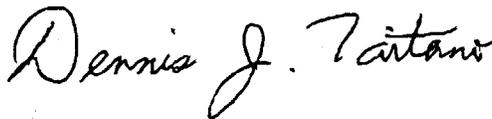


**For:** Washington DC and Kansas City FOIA Offices, State and County Offices

**FOIA-Capture (FOIA-CAP) as FSA FOIA Tracking System  
and Annual FOIA Report to USDA for FY 2009**

**Approved by:** Acting Administrator



**1 Overview**

**A Background**

In FY 2008, FSA automated the process of producing the Annual FOIA Report to USDA. In Notice INFO-30, State and County Offices authorized to process FOIA requests were directed to enter data about individual FOIA requests received and processed in FY 2008 into an electronic application called FOIA-CAP. State and County Offices were also directed to provide cost and staffing information about their administration of the FOIA program in FY 2008 that was formerly included in FSA-537.

In FY 2009, FSA implemented those provisions of the “Openness Promotes Effectiveness in Our National (OPEN) Government Act of 2007” that took effect on December 31, 2008. In Notice INFO-31, State and County Offices authorized to process FOIA requests were directed to assign tracking numbers to all requests for FSA information processed under FOIA.

**B Purpose**

This notice provides:

- notification that FOIA-CAP for FY 2009 became available on February 5, 2009
- notification that, beginning in FY 2009, FSA shall use FOIA-CAP to:
  - log and track FOIA requests received by FSA
  - generate tracking numbers for FOIA requests received by FSA
  - generate the Annual FOIA Report to USDA
- a summary of enhancements made to FOIA-CAP for FY 2009

<b>Disposal Date</b>	<b>Distribution</b>
December 1, 2009	Washington DC and Kansas City FOIA Offices and State Offices; State Offices relay to County Offices

## Notice INFO-33

### 1 Overview (Continued)

#### B Purpose (Continued)

- guidance on what to include in FOIA-CAP for FY 2009
- guidance on providing FOIA administration cost and staffing information required by the Annual FOIA Report to USDA for FY 2009
- notification that FSA-534, FSA-534A, and FSA-537 have been discontinued
- the new FSA-538.

#### C FOIA-CAP Information

For FY 2009, FOIA-CAP has been modified to:

- link with eAuthentication
- enable FSA to use as an electronic FOIA tracking system
- include new requirements introduced by the OPEN Government Act of 2007
- simplify the transition process for FOIA requests received in one FY and completed in the next FY
- minimize system downtime between FY's.

See Exhibit:

- 1 for instructions for entering data into FOIA-CAP
- 2 for the "FOIA-CAP Version 1.2 Quick Start" guide.

#### D Annual FOIA Report to USDA

FSA will generate the FY 2009 Annual FOIA Report to USDA primarily from data captured by FOIA-CAP throughout FY 2009. FSA will also supplement this data on FSA-538 (RPT-I-00-INFO-09-1) with cost and staffing information about the administration of the FOIA program. **Negative reports are required.** See Exhibit 3.

#### E Discontinuing FSA-534, FSA-534A, and FSA-537

Effective immediately, FSA-534, FSA-534A, and FSA-537, designed to collect the data required to produce the Annual FOIA Report to USDA, are discontinued. While offices may choose to use FSA-534 as a manual log, to supplement using FOIA-CAP as an electronic FOIA tracking system, **the use of FSA-534, FSA-534A, and FSA-537 is no longer required.**

**Note: Report Control No. MS-271P for FSA-537 is discontinued.**

## Notice INFO-33

### 2 Action

#### A State Office Action

State Offices shall:

- use FOIA-CAP to generate tracking numbers for all FOIA requests received and processed
- use FOIA-CAP as a FOIA tracking system, entering FOIA requests upon receipt, and updating records when requests are perfected and when processing is complete
- enter all FOIA requests received between October 1, 2008, and February 5, 2009, the date on which FOIA-CAP for 2009 became available, into FOIA-CAP:
  - before entering any FOIA requests received after February 4, 2009
  - by February 28, 2009
- complete FOIA-CAP records for all FOIA requests entered into FOIA-CAP in FY 2008 that were carried over into FOIA-CAP for FY 2009 because the FOIA requests were not completed by September 30, 2008:
  - if the FOIA requests were, in fact, completed
  - by March 14, 2009
- complete the entry of FOIA requests processed in FY 2009 in FOIA-CAP by COB October 2, 2009
- ensure that County Offices follow the contents of this notice
- monitor the use of FOIA-CAP by County Offices by reviewing, periodically:
  - entries made by County Offices
  - the backlog report in FOIA-CAP for their State
- provide the following to the FSA FOIA Officer by the end of the first full week in October of calendar year 2009:
  - certification that all FOIA requests processed in State and County Offices in their State in FY 2009 have been entered into FOIA-CAP
  - FOIA office staffing and administrative cost data for their State on FSA-538 (RPT-I-00-INFO-09-1). **Negative reports are required.**

## Notice INFO-33

### 2 Action (Continued)

#### B County Office Action

County Offices shall:

- use FOIA-CAP to generate tracking numbers for all FOIA requests received and processed
- use FOIA-CAP as a FOIA tracking system, entering FOIA requests upon receipt, and updating records when requests are perfected and when processing is complete
- enter all FOIA requests received between October 1, 2008, and February 5, 2009, the date on which FOIA-CAP for 2009 became available, into FOIA-CAP:
  - before entering any FOIA requests received after February 4, 2009
  - by February 28, 2009
- complete FOIA-CAP records for all FOIA requests entered into FOIA-CAP in FY 2008 that were carried over into FOIA-CAP for FY 2009 because the FOIA requests were not completed by September 30, 2008:
  - if the FOIA requests were, in fact, completed
  - by March 14, 2009
- complete the entry of FOIA requests processed in FY 2009 in FOIA-CAP by COB October 2, 2009
- certify to their State Offices that all FOIA requests processed in their offices in FY 2009 have been entered into FOIA-CAP by the end of the last full week in September of calendar year 2009
- provide their State Offices with FOIA office staffing and administrative cost data on FSA-538 (RPT-I-00-INFO-09-1) by the end of the last full week in September of calendar year 2009. **Negative reports are required.**

#### C Contacts

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

- e-mail at [sueellen.sloca@wdc.usda.gov](mailto:sueellen.sloca@wdc.usda.gov)
- telephone at 202-720-1598.

## Instructions for Entering Data Into FOIA-CAP

### A Introduction

FOIA-CAP is an application designed to capture, electronically, the data required for FSA to compile and produce its annual FOIA report for the Department of Justice. It was first used in FSA in FY 2008. It will be used again in FY 2009 to compile and produce FSA's annual FOIA report.

In 2008, FOIA-CAP was not available for data input until the end of FY. For this reason, most of the requests received by FSA could not be entered until after their processing was complete. Because FOIA-CAP became available for data input in February of calendar year 2009, it will also function as FSA's "FOIA tracking system". Offices authorized to respond to FOIA requests shall enter data about FOIA requests into FOIA-CAP upon receipt and update records when requests are perfected and when their processing is complete.

Guidance about which requests for FSA records to include for FY 2009 reporting **has changed**. See subparagraph B. System users should read these instructions carefully.

**Note:** System users should contact their respective State FOIA/Privacy Officers or the FSA FOIA Officer if there is any doubt about which requests should be tracked.

However, no major changes have been made to the system itself. The following minor changes have been made to render the application more user-friendly and more electronically secure, and to enable FSA to comply with the new statutory requirements introduced by the OPEN Government Act of 2007.

- Users are no longer asked to indicate, in text form, which exemption 3 statute was relied on for withholding data if the choices in the text box were insufficient. A review of exemption 3 statutes relied upon in FY 2008 determined that the choices provided in the application were sufficient.

**Note:** If any office believes that any additional exemption 3 statutes are applicable to the processing of individual FOIA requests, contact the FSA FOIA Officer **before** relying upon them when withholding information. The FSA FOIA Officer will update the application should it become necessary to add additional exemption 3 statutes.

- Users are no longer asked to provide, in text form, other reasons for nondisclosure of records. A new drop-down menu takes the place of the text box.
- Users are asked to indicate if a 10-workday time extension letter was sent.

**Instructions for Entering Data Into FOIA-CAP (Continued)****A Introduction (Continued)**

- Users are able to choose between the following 4 possible FOIA processing tracks:
  - “Simple”
  - “Normal”
  - “Complex”
  - “Expedited”.
- Users are able to search for individual FOIA request records by control number.
- Users are no longer required to track their “backlogged FOIA requests” by manual means. A backlog report feature has been added to the application.

**Note:** FOIA requests that are in **backlog** status are requests that have not been responded to within the statutory 20-workday period, or, if a time extension letter has been sent, within the statutory 30-workday period. FSA is required to report the number of requests that are in backlog status to the USDA FOIA Officer on a monthly basis.

- Users are no longer required to input FOIA requests received in prior FY’s that are still pending. Records for requests pending at the end of FY 2008 in FOIA-CAP are carried forward into the FY 2009 application.
- Users are required to sign into the system using their USDA eAuthentication ID’s and passwords.
- The FSA FOIA Officer, as system administrator, is authorized to open the system to data input for the next FY as soon as all offices authorized to respond to FOIA requests have certified as to the adequacy, accuracy and completeness of the data input for the previous year, and the data has been reviewed at the national level.

Tracking a FOIA request in FOIA-CAP in FY 2009 can still be accomplished in a matter of minutes. Users shall:

- create a new record upon receiving a new FOIA request
- enter the date of receipt and date of perfection upon receipt if the office processing the request is the office that maintains the requested records, if the scope of the request is clear, and if there are no outstanding fee issues that need to be resolved before the request can be processed
- update the record when the request is perfected, if any of these 3 conditions (as discussed in this subparagraph) is not met when the request is first received
- complete the request when the final response letter is issued.

**Instructions for Entering Data Into FOIA-CAP (Continued)****A Introduction (Continued)**

Because the FY 2009 application was not available for use on October 1, 2008, users must enter all FOIA requests received between October 1, 2008, and February 5, 2009, into the system before entering any newer requests. Users shall enter requests in FOIA-CAP for FY 2009 in the order in which they were received to ensure control numbers match the numbers manually assigned.

**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, when some of the records requested are either **not** filed in a Privacy Act system of records or must be processed under the FOIA to provide the requester with maximum access to the records requested.

Do include all of the following types of requests for FSA records **received after September 30, 2008**:

- FOIA requests
- FOIA/privacy requests
- FOIA and FOIA/privacy requests referred to another office within FSA, another USDA agency, or another Federal agency

**Note: This is a change for 2009.**

- requests made by non-Federal third parties, even when defined as “USDA cooperators”, for “discrete disclosures” of FSA records for use in connection with specific actions or projects.

**Notes: This is a change for 2009.**

These are FOIA requests, not Privacy Act requests. Privacy Act requests are first party requests filed by individuals asking for copies of their own records.

**C What Not to Include in FOIA-CAP**

Do **not** include any of the following types of requests for FSA records:

- Privacy Act requests in which all records requested by an individual on himself/herself are maintained in a Privacy Act system of records

**Instructions for Entering Data Into FOIA-CAP (Continued)****C What Not to Include in FOIA-CAP (Continued)**

- requests for records containing information about third parties maintained in a Privacy Act system of records when written authorization to release the data was obtained from the individual to whom the data pertains

**Note:** Although these are FOIA requests, not Privacy Act requests, FSA will **not** include these requests in FOIA-CAP until FY 2010, because of the delay in the availability of FOIA-CAP for 2009.

- requests made by the following:
  - other USDA agencies
  - other Federal agencies
  - third parties defined as “USDA cooperators” for ongoing access to FSA records or for regularly scheduled data feeds
- walk-in requests satisfied by handing the requester a copy of an FSA brochure, form, or other already-available public document
- requests received and responded to by telephone

**Note:** FSA should **not** accept oral FOIA requests. Requesters asking to file oral FOIA requests should be asked to submit the request in writing.

- other types of FSA business requests, such as maps and data released to Federal crop insurance companies
- requests of any type received or completed before October 1, 2008.

**D How to Log-In to FOIA-CAP to View or Enter Data**

**To view or enter data into FOIA-CAP, accessible through the Internet at <https://odyssey.wdc.usda.gov/foiacap/>, enter USDA eAuthentication ID and password. Review and update your e-mail address, if needed.**

FOIA-CAP requires that users provide their USDA e-mail addresses. If you entered a personal e-mail address in your eAuth profile, replace the address displayed with your USDA e-mail address.

**Instructions for Entering Data Into FOIA-CAP (Continued)****D How to Log-In to FOIA-CAP to View or Enter Data (Continued)**

**From the 3 drop-down lists, select the correct designations for the office whose data is being entered.**

- Possible levels include the National Office, State Office, and County (Service Center Agency) Office. If “National Office” is selected, no State list selection is required. The specific National Office, however, must still be selected.
- Possible States include all 50 States and Puerto Rico. If “State Office” is selected, no office list selection is required.
- Possible County Offices include all current FSA Service Center Agency Offices.

**E How to Navigate Within FOIA-CAP**

**Use the tool bar on the left-hand side of the screen and the navigation buttons located at appropriate points on the screens. If in doubt, CLICK “Help” at the upper right-hand corner of the screen.**

**F How to Edit Previously Entered Records**

**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 office selected.**

When editing a previously entered request, users can make any changes needed to correct the entry, except change a request’s control number.

Users can also delete an entry completely. However, if an entry is deleted, the control number will be lost. FOIA-CAP will not re-use the control number.

**Instructions for Entering Data Into FOIA-CAP (Continued)****G How to Enter New Records****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”. This name will **not** appear in any report submitted to any party outside USDA. This field is for control purposes only:

- to help users identify which requests are being entered
- at the time users are entering requests into the system
- and later, when users need to update, perfect, or complete these records.

**Note:** While many requesters file FOIA requests for FSA documents on behalf of organizations, FOIA-CAP is not capturing the organizational affiliation of the requester at this time 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**
- **“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 (that is, the request was clear and not too broad)
- there were no remaining FOIA fee issues to be resolved (that is, the requester agreed to pay any applicable FOIA fees or provided advance payment, if required).

If all 3 of these conditions are met, and the office processing the request is able to start processing the request on the day that the request is received, the date of perfection is the same date as the date of receipt.

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

**G How to Enter New Records (Continued)**

If the office processing the request closed the request, on a later date, because the requester did not respond to a request for clarification, did not agree to pay applicable FOIA fees, or to provide advance payment of applicable FOIA fees, the date of perfection is the same date as the date of final response. In this instance, although the request was never **formally** perfected, the office processing the request took action. To report this action, the system requires a date in “Date Request Perfected” field. For such a request, a user will also enter the date that the request was closed in the “Date of Final Response” field. The reason why the request was closed will be provided when a disposition is selected for this request.

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

Generally, this is the date on the final response letter issued to the requester. If responsive records were not provided with the final response letter, the “official” response date is still the date on which FSA advised the requester, by letter, that his or her request was “Granted”, “Granted in Part”, or “Denied”. If several response letters were issued, because several partial responses were issued, the date of final response is the date of the last such letter.

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

**H How to Enter New Records: Dispositions and Exemptions**

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

<b>Disposition</b>	<b>Description</b>
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” according to subparagraph F.

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

**H How to Enter New Records: Dispositions and Exemptions (Continued)**

If “Other” was selected, the reason for “nondisclosure” in this instance **must** be specified. Select 1 of the following 9 choices from the drop-down list by choosing the reason that **best describes** what happened with respect to the request.

Reason	Description
Duplicate request	Select if the request was not processed because it duplicated a recent request filed by the same requester who asked for the same records.
Fee-related reason	Select if request could not be processed for any fee-related reason, such as the following: <ul style="list-style-type: none"> <li>• the requester did not agree to pay applicable FOIA fees or to provide advance payment of FOIA fees</li> <li>• the requester did not respond to FSA’s letter asking him or her to pay applicable FOIA fees</li> <li>• FSA denied a request for a fee waiver and the requester did not agree to pay applicable FOIA fees.</li> </ul>
Improper FOIA request for other reason	Select if the request could not be processed because it did not qualify as a proper FOIA request for some other reason, such as a request asking for an explanation of FSA policy or actions.
No records	Select if no records responsive to the request were located in the file search.
Not agency record	Select if 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”.
Records not reasonably described	Select if any of the following occurred: <ul style="list-style-type: none"> <li>• the request could not be processed because it was not sufficiently clear for the processing office to understand which records were being requested, and the requester failed to clarify his or her request when asked to do so</li> <li>• the requester did not respond to FSA’s letter asking him or her to clarify the scope of the request</li> <li>• the request was overly broad, and when the requester failed to limit the request when asked to do so.</li> </ul>
Referred to another agency or component	Select if either of the following occurred: <ul style="list-style-type: none"> <li>• the request was routed to another FSA or USDA agency</li> <li>• the requester was advised to contact a Federal agency other than USDA directly.</li> </ul>

Instructions for Entering Data Into FOIA-CAP (Continued)

H How to Enter New Records: Dispositions and Exemptions (Continued)

Reason	Description
Request withdrawn	Select if the requester “formally” withdrew his or her request. Do <b>not</b> select this reason if the requester did not respond to a request for clarification, a request to pay applicable FOIA fees, or to provide advance payment of applicable FOIA fees.
Other	<p>Selecting this is the choice of “<b>last resort</b>” and should be selected only in exceptional circumstances. Generally, 1 of the other 9 choices in this table, will apply. Do <b>not</b> select this choice when:</p> <ul style="list-style-type: none"> <li>• requesters fail to respond to a request to clarify the scope of their request or to pay applicable FOIA fees. Select “Records not reasonably described” or “Fee-related reason” instead, as appropriate</li> <li>• requests are closed because requesters fail to provide written authorization from the individuals whose records they are seeking. These requests should have been denied under “Exemption 6” of FOIA and must be recorded as such. Select “Denied” as their disposition and “Exemption 6” as the reason why records were withheld.</li> </ul>

If “Other” was selected **again**, the reason for “nondisclosure” in this instance **must** be specified. Select 1 of the following 5 choices from the drop-down list; choose that reason which best describes what happened with respect to this request.

Reason	Description
Glomar response	<p>Select if a Glomar response was provided.</p> <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, 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. A Glomar response may be appropriate when requesters seek access to the following types of records:</p> <ul style="list-style-type: none"> <li>• law enforcement records</li> <li>• investigatory records</li> <li>• farm loan records.</li> </ul>
Requester failed to provide adequate mailing address	Select if the requester failed to provide a mailing address to which the responsive records could be sent, in instances in which there were records responsive to the request that could not reasonably be sent by e-mail, and the requester was asked to supply a mailing address other than an e-mail address.

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

**H How to Enter New Records: Dispositions and Exemptions (Continued)**

Reason	Description
Records not available in format requested	Select if the requester requested that responsive records be supplied in a format in which the records: <ul style="list-style-type: none"> <li>• were <b>not</b> currently available, such as a request for electronic records to be supplied in a microfiche format</li> <li>• could <b>not</b> reasonably be made available, such as a request for records in paper format to be supplied in a data-base format.</li> </ul>
Requester referred to public website	Select if the records requested were available on FSA’s public web site, and the web site address was supplied in place of copies of responsive records.
Request closed because of litigation	Select if the request was closed because of litigation.

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

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. Users 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 exemptions might have applied. Records should reflect **only** what the requester was told, in writing, in response to this request.

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

**H How to Enter New Records: Dispositions and Exemptions (Continued)**

However, if, on review of FSA’s response, users discover 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, a determination shall be made at this point as to which exemptions justified the withholding. To assist users in making this determination, the following provides brief descriptions of the 9 exemptions. After making this determination, users **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 the records were covered by the Privacy Act, “Exemption 6” is the exemption that should have been cited in the letter.

<b>Exemption</b>	<b>Description</b>	
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.	
	<b>Exemption</b>	<b>Description</b>
	A	Could reasonably be expected to interfere with enforcement proceedings.
	B	Would deprive a person of a right to a fair trial or an impartial adjudication.
	C	Could reasonably be expected to constitute an unwarranted invasion of personal privacy.
	D	Could reasonably be expected to disclose the identity of a confidential source.
	E	Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions.
F	Could reasonably be expected to endanger the life or physical safety of any individual.	
8	Information about the supervision of financial institutions.	
9	Geological information on wells.	

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

**H How to Enter New Records: Dispositions and Exemptions (Continued)**

If “Exemption 3” was selected, the Federal law that permitted FSA to withhold the records requested **must** also be selected. Although it is rare that records responsive to any single FOIA or FOIA/privacy request will be covered by more than 1 Exemption 3 statute, it is possible that multiple statutes may apply. Check (✓) all that apply to the request from the following.

Exemption 3 Statutes	What the Exemption Covers
Section 1619 of the 2008 Farm Bill	Exempts: <ul style="list-style-type: none"> <li>• information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, to participate in programs of USDA</li> <li>• geospatial information about agricultural land or operations.</li> </ul>
National Defense Authorization Act of 1996	Exempts technical proposals submitted by unsuccessful contractors.
41 U.S.C. 253(b)	Exempts business/financial information received from contractors.
Crop Insurance Act Section 502(c)	Exempts personal information provided by the producer (policy information, yield data, etc.).
7 U.S.C. 2276	Exempts identities of respondents and unaggregated survey data.

**I How to Enter New Records: 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.**

**Only** select “Yes” 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 office processing it did not need to respond to the request for expedited processing, separately, because it 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, users **must** select “Expedited” for this request in the “Processing Track” field.

Select “No” when “Yes” does **not** apply.

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

**I How to Enter New Records: Processing (Continued)**

**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.**

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 4 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. Because FSA uses multi-track processing, users **must** select 1 of the tracks indicated in the following table, even if the office processing the request did not notify the requester that the request was being placed in the track when it was received.

The 4 possible choices of processing track for FOIA-CAP are “Expedited”, “Simple”, “Normal”, 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”, “Normal”, or “Complex” track.

**Note:** Users may move individual requests to a track requiring more workdays to complete if, in the course of processing the request, it becomes clear that it cannot be completed within the original time estimate for any reason.

Choice	Description
Expedited	<p><b>Only</b> select if the requester asked for expedited processing, in writing, and FSA granted expedited processing, in writing. Do <b>not</b> 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 could be completed within 10 calendar days.</p> <p>If no formal decision to grant expedited processing was made and communicated to the requester, select either “Simple,” “Normal”, or “Complex” for the “Processing Track” field.</p>
Simple	Select when it is reasonable to presume that the request can be 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.
Normal	Select when it is reasonable to presume that the request can be processed within 6 to 20 workdays from the date on which it was perfected, not the date it was received, unless these 2 dates are the same.

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

**I How to Enter New Records: Processing (Continued)**

Choice	Description
Complex	Select when: <ul style="list-style-type: none"> <li>• a 10-workday time extension letter was sent</li> <li>• it appears reasonable to presume that the processing of the request will require more than 20 workdays from the date on which it was perfected, not the date it was received, unless these 2 dates are the same.</li> </ul>

**Did the office processing the request issue a letter to the requester, advising him or her that it was taking a 10-workday time extension?**

- Select “Yes” **only** when a time-extension letter, citing 1 of the following 3 reasons, was actually sent:
  - there is a need to search for and collect and records from Field Offices or other establishments that are separate from the office processing the request
  - there is a need to search for, collect, and examine a voluminous amount of records
  - there is a need for consultation with another agency or with more than 2 components within the same agency.
- Select “No” when “Yes” does **not** apply.

**J How to Enter New Records: 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.**

- **Only** select “Yes” 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 the waiver, 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 office processing it 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.

**Instructions for Entering Data Into FOIA-CAP (Continued)****J How to Enter New Records: Fees (Continued)****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.

- **Only** select “Yes” 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.

**Enter the total amount of FOIA costs incurred in processing the request in the “Total FOIA Costs Incurred” field, when 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.

**Instructions for Entering Data Into FOIA-CAP (Continued)****J How to Enter New Records: Fees (Continued)**

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 (1/4 hour). 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.**

**Only** enter data in this field 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.

**K How to Enter New Records: 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 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 which FOIA exemptions. The other agency will communicate FSA's decision to the requester in its final response.

Select:

- “Yes” when the request is a consultation request
- “No” when “Yes” does **not** apply.

## Instructions for Entering Data Into FOIA-CAP (Continued)

### L How to Enter New Records: Optional Notes

The “Optional Text” field is provided for the use of the office processing the request, should the office need to add any specific comments to the individual record. 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 compiling the annual report, and was deliberately omitted from the design of FOIA-CAP to:

- save users time in entering requests 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 about completing any record in this field. Resolve any questions about completing the individual records associated with entering and completing records for FOIA requests received and processed outside of the application. In case of questions, County Offices should contact their State FOIA Coordinator. State and National Offices should contact the FSA FOIA Officer.

**Note:** Do **not** enter PII in this field.

### M How to Complete the Entry of New Records

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

Users must save each record after it has been completed. If a user exits FOIA-CAP after completing any part of the record without saving, the data for that particular portion of the record will be lost.

When users CLICK “Save Changes”, FOIA-CAP will confirm that the request has been saved and display the complete control number assigned to this request in the “ss-ccc-yyyy-nnnnnn” format, where:

- “ss” is the State code
- “ccc” is the Service Center Agency code
- “yyyy” is FY
- “nnnnnn” is a unique, sequentially assigned number for the request.

Users should write this number on the outside of the case file folder for this request, and reference this control number in any written communications with the requester.

**FOIA-CAP Version 1.2 Quick Start****FOIA-CAP Version 1.2****Quick Start**

**Live System:** To logging actual requests in FOIA-CAP, start Internet Explorer and enter the following URL in the address box (or click the link): <https://odyssey.wdc.usda.gov/foiacap>

**Training System:** If you want to practice before entering actual FOIA request information, go to <http://emsotest.wdc.usda.gov/foiacaptraining/> to use the training system. Log in to the training system according to page 3.

**Log in to FOIA-CAP in the live system**

- 1 Log in to the live system at <https://odyssey.wdc.usda.gov/foiacap>.
- 2 Enter your eAuthentication user ID and password. Click “Login”.
- 3 If your e-mail address is not a valid USDA address, in the E-Mail Address box, enter your work e-mail address.  
FOIA-CAP adds your name and this e-mail address to requests that you log and edit.

- 4 Select the office or Service Center for which you want to enter FOIA/FOIA Privacy requests.

**Note** If you are not entering FOIA requests, you can select any office or Service Center.

In the Level box, select one of the following:

- **National Office.** Select Commodity Credit Corporation, Kansas City, or Washington, DC.
- **State Office.** Select the name of the State Office.
- **Service Center Agency.** Select the Service Center’s State and then select the name of the Service Center.

- 5 Click “Continue”.

**Log a request in the live or training system**

- 1 Log in to FOIA-CAP.
- 2 Click “Log a Request” in the menu on the left, or click “Log a request”.
- 3 Verify that the FOIA Office shown beneath the Control Number is correct.  
If it is incorrect, change the office or Service Center (see steps below).
- 4 In the Requester Name box, enter the name of the requester in the conventional **First Name + Middle Name or Initial + Last Name** format, such as Joe R. Doe.
- 5 Enter the Date Request Received.
- 6 Enter any additional information you have about the request in the remaining fields.  
You can click the Help buttons for more information.
- 7 Click “Save Changes” at the bottom of the page.

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

January 13, 2009

FOIA-CAP Quick Start  
Page 1 of 3

**FOIA-CAP Version 1.2 Quick Start (Continued)****Change the office or Service Center in the live or training system**

Select the office or Service Center for which you want to enter FOIA/FOIA Privacy requests.

- 1 Click "FOIA-CAP Home" in the menu at the top of the page.
- 2 In the menu on the left, click the "Change the Office or Service Center" link.
- 3 Select the office or Service Center for which you want to enter FOIA/FOIA Privacy requests.

In the Level box, select one of the following:

- **National Office.** Select Commodity Credit Corporation, Kansas City, or Washington, DC.
- **State Office.** Select the name of the State Office.
- **Service Center Agency.** Select the Service Center's State and then select the name of the Service Center.

- 4 Click "Continue".

**Find and edit a request in the live or training system**

- 1 Find a request in one of two ways:

- In the menu on the left, click "List FOIA Requests". Find the request in the list and click its control number.

The requests in the list are for the office or Service Center shown in the menu on the left. If you want to view requests for another organization, change the office or Service Center (see steps above).

or

- In the menu on the left, type the full control number in the Find by control number box and then click "Go".
  - The control number format is "SS-CCC-YYYY-XXXXXX".
  - "SS" is the state code (80 for national offices).
  - "CCC" is the county code (000 for State Offices; 001, 002, and 003 for national offices).
  - "YYYY" is the DOJ submission fiscal year.
  - "XXXXXX" is the unique, sequential six-digit number assigned by FOIA-CAP.

- 2 Make the desired changes to the request.
- 3 Click "Save Changes" at the bottom of the page.

**Technical Support**

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

- By e-mail at [FSA.EMSO@wdc.usda.gov](mailto:FSA.EMSO@wdc.usda.gov)
- By phone at 202-690-2256.

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](http://www.fsa.usda.gov/Internet/FSA_File/fsafoialisting0708.pdf).

**FOIA-CAP Version 1.2 Quick Start (Continued)****Log in to the FOIA-CAP training system**

Follow these steps to log in to the Training system:

- 1** Go to <http://emsotest.wdc.usda.gov/foiacaptraining> to access the Training system.
- 2** In the **User ID** box, enter your first name.
- 3** In the **Password** box, enter your last name. Click "Login".
- 4** If your e-mail address is not a valid USDA address, in the **E-Mail Address** box, enter your work e-mail address.
- 5** Select the office or Service Center for which you want to enter FOIA/FOIA Privacy requests. In the Level box, select 1 of the following:
  - **National Office.** Select Commodity Credit Corporation, Kansas City, or Washington DC.
  - **State Office.** Select the name of the State Office.
  - **Service Center Agency.** Select the Service Center's State and then select the name of the Service Center.
- 6** Click "Continue".

Completing FSA-538 (RPT-I-00-INFO-09-1)

A Instructions for Completing FSA-538

Complete FSA-538 according to the following.

Item	Instruction
1A	Enter the FY of the reporting period.
1B	Enter date FSA-538 was submitted.
2	Select the office location.
3	Enter the name, address, and telephone number of the office completing FSA-538.
4A	<p>Enter the number of full-time FOIA employees in the office (or State, for State reports) for whom FOIA responsibilities constitute their entire workload.</p> <p><b>Note:</b> Leave item 4A blank if no employees in the office (or State, for State reports) are engaged in FOIA on a full-time basis.</p>
4B	<p>Enter the number of part-time FOIA employees in the office (or State, for State reports) for whom FOIA responsibilities are a collateral duty. Calculate this number by:</p> <ul style="list-style-type: none"> <li>• estimating how many hours each employee spends, in an average week, performing FOIA duties; for example, 10 hours per week</li> <li>• determining, from this number, what percentage of each employee’s time is spent on performing FOIA duties; for example, 25 percent</li> <li>• expressing this amount of time as a decimal fraction; for example, .25 of a full-time equivalent (FTE)</li> <li>• adding together the total number of partial FTE’s arrived at; for example, .25 + .5 + .75 = 1.5 FTE’s.</li> </ul> <p><b>Note:</b> Leave item 4B blank if no employees in the office (or State, for State reports) are engaged in FOIA on a part-time basis.</p>
4C	Enter the total of items 4A and 4B.
4D	<p>Calculate the cost of FOIA personnel by:</p> <ul style="list-style-type: none"> <li>• calculating the annual salary plus benefits (16 percent of salary) cost to the office of each employee in the office assigned either on a full-time or part-time basis to FOIA responsibilities</li> <li>• multiplying the annual salary plus benefits cost of each employee assigned to FOIA responsibilities by that percentage of his or her time spent performing them, as determined in calculating items 4A and 4B</li> <li>• adding the resulting costs of each employee assigned to FOIA duties to determine the total cost of FOIA personnel.</li> </ul>

Completing FSA-538 (Continued) (RPT-I-00-INFO-09-1)

A Instructions for Completing FSA-538 (Continued)

Item	Instruction
4D (Cntd)	<p>Calculate the cost of any other administrative expenses associated with administering the FOIA program by:</p> <ul style="list-style-type: none"> <li>• including any and all expenses associated with the processing of FOIA requests <b>not</b> attributable to the processing of any individual FOIA request, including, but not limited to, the following: <ul style="list-style-type: none"> <li>• expenses incurred in providing or attending FOIA training; for example, for transportation, lodging, and meals</li> <li>• expenses incurred in purchasing equipment or supplies for the FOIA program; for example, manila folders in which to store FOIA case files, lift-off (or redaction) tape, redaction software, or copying documents for retention in the FOIA administrative file</li> <li>• expenses incurred in maintaining FOIA records; for example, Federal Records Center storage charges</li> </ul> </li> <li>• <b>not</b> including expenses associated with the operation and maintenance of the office in which staff performing FOIA duties are housed (such as building rent and utilities, or office equipment and furniture) unless any of these costs are exclusively linked to management of the FOIA program; for example, a new filing cabinet purchased for the exclusive use of storing FOIA case files.</li> </ul> <p>Add the total cost of FOIA personnel with the total cost of all other administrative expenses associated with managing the FOIA program.</p>
5	<p>Complete the certification by indicating either of the following:</p> <ul style="list-style-type: none"> <li>• that all FOIA and FOIA/privacy requests received in the office (or State, for State reports) that qualify for input into FOIA-CAP during the FY have been entered into the system</li> <li>• that the office (or State, for State reports) received no FOIA or FOIA/privacy requests that qualified for input into FOIA-CAP during the FY.</li> </ul>
6	<p>The FSA official responsible for administering the FOIA program at the office completing FSA-538 should sign, enter their title, and date.</p>

Completing FSA-538 (RPT-I-00-INFO-09-1) (Continued)

B Example of FSA-538

The following is an example of FSA-538.

<p>This form is available electronically.</p> <p><b>FSA-538</b> (02-20-09)</p> <p><b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency</p> <p><b>ANNUAL FREEDOM OF INFORMATION ACT REPORT</b> Certification Form</p> <p><i>Report Control No. RPT-I-00-INFO-09-1</i></p>		<p>1A. Fiscal Year: (Reporting Period)</p>
		<p>1B. Reporting Date</p>
<p><b>INSTRUCTIONS:</b> County Offices <u>must submit</u> their completed FSA-538s to the State Office by the end of the last full week in September of the FY identified in Item 1. State and National Offices <u>must submit</u> their completed FSA-538s to the FOIA Officer in the National Office by the end of the first full week in October of the FY identified in Item 1.</p>		
<p><b>PART A – REPORTING OFFICE INFORMATION</b></p>		
<p>2. Office Location (Check one below):</p> <p><input type="checkbox"/> National Office    <input type="checkbox"/> State Office    <input type="checkbox"/> County Office</p>		
<p>3A. Name of Responding Office</p>	<p>3B. Office Address (Including Zip Code)</p>	
	<p>3C. Office Telephone Number (Including Area Code)</p>	
<p><b>PART B – FOIA STAFFING AND ADMINISTRATIVE COST DATA</b></p>		
<p>4A. Number of Full-Time FOIA Personnel</p>	<p>4B. Number of Part-Time or Occasional FOIA Personnel</p>	
<p>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 FTEs spent on FOIA for all of these individuals and provide the total here, e.g., .25 FTE plus .5 FTE = .75 FTEs.</p>		
<p>4C. Total Number of Personnel (Total FTEs = Items 4A and 4B, above.)</p>	<p>4D. Total costs of FOIA personnel, and other related administrative expenses incurred when processing FOIA requests.  * \$</p>	
<p>* Average salary of individuals performing FOIA duties in office plus 16% of salary times total number of FTEs from Item 4C above, plus any other FOIA costs, e.g., FOIA training, spent by office in administering the FOIA program not attributable to individual request processing in FY identified in Item 1.</p>		
<p><b>PART C - CERTIFICATION</b></p>		
<p>5. Certification: Place an "X" in the checkbox below indicating the statement that applies:</p> <p><input type="checkbox"/> I certify that all FOIA and FOIA/privacy requests that qualify for input into FOIA-CAP for FY identified in Item 1 have been entered (accurately and completely) into the application.</p> <p><input type="checkbox"/> I certify that this office processed "NO" (zero) FOIA or FOIA/privacy requests that qualify for input into FOIA-CAP for FY identified in Item 1.</p>		
<p>6A. Signature of FSA Official</p>	<p>6B. Title</p>	<p>6C. Date Prepared</p>
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</small></p>		