Training in using FOIA-CAP, and in basic FOIA and privacy request processing, for State FOIA Coordinators was provided at Kansas City on July 29 through August 1, 2008.

B County Office Training

Training in using FOIA-CAP, and in basic FOIA and privacy request processing, for County Office employees shall be provided by State FOIA Coordinators before the end of FY 2008.

3 Certification

A Annual Freedom of Information Act Report Certification Form

After data entry completion, State and County Offices shall provide the following on the Annual Freedom of Information Act Report Certification Form:

- certification, in writing, that all FOIA and FOIA/privacy requests processed in their offices in FY 2008 have been entered into FOIA-CAP
- FOIA office staffing data, which was formerly provided in FSA-537, Part E
- FOIA office staff salary (and other FOIA program administration cost) information, which was formerly provided in FSA-537, item 17A.

The Annual Freedom of Information Act Report Certification Form replaces FSA-537 for FY 2008. State and County Offices are **not** required to prepare and submit FSA-537 for FY 2008.

Note: A copy of the Annual Freedom of Information Act Report Certification Form is provided in Exhibit 5.

4 Action

A State Office Action

State Offices shall:

- provide training for County Office employees in using FOIA-CAP, and in basic FOIA and privacy request processing, using training materials:
 - provided to them for this use by OEA
 - made available for download on DAFO's Intranet training site at <http://opportunity.wdc.usda.gov/FOIACAPLIVE/>

Notice INFO-30

4 Action (Continued)

A State Office Action (Continued)

- enter all FOIA and FOIA/privacy requests processed in State Offices in FY 2008 into FOIA-CAP by October 17, 2008
- provide the following to the National FOIA Officer by October 24, 2008:
 - certification that all FOIA and FOIA/privacy requests processed in State and County Offices in FY 2008 have been entered into FOIA-CAP
 - FOIA office staffing and administrative cost data for their State
- ensure that County Offices follow the contents of this notice.

B County Office Action

County Offices shall:

- ensure that employees from their office attend training provided by their State FOIA Coordinators in using FOIA-CAP and in basic FOIA and privacy request processing
- take the following actions by October 17, 2008:
 - enter all FOIA and FOIA/privacy requests processed in their offices in FY 2008 into FOIA-CAP
 - certify to their State Offices that all FOIA and FOIA/privacy requests processed in their offices in FY 2008 have been entered into FOIA-CAP
 - provide their State Offices with FOIA office staffing and administrative cost data.

C Contacts

For questions about this notice, contact Sue Ellen Sloca, National FOIA Officer, at either of the following:

- e-mail at sueellen.sloca@wdc.usda.gov
- telephone at 202-720-1598.

Instructions for Entering Data Into FOIA-CAP

A Introduction

FOIA-CAP is a single-purpose application designed to electronically capture the data required for FSA to compile and produce its 2008 annual FOIA report for DOJ. As such, it replaces FSA-537. National, State, and County Offices are **not** required, this year, to submit FSA-537. They are, however, required to ensure that data for every FOIA request (and every FOIA/privacy request) required to be reported to DOJ is included in this application by **October 17, 2008**.

FOIA-CAP is designed to capture the details related to the processing of FOIA (and FOIA/privacy) requests on a request-by-request basis. This means that instead of providing statistical data, in summary format, on paper, for all FOIA (and FOIA/privacy) requests processed in a single office during FY 2008, offices will enter information about each separate FOIA (or FOIA/privacy) request received or processed during this period. A separate record will be created for each request.

This application is very simple. It contains only the minimum number of data elements required to allow FSA to respond fully to all DOJ reporting requirements.

Completing a single record can be accomplished in a matter of minutes. Because not all of the information required by FOIA-CAP and the DOJ report is included on FSA-534 and FSA-534A, offices that have been using these forms should also assemble the FOIA case files that contain the actual requests processed before entering data into the application. Answering a few of the questions, such as "Was a fee waiver requested?", may require a brief review of the request letter. Complete the recording of each FOIA (or FOIA/privacy) request before moving on to the next. While employees may return to any individual record later to correct an entry, it is best to complete each record accurately the first time.

When entering records into the system, it is important not to create more than 1 record for each FOIA (or FOIA/privacy) request processed. If data must be entered over multiple sessions, keeping track of the range of records entered at each session may help employees prevent duplicate entries. If data is being entered by a single employee for multiple offices, for example, in shared management offices, the individual entering the data must log off FOIA-CAP after entering data for 1 Service Center Agency Office, and log back on again before entering data about another Service Center Agency Office.

Enter requests in the order in which they were received and processed. This should be the same order in which they display on FSA-534 or the manual log. FOIA-CAP will assign each request a unique control number.

Note: Although FOIA-CAP is very simple, it does contain several data fields that require a user to enter text, rather than to select among possible variables. None of the text fields calls for PII. Therefore, no PII shall be entered into this application.

Instructions for Entering Data Into FOIA-CAP (Continued)**B What to Include in FOIA-CAP**

FOIA-CAP is designed to track FOIA requests and FOIA/privacy requests. FOIA/privacy requests are requests filed by individuals asking for data about themselves, part of which is **not** maintained in a Privacy Act system of records (in which data is filed by the name or Social Security number of the individual), and which, therefore, must be processed under FOIA.

Do include the following:

- all FOIA requests
- all FOIA/privacy requests
- FOIA (and FOIA/privacy) requests referred to another USDA agency, or another Federal agency
- all FOIA (and FOIA/privacy) requests received or processed in FY 2008, including any earlier FOIA (and FOIA/privacy) requests not yet completed by October 1, 2007.

Do **not** include the following:

- privacy requests in which all information requested by an individual on himself or herself is maintained in a Privacy Act system of records
- releases to third parties of information maintained in a Privacy Act system of records when written authorization to release the data was obtained from the individual to whom the data is about
- routine use requests
- FOIA requests referred to another FSA office for response
- walk-in requests satisfied by handing the requester a copy of an FSA brochure, form, or other already available public document
- requests for information received and responded to by telephone
- other types of FSA business requests, such as maps and data released to Federal crop insurance companies
- requests of any type completed in full by September 30, 2007.

Instructions for Entering Data Into FOIA-CAP (Continued)**C Data Entry Guidelines on Log-In Screen**

At the Log-In Screen, select, from the 3 drop-down lists, the correct designations for the office whose data the employee is entering.

- Possible levels include the National Office, State Office, and Service Center Agency Office. If the employee selects “National Office” from this list, no State list selection is required. The employee must, however, select the specific National Office from the office list.
- Possible States include all 50 States and Puerto Rico. If the employee selects “State Office”, no office list selection is required.
- Possible offices for each State include all current FSA Service Center Agency Offices.

Enter the employee’s first and last names in the text boxes. Enter the employee’s official name, as it appears on the payroll statement. Do not use nicknames, including the middle name if the employee is more commonly known by that name. Do not include the employee’s middle name, middle initial, or suffixes, such as Jr.

Enter the employee’s USDA e-mail address in the text box. Enter the employee’s USDA e-mail address, not their personal e-mail address. Review the e-mail address the employee has entered carefully before moving on to the next screen. To save time, we have not asked for this entry twice as a data validation measure. If we need to contact the employee about any of the data they have entered, we must have the employee’s correct e-mail address.

CLICK “Go” to leave this screen and enter requests into FOIA-CAP.

D Data Entry Guidelines on List FOIA/FOIA Privacy Requests Screen

To edit a previously entered request, click on the control number of the request as it appears, in control number order, on the list of requests already entered for the employee’s office.

When editing a previously entered request, the employee can make any changes needed to correct the entry, except change a request’s control number. The employee can also delete an entry completely.

Note: However, if the employee deletes an entry, the employee will “lose” that control number. It will not be re-used by the system. If this happens, do not panic. The control number assigned by FOIA-CAP is used only for locating requests reported in the 2008 FOIA annual report.

To enter a new request, CLICK “Log a Request”.

Instructions for Entering Data Into FOIA-CAP (Continued)**E Data Entry Guidelines on FOIA/FOIA Privacy Request Screen**

Review the control number assigned by FOIA-CAP and change the FY portion of this number if it is not correct.

When the employee completes and saves this record, FOIA-CAP will assign it a unique control number in the “ss-ccc-yyyy-nnnnnn” format, where:

- “ss” is the State code
- “ccc” is the county code
- “yyyy” is FY
- “nnnnnn” is a unique, sequentially assigned number for the employee’s request.

When the employee enters this screen, FOIA-CAP will display a partial control number for this record. It will contain the correct codes for this application for the office’s State and county, along with “2008” in the FY portion of the control number. The default value of the “Fiscal Year” field is “2008.” If the request the employee is entering was received in FY 2007 and not completed in 2007, it must be reported in the 2008 FOIA annual report. Change this portion of the control number to “2007” selecting “2007” from the drop-down list.

Enter the name of the requester in the text box.

Enter the name of the requester in the conventional “First Name + Middle Name or Initial + Surname” format, such as John Q. Public. Note that this name will not appear in any report submitted to any party outside USDA. This field is for control purposes only:

- to help the employee identify which request the employee is processing
- at the time the employee is entering data
- later if the employee needs to refer to it for any reason.

Note: While many requesters file FOIA requests for FSA documents for organizations, FOIA-CAP is not capturing the organizational affiliation of the requester because this data is not required for the annual FOIA report. However, if the request was filed by an organization which did not identify a particular individual as its contact for the processing of the request, enter the name of the organization here, in place of the requester name, such as Washington Post or United Potato Growers of Idaho.

Enter the date the request was received in the “Date Request Received” field.

This is the date that the request was received in the FSA office that actually processed the request. If the employee’s office referred this request to another FSA office for processing, **do not enter** this request into FOIA-CAP. The FSA office that received it will be entering this request.

Instructions for Entering Data Into FOIA-CAP (Continued)**E Data Entry Guidelines on FOIA/FOIA Privacy Request Screen (Continued)****Enter the date the request was “perfected” in the “Date Request Perfected” field.**

This is the date that the office that processed the request was able to start work on responding to the request because:

- it was received in the office that had responsibility for the records requested
- it reasonably described the records requested (the request was clear and not too broad)
- there were no remaining FOIA fee issues to be resolved (the requester had agreed to pay any applicable FOIA fees or had provided advance payment, if required).

If the request was sufficiently clear that the employee’s office did not need to contact the requester for clarification, and the employee did not need to contact the requester to resolve any FOIA fee issues, the employee was able to start its processing on the day that the employee received it. In this case, the date the request was perfected is the same date as the date it was received.

If the employee was unable to process the request either because the request was not clear or because the employee needed to ask the requester to agree to pay applicable FOIA fees or provide advance payment, the employee was not able to start its processing on the day the employee received it. In this case, the date the request was perfected is the date the employee received the requester’s clarification of the scope of his or her request and/or his or her agreement to pay fees or advance payment.

If the employee closed the request because the requester did not respond to the employee’s request for clarification, or because the requester did not agree to pay applicable FOIA fees or provide advance payment of applicable FOIA fees, the employee was not able to process this request. In this case, enter the date the request was closed in the “Date Perfected” field.

Note: Although the request was never **formally** perfected, the employee took action on this request. To report the action that the employee took on this request, such as contacting the requester to ask for clarification, the employee must enter a date in the “Date Request Perfected” field even though the employee did not actually process it. For this request, the employee will also enter the date that the employee closed the request in the “Date of Final Response” field. The employee will provide the reason why they were unable to process it later, when selecting a disposition for this request.

However, if the request has not yet been perfected by September 30, 2008, leave this field blank.

Enter the date the employee responded to or closed the request in the “Date of Final Response” field.

Instructions for Entering Data Into FOIA-CAP (Continued)

E Data Entry Guidelines on FOIA/FOIA Privacy Request Screen (Continued)

Generally, this is the date on the final response letter issued to the requester. If the employee’s office provided some or all of the responsive records at a later date, the “official” response date is still the date on which the employee advised the requester, by letter, that his or her request was “Granted”, “Granted in Part”, or “Denied”. If the employee’s office issued several response letters because several partial responses were issued, **and processing of the request has been completed**, the date of final response is the date of the last such letter.

If the employee closed the request because the requester did not respond to the employee’s request for clarification, or because the requester did not agree to pay applicable FOIA fees or provide advance payment of applicable FOIA fees, enter the date the request was closed in the “Date of Final Response” field.

If the final response letter for this request has not yet been issued for this request by September 30, 2008; that is, the request has not yet been completed; leave this field blank.

F Dispositions and Exemptions

Select the disposition of the request from the 4 possible choices in the drop-down list, as explained in the following table.

Note: If the final response letter for this request has not yet been issued by September 30, 2008, skip the Dispositions and Exemptions section of this record.

Disposition	Description
Granted	Select “Granted” if all records requested were released to the requester.
Granted in Part	Select “Granted in Part” if some of the records requested were released to the requester, and some were withheld (or redacted).
Denied	Select “Denied” if none of the records requested were released to the requester.
Other	Select “Other” if none of the other 3 choices apply because something else happened with respect to the request, such as no responsive records were located or the request was never formally “perfected,” as explained in subparagraph E.

Instructions for Entering Data Into FOIA-CAP (Continued)

F Dispositions and Exemptions (Continued)

If the employee selected “Other”, the employee **must** specify the reason why none of the 3 other, more common, dispositions describe the outcome of this request. Select 1 of the following 9 choices from the drop-down list that best describes what happened with respect to this request.

Reason	Description
No records	Select this reason if no records responsive to the request were located in the file search.
Referred to another agency or component	Select this reason if either of the following occur: <ul style="list-style-type: none"> • the request was either referred to another USDA agency or to a Federal agency other than USDA • the requester was advised to contact this other agency directly.
Request withdrawn	Select this reason if the requester “formally” withdrew his or her request. Do not select this reason if the requester did not respond to a request for clarification or to pay applicable FOIA fees or provide advance payment of applicable FOIA fees.
Fee-related reason	Select this reason for all instances in which the request could not be processed for fee-related reasons, such as either of the following: <ul style="list-style-type: none"> • the requester did not agree to pay applicable FOIA fees or to provide advance payment of FOIA fees • FSA denied a request for a fee waiver and the requester did not agree to pay applicable FOIA fees.
Records not reasonably described	Select this reason for: <ul style="list-style-type: none"> • all instances in which the request could not be processed because it was not sufficiently clear for the processing office to understand which records were being requested, and when the requester failed to clarify it when asked to do so • instances in which the request was overly broad, and when the requester failed to limit the request when asked to do so, such as a request for “all information on farms in County XX”.
Improper FOIA request for other reason	Select this reason if the request could not be processed because it did not qualify as a proper FOIA request for some other reason, such as an e-mail request seeking copies of paper records wherein the requester did not provide a postal mailing address to which the records could be sent, when asked to do so.
Not agency record	Select this reason for all instances in which it was possible to determine, from a description of the records requested alone (without conducting a file search), that it was not reasonable to believe that FSA could have records responsive to them in its files, such as a request for “all records related to alleged terrorist xxxxxx”.

Instructions for Entering Data Into FOIA-CAP (Continued)

F Dispositions and Exemptions (Continued)

Reason	Description
Duplicate request	Select this reason when the request was not processed because it duplicated a recent request filed by the same requester who asked for the same records.
Other	<p>This is the choice of “last resort” and should be selected only in very exceptional circumstances. Instances when “Other” should be selected include either of the following:</p> <ul style="list-style-type: none"> • when the processing office was asked to stop processing the request by OGC because of litigation • when a Glomar response was provided. <p>A Glomar response advises the requester that “we can neither confirm nor deny that we have records responsive to your request” because, as in the case with some FOIA (and FOIA/privacy) requests for law enforcement or investigatory records, disclosing the fact that FSA does or does not maintain records responsive to the request would reveal information that a FOIA exemption seeks to protect.</p>

If the employee selected “Other”, the employee **must** specify the reason in the text box provided. In specifying the reason, be concise, such as “litigation” or “Glomar response”. Because the reasons why “Other” is specified must be tallied manually, it is important that this option be selected **only** when no other available choice could possibly fit.

If “Granted in Part” or “Denied” was selected as the disposition for this request, select all of those FOIA exemptions that applied to this request by checking each applicable exemption.

If “Granted” or “Other” was selected as the disposition for this request, skip this area and continue on to the next page.

FOIA allows agencies to withhold records in 9 specific instances. These justifications for withholding (termed “exemptions”) **must** be cited in FSA’s response to the requester. To complete this area, select all those FOIA exemptions that were cited in FSA’s response letters as justifying the withholding of part or all of the records requested for this request. The employee may select more than 1 exemption if multiple exemptions were cited in FSA’s response letters. Do not select exemptions that were not cited in FSA’s response letters even if, on review of FSA’s response, the employee determines that they might have applied. The employee’s response should reflect **only** what the requester was told, in writing, in response to this request.

Instructions for Entering Data Into FOIA-CAP (Continued)

F Dispositions and Exemptions (Continued)

However, if, on review of FSA’s response, the employee discovers that part or all of the requested records were withheld and **no** exemptions were cited in FSA’s response letter, and that information that should have been included in FSA’s response was not included, the employee will need to make a determination at this point as to which exemptions justified the withholding. To assist the employee in making this determination, brief descriptions of the 9 exemptions are in the following table. After making this determination, the employee **must** annotate the case file for this request to indicate the exemptions that should have been cited in FSA’s response.

Note: If FSA’s response letter to a FOIA request stated that the reason the records were being withheld was that they were covered by the Privacy Act, Exemption 6 is the exemption that should have been cited in the letter.

Exemption	Description
1	Classified national defense and foreign relations information.
2	Internal agency rules and practices.
3	Information that is prohibited from disclosure by another Federal law.
4	Trade secrets and other confidential business information.
5	Inter-agency or intra-agency communications that are protected by legal privileges.
6	Information involving matters of personal privacy.
7	Records or information compiled for law enforcement purposes, to the extent that the production of those records: 7a could reasonably be expected to interfere with enforcement proceedings 7b would deprive a person of a right to a fair trial or an impartial adjudication 7c could reasonably be expected to constitute an unwarranted invasion of personal privacy 7d could reasonably be expected to disclose the identity of a confidential source 7e would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions 7f could reasonably be expected to endanger the life or physical safety of any individual.
8	Information relating to the supervision of financial institutions.
9	Geological information on wells.

Instructions for Entering Data Into FOIA-CAP (Continued)

F Dispositions and Exemptions (Continued)

If the employee selected Exemption 3, the employee **must** also specify the Federal laws that permitted FSA to withhold the requested records. Although it is rare that records responsive to any single FOIA (or FOIA/privacy) request will be covered by more than one Exemption 3 statute, it is possible that multiple statutes may apply. Check all that apply to this request from the following table.

Exemption 3 Statutes	What They Cover
41 U.S.C. 253(b)	This statute exempts business/financial information received from contractors.
7 U.S.C. 2276	This statute exempts identities of respondents and unaggregated survey data.
Crop Insurance Act Section 502(c)	This statute exempts personal information provided by the producer (policy information, yield data, etc.).
National Defense Authorization Act of 1996	This statute exempts technical proposals submitted by unsuccessful contractors.
Section 1619 of the 2008 Farm Bill	This is probably the only Exemption 3 statute that the employee will have used in FY 2008. It exempts producer information.
Other	In the extremely unlikely event another Exemption 3 statute was cited in the response letter, select "Other" and provide a citation to this statute in the text box.

G Processing

Did the requester ask for expedited processing? If the answer to this question is "No", do not enter a date in the "Date of Decision" field.

- Select "Yes" **only** when the requester asked for expedited processing of the FOIA (or FOIA/privacy) request, in writing, and FSA made a formal decision either to grant or deny it, and communicated this decision to the requester, in writing. Do not select "Yes" when a request for expedited processing became "moot"; that is, when the employee did not need to respond to the request for expedited processing, separately, because the employee was able to complete the processing of this request within 10 calendar days. DOJ does not want FSA to include these requests **in this portion** of the annual report.

Note: If FSA formally granted a request for expedited processing, the employee must select "Expedited" for this request in the "Processing Track" field.

- Select "No" when "Yes" does **not** apply.

If the answer to the last question was "Yes", enter the date on which expedited processing was formally granted or denied in the "Date of Decision" field.

Instructions for Entering Data Into FOIA-CAP (Continued)

G Processing (Continued)

This is the date that the office processing the request formally made the decision to grant or deny the request for expedited processing.

Select the processing track of the request from the 3 possible choices in the drop-down list, as explained in the following table.

Processing track means the processing queue in which the request was processed, if the office used multiple processing tracks to organize the processing of its FOIA (and FOIA/privacy) requests. Because FSA uses multi-track processing, the employee **must** select 1 of the tracks indicated in the following table, even if the employee did not notify the requester that the employee was placing the request in the track when they received it.

The 3 possible choices of processing track for FOIA-CAP are expedited, simple, and complex. According to DOJ, these choices are mutually exclusive. If a requester asks for expedited processing, and an agency grants this request, **by definition** the FOIA (or FOIA/privacy) request is processed in the expedited processing track and cannot also be processed in either a simple or a complex track.

Note: DOJ’s logic may seem counter-intuitive. If the employee’s office did not interpret what it means to grant expedited processing in this manner in FY 2008, and established what amounts to 4 separate processing tracks for the employee’s requests; that is, a “fast track” and a “slower track” for both simple and complex requests; for purposes of FOIA-CAP, regard any request for which expedited processing was asked for and granted, in writing, as having been placed in the expedited processing track. Treat all “fast track” simple requests and all “fast track” complex requests as having been processed in the same processing track (expedited track). Regard “slower track” simple requests as having been processed in the simple track, and “slower track” complex requests as having been processed in the complex track.

Choice	Description
Expedited	Select this track only if the requester asked for expedited processing, in writing, and FSA granted expedited processing, in writing. Do not select this track if the requester asked for expedited processing, in writing, but FSA did not need to make a decision on the request for expedited processing because the FOIA (or FOIA/privacy) request was completed within 10 calendar days. If no formal decision to grant expedited processing was made and communicated to the requester, select either “Simple” or “Complex” for the “Processing Track” field.
Simple	Select this track when the request was processed within 5 workdays from the date on which it was perfected (not the date it was received, unless these 2 dates are the same). If the request has not yet been processed, select this track when the employee believes that it can be processed within 5 workdays from the date it was perfected.
Complex	Select this track for all other requests. Complex requests are requests that require more than 5 workdays to process.

Instructions for Entering Data Into FOIA-CAP (Continued)**H Fees**

Did the requester ask for a fee waiver? If the answer to this question is “No”, do not answer the next question (asking if the fee waiver request was granted) or enter a date in the “Date of Decision” field.

- Select “Yes” **only** when the requester asked for a waiver of or reduction in FOIA fees chargeable, in writing, and FSA made a decision (whether or not to grant it), and communicated this decision to the requester, in writing. Do not select “Yes” when requests for a fee waiver or reduction in fees chargeable became moot, such as when the employee did not need to respond to the request for a fee waiver (or fee reduction) because the total amount chargeable was less than \$25. DOJ does not want FSA to include these requests **in this portion** of the annual report.
- Select “No” when “Yes” does **not** apply.

If the requester asked for a fee waiver, did FSA grant it?

Do **not** respond to this question if no formal request for a waiver of or reduction in FOIA fees chargeable for the processing of the FOIA (or FOIA/privacy) request was made and no formal agency decision on this request was made and communicated to the requester.

- Select “Yes” **only** when the requester asked for a waiver of or reduction in FOIA fees chargeable, in writing, and FSA made a decision to grant it, and communicated this decision to the requester, in writing. Do not select “Yes” when requests for a fee waiver or reduction in fees chargeable became moot, such as when no decision was required to be made because the total amount chargeable was less than \$25. DOJ does not want FSA to include these requests **in this portion** of the annual report.
- Select “No” when “Yes” does **not** apply.

If the answer to the last question was “Yes”, enter the date on which the fee waiver request was granted or denied in the “Date of Decision” field.

Do **not** respond to this question if no formal request for a waiver of or reduction in FOIA fees chargeable for the processing of the FOIA (or FOIA/privacy) request was made and no formal agency decision on this request was made and communicated to the requester.

This is the date that the office that processed the request formally made the decision to grant the request for a waiver of or reduction in FOIA fees chargeable.

Instructions for Entering Data Into FOIA-CAP (Continued)**H Fees (Continued)**

Enter the total amount of FOIA costs incurred in processing the request in the “Total FOIA Costs Incurred” field, if processing of the request has been completed.

Enter the total amount of fees incurred in processing the request. Depending on the fee category of the requester, these may include fees for search services, review services (when processing a “commercial use request”, a request in which the requester has a commercial interest in the records requested), and duplication of records, along with any other special fees applicable to the processing of this particular request. Enter this amount here regardless of whether or not a bill for this amount was issued to the requester.

Leave this field blank if no FOIA fees were incurred in processing this request because a search for responsive records was not required to be performed.

Note: Every request for which a file search was actually performed should have an amount entered in this field. The minimum amount of search time attributable to an individual request is 15 minutes. Remember that fees are incurred in processing a request even when no responsive records are located if a file search is performed. All file searches take some time.

Enter the total amount of FOIA fees collected from the requester for the processing of this request in the “Total FOIA Fees Collected” field, if processing of the request has been completed.

Enter data in this field **only** if payment for FOIA fees has been received. Enter the total amount actually received. If the requester is delinquent in the payment of FOIA fees charged, leave this field blank. No fees have actually been collected yet. If the total amount of fees collected initially, as when an advance payment was made, exceeded the amount owed, enter the amount kept after the refund was issued. This should be the final amount owed and collected.

Instructions for Entering Data Into FOIA-CAP (Continued)

I Consultation Requests

Consultation requests are not common in FSA. A consultation request is a request from another Federal agency, or another USDA agency, that:

- has found FSA records in its files when searching for records responsive to a FOIA request received
- is asking FSA for a release determination, which is a decision on the releasability of the FSA records found in its files.

In such an instance, the other agency will send FSA a copy of the records found along with a letter stating that FSA should communicate its decision to the agency, not to the FOIA requester. The decision to be communicated is FSA's recommendation that the records should be released or withheld, in total or in part, and if withheld, according to FOIA exemptions. The agency will communicate FSA's decision to the requester in its final response.

- Select "Yes" when the request is a consultation request.
- Select "No" when "Yes" does **not** apply.

J Optional Notes

The "Optional Text" field is provided for the employee's use should he or she need to add any specific comments to the individual record. It could be used, for example, as an additional way to identify the individual FOIA request processed if the requester filed multiple FOIA (or FOIA/privacy) requests on the same day, by entering brief notes describing the records requested. Do **not** use it to enter the description **of every request received and tracked in this application**. A description of the records requested is not needed for the compilation of the annual report, and was deliberately omitted from the design of FOIA-CAP to:

- save the employee time
- protect the privacy of requesters filing FOIA/privacy requests.

Data entered in this field will **not** be included in the annual report. Data entered in this field may not be reviewed when the annual report to DOJ is compiled. For this reason, do **not** enter questions related to the completion of any record in this field. Resolve any questions relating to the completion of the individual records associated with the employee's requests outside of the application, before the employee's office's data entry process is certified as finalized. In case of questions, County Offices should contact their State FOIA Coordinator. State and National Offices should contact Sue Ellen Sloca, National FOIA Officer.

Note: Do **not** use PII.

Instructions for Entering Data Into FOIA-CAP (Continued)**K After Completing the Record for This Request**

CLICK “Save Request” to save the data entered for this record.

The employee must save each record after it has been completed. If the employee exits FOIA-CAP after completing any part of the record without saving it, the employee will lose all data entered for this particular record. If this happens, enter the request again the next time the employee logs on to FOIA-CAP.

When the employee clicks “Save Request”, FOIA-CAP will confirm that the request has been saved and display the complete control number assigned to this request. Write this number on the outside of the case file folder for this request. This will enable the employee to locate it should a question arise as to any of the data contained in its record.

After saving this record, the employee may do either of the following:

- enter another record by clicking the “Log-A-Request” button that the employee will see when FOIA-CAP returns the employee to the List FOIA/FOIA Privacy Requests Screen
- edit a previously entered request or exit the application by clicking “Exit FOIA-CAP” at the far right of the application’s tool bar.

CLICK “Cancel” to remove all of the data entered for this record and enter data for another record in its place.

If the employee wants to remove all of the data from the record they have just entered, for any reason, CLICK “Cancel” instead of “Save Request”. The data will disappear and the employee can re-enter another record in its place. The employee may exit the application by clicking “Exit FOIA-CAP” at the far right of the application’s tool bar.

L Editing Previously Saved Record

If the employee is editing a previously saved record, when the employee has finished making any changes needed:

- **CLICK “Save Request” to save the changes made to this record**
- **CLICK “Cancel” to remove these changes and return the record to its previously saved state**
- **CLICK “Delete Request” to remove the previously saved record from the application entirely.**

Instructions for Entering Data Into FOIA-CAP (Continued)**L Editing Previously Saved Record (Continued)**

Use the “Delete” option only if the employee needs to remove a previously saved record from the database. Use “Cancel” if the employee needs to remove a record, or changes need to be made to a record, before it or they have been saved. The record will disappear. The employee may enter another record by clicking the “Log-A-Request” button that the employee will see when FOIA-CAP returns the employee to the List FOIA/FOIA Privacy Requests Screen. The employee may:

- edit a previously entered request
- exit the application by clicking “Exit FOIA-CAP” at the far right of the application’s tool bar.

Remember: If the employee deletes a record entirely, the employee will lose that record’s control number. It will not be re-used by the system. The control number assigned by FOIA-CAP is used only for locating requests reported in the 2008 FOIA annual report.

M Exiting FOIA-CAP

To exit FOIA-CAP, CLICK “Exit FOIA-CAP” at the far right of the application’s tool bar.

FOIA-CAP Quick Start

To start using FOIA-CAP, start Internet Explorer and enter the following URL in the Address box (or click the link): <http://opportunity.wdc.usda.gov/foiacapLIVE>

If you want to practice in the system before entering real FOIA request information, go to <http://opportunity.wdc.usda.gov/foiacap> to use the training system.

 Log in to FOIA-CAP from a Service Center

- 1 Go to the live system or the training system by clicking one of the links above.
- 2 In the **Level** box, select **Service Center Agency**.
- 3 In the **State** box, select the state to which the service center agency belongs from a list of all 50 states and Puerto Rico.
- 4 In the **Service Center** box, select the service center agency.
- 5 In the **Your First Name** box, type your first name as it appears on your payroll statement. Do not include your middle initial or middle name.
- 6 In the **Your Last Name** box, type your last name as it appears on your payroll statement. Do not include suffixes.
- 7 Click **Go**.

 Log in to FOIA-CAP from a State Office

- 1 Go to the live system or the training system by clicking one of the links above.
- 2 In the **Level** box, select **State Office**.
- 3 In the **Office** box, select the state office.
- 4 In the **Your First Name** box, type your first name as it appears on your payroll statement. Do not include your middle initial or middle name.
- 5 In the **Your Last Name** box, type your last name as it appears on your payroll statement. Do not include suffixes.
- 6 Click **Go**.

 Log in to FOIA-CAP from a National Office

- 1 Go to the live system or the training system by clicking one of the links above.
- 2 In the **Level** box, select **National Office**.
- 3 In the **Office** box, select **Kansas City, Washington, DC, or Commodity Credit Corporation**.
- 4 In the **Your First Name** box, type your first name as it appears on your payroll statement. Do not include your middle initial or middle name.
- 5 In the **Your Last Name** box, type your last name as it appears on your payroll statement. Do not include suffixes.
- 6 Click **Go**.

FOIA-CAP Quick Start (Continued)

 Log a request

1 Log in to FOIA-CAP using the steps above.

2 Click  Log a Request.

3 In the **Control Number**, select the fiscal year in which the request was received.

You cannot change the control number after you've saved the request so make sure that the fiscal year is correct.

4 Enter the **Requester Name** and the **Date Request Received**.

5 In the other fields enter any additional information you have about the request.

You can click the Help buttons, , to read more detailed information.

6 Click **Save** at the bottom of the page.

If the system displays error messages, correct the issues and then click Save again.

 Modify an existing request

1 Log in to FOIA-CAP using the steps above.

2 In the list find the request you want to modify.

- If you don't see the request you're looking for, select a larger number or **All** in the box above the list. This displays more requests in the list.
- You can also sort the list by clicking the arrows, , next to the column name.

3 Click the control number to display the request.

4 Make the desired changes.

5 Click **Save** at the bottom of the page.

6 If the system displays error messages, correct the issues and then click Save again.

Technical Support

For technical assistance with FOIA-CAP, contact the **EMSO Help Desk**:

◆ By e-mail at FSA.EMSO@wdc.usda.gov

◆ By phone at **202-690-2256**

The Help Desk is open Monday through Friday from 8 a.m. to 6 p.m. ET. Calls and e-mails received outside of these hours will be responded to when the Help Desk reopens.

If you have questions about FOIA or a specific procedural issue, you should contact your State FOIA Coordinator, the Kansas City FOIA Office, or the Washington, DC Office. FOIA contact information can be found at http://www.fsa.usda.gov/Internet/FSA_File/fsafoialisting0708.pdf.

FOIA-CAP Data Entry Screens

USDA United States Department of Agriculture
Farm Service Agency

FOIA-CAP
FOIA Data Capture Application

login :
password :

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Asterisks (*) denote required information.

* Level:

* State:

* Office:

* Your First Name: * Last Name:

Enter your official name, not a nickname. Do not include your middle name, middle initial, or suffixes.

* USDA E-Mail Address:

FOIA-CAP Data Entry Screens (Continued)



United States Department of Agriculture
Farm Service Agency

FOIA-CAP
FOIA Data Capture Application



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FOIA-CAP

Welcome [Redacted]

Level: County Office

State: Alabama

Office: County Service Center

List FOIA/FOIA Privacy Requests

 [Log a Request](#)

Requests				
Control Number ▲	Requester	Logged By	Request Date	Final Response
01-020-2008-[Redacted]	[Redacted]	[Redacted]	03/10/2008	03/23/2008
01-020-2008-[Redacted]	[Redacted]	[Redacted]	04/01/2008	04/20/2008
01-020-2008-[Redacted]	[Redacted]	[Redacted]	05/10/2008	05/26/2008
01-020-2008-[Redacted]	[Redacted]	[Redacted]	06/10/2008	06/18/2008

[FOIA-CAP Home](#) | [USDA Internet](#) | [USDA Intranet](#) | [FSA Internet](#) | [FSA Intranet](#) | [FOIA](#) | [Accessibility Statement](#) | [Privacy Policy](#) | [Non-Discrimination Statement](#) | [Information Quality](#) | [FirstGov](#) | [White House](#)

FOIA-CAP Data Entry Screens (Continued)



United States Department of Agriculture
Farm Service Agency

FOIA-CAP
FOIA Data Capture Application

FOIA-CAP Home | About FOIA-CAP | Help | Contact Us | Exit FOIA-CAP

FOIA/FOIA Privacy Request

Asterisks (*) denote required information.

* Control Number: 01-020- -xxxxxx 

* Requester Name:

* Date Request Received: 

Date Request Perfected:  

Date of Final Response: 

Disposition and Exemptions 

Disposition of Request:

Other Disposition Reason:

Other Reason Explanation:

Exemptions Applied:

<input type="checkbox"/> Exemption 1	<input type="checkbox"/> Exemption 6	<input type="checkbox"/> Exemption 7e
<input type="checkbox"/> Exemption 2	<input type="checkbox"/> Exemption 7a	<input type="checkbox"/> Exemption 7f
<input type="checkbox"/> Exemption 3	<input type="checkbox"/> Exemption 7b	<input type="checkbox"/> Exemption 8
<input type="checkbox"/> Exemption 4	<input type="checkbox"/> Exemption 7c	<input type="checkbox"/> Exemption 9
<input type="checkbox"/> Exemption 5	<input type="checkbox"/> Exemption 7d	

Exemption 3 Citation:

- 41 U.S.C. 253(b) - technical proposals of contracts
- 7 U.S.C. 2276 - respondents' identities/unaggregated survey data
- Crop Insurance Act Section 502(c)
- National Defense Authorization Act of 1996 - unsuccessful contractor proposals
- Section 1619 of the 2008 Farm Bill
- Other. (Please provide citation)

Other Reason Explanation:

FOIA-CAP Data Entry Screens (Continued)

Processing ?

Expedited Processing Requested? Yes Date of Decision: 

No

Processing Track:

Fees

Fee Waiver Requested? Yes

No

Fee Waiver Request Granted? Yes * Date of Decision: 

No

Total FOIA Costs Incurred (\$):

Total FOIA Fees Collected (\$):

Consultation Request? Yes

No

Optional Notes:

FOIA-CAP Home | USDA Internet | USDA Intranet | FSA Internet | FSA Intranet
| FOIA | Accessibility Statement | Privacy Policy | Non-Discrimination Statement | Information Quality | FirstGov | White House

Data Conversion Table

Note: Italics indicate data not collected on either FSA-534 or FSA-534A.

Data Entry Field on FOIA-CAP	FSA-534 Item	FSA-534A Item
Requester Name	3. Name of Requester	3. Name of Requester
Date Request Received	1. Date Request Received	
Date Request Perfected		6A. Date Perfected
Date of Final Response	6. Date of Final Response	
Disposition of Request Granted Granted in Part <i>Denied</i> <i>Other</i>	11. Granted in Full 12. Partial Denial	
Other Disposition Reason Other Reason Explanation		14. Denial by 5 U.S.C. 552(a) and 552 (b) (Other Reasons for Non-Disclosure)
Exemptions Applied	14. Denial by 5 U.S.C. 552(a) and 552(b)	
<i>Exemption 3 Citation</i> <i>Other Exemption 3 Citation</i>		
Expedited Processing Requested		5C. Expedited Processing: Requested?
Date of Decision		5D. Date of Determination
Processing Track		5B. Category of Request
<i>Fee Waiver Requested</i>		
<i>Fee Waiver Granted</i>		
<i>Date of Decision</i>		
Total FOIA Costs Incurred	7. Cost to Process Request	
Total Fees Collected	9. Fees Collected	
<i>Consultation Request</i>		

Note: Data collected on FSA-534 and FSA-534A that is not matched with FOIA-CAP data elements is either of the following:

- not entered into the application for the FY 2008 report
- calculated by the application from the data entered.

Annual Freedom of Information Act Report Certification Form

**U.S. Department of Agriculture
Farm Service Agency**

**ANNUAL FREEDOM OF INFORMATION ACT REPORT
Certification Form**

- 1. OFFICE NAME (State Office, KCCO, County Office) _____
- 2. OFFICE LOCATION (City and State) _____
- 3. FISCAL YEAR (reporting period) _____2008_____
- 4. FOIA STAFFING & ADMINSTRATIVE COST DATA
 - A. No. of Full-Time FOIA Personnel _____FTE's_____
 - B. No. of Part-time or Occasional FOIA Personnel (in Work-Years) _____FTE's_____

Example: If one individual, who works 40 hours per week and performs FOIA duties as a collateral function, spends 10 hours per week on FOIA, record his/her time as .25 FTE (10 hours divided by 40 hours = 25% or .25 of an FTE). If more than one person in the office performs FOIA duties as a collateral function, add the partial FTE's spent on FOIA for all of these individuals and provide the total here, e.g., .25 FTE + .5 FTE = .75 FTE's.

- C. Total No. of Personnel (in Work-Years) _____FTE's_____ (Total FTE's = A. + B., above.)
- D. TOTAL COSTS of FOIA Personnel, etc,* \$_____.

*Average salary of individuals performing FOIA duties in office + 16% of salary x total number of FTE's from C., above, + any other FOIA costs, e.g., FOIA training, spent by office in administering the FOIA program not attributable to individual request processing in FY 2008.

5. Certification: Place an "X" before the statement that applies.

_____ I certify that this office processed NO (0) FOIA or FOIA/privacy requests that qualify for input into FOIA-CAP for FY 2008.

_____ I certify that all FOIA and FOIA/privacy requests that qualify for input into FOIA-CAP for FY 2008 have been entered (accurately and completely) into the application.

Name and Title

Date Signed