

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

FOIA-Capture (FOIA-CAP) and Annual FOIA Report to USDA for FY 2019

Approved by: Administrator



1 Overview

A Background

In FY 2008, FSA automated the process for producing the Annual FOIA Report USDA through an electronic application called FOIA-CAP. It also directed State and County Offices, and the Washington, DC, and Kansas City, MO, National FOIA Offices, to provide cost and staffing information about their administration of the FOIA program on FSA-538.

In FY 2011, the USDA FOIA Office announced that FOIAXpress was selected as USDA’s enterprise-wide FOIA tracking system. Since FY 2012, the Washington, DC, and Kansas City, MO, National FOIA Offices has been tracking all new FOIA requests received in FOIAXpress. FSA is currently beginning a transition to using FOIAXpress in State Offices but will continue to use FOIA-CAP for County Office requests into FY 2020.

B Purpose

This notice provides the following guidance:

- Annual FOIA report for FY 2019 will be generated from data entered into FOIA-CAP and FOIAXpress, supplemented by information provided on FSA-538
- cut-off date for entering data for FY 2019 into FOIA-CAP and FOIAXpress is **Monday, September 30, 2019**
- instructions on providing FOIA administration cost and staffing information required by the Annual FOIA Report to USDA for FY 2019
- State Offices and the National FOIA Office will use SharePoint to transmit the data collected on FSA-538 to the Washington, DC, National FOIA Office

Disposal Date December 1, 2019	Distribution Washington, DC, Kansas City, MO, FOIA Offices and State Offices; State Offices relay to County Offices
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1 Overview (Continued)

B Purpose (Continued)

- County Offices will continue to track FOIA requests in FOIA-CAP for FY 2020
- National FOIA Offices will continue to track FOIA requests in FOIAXpress for FY 2020
- State Offices will track FOIA requests in FOIAXpress for requests received beginning Tuesday, October 1, 2019

Note: This includes any FOIA requests assigned by the National FOIA Office within the FOIAXpress system received by States through the FOIAXpress system with a FOIAXpress tracking number. The FOIAXpress tracking number should be preserved even if the request is ultimately processed by a County Office, to ensure that the request can be tracked.

- FOIA-CAP will be available to track FY 2020 requests on **Tuesday, October 22, 2019**
- information to include in FOIA-CAP for FY 2020.

C FOIA-CAP Transition From FY 2019 to FY 2020

FOIA-CAP will be unavailable for data input during the transition from FY 2019 to FY 2020, and will be closed for input to enable the system administrator to review and correct the data, if required, before generating the Annual FOIA Report. If the review process presents no unexpected problems, FOIA-CAP will be available for FY 2020 data input on Tuesday, October 22, 2019.

Offices that need a printout of their FY 2019 FOIA Request List **must** generate the printout **before** the system is closed on **Thursday, October 3, 2019**.

D FOIA-CAP Data Entry Instructions for FY 2020

There are no changes to data entry for FOIA-CAP for FY 2020.

E Annual FOIA Report to USDA

FSA will generate the FY 2019 Annual FOIA Report to USDA primarily from data captured by FOIA-CAP and FOIAXpress throughout FY 2019. FSA will supplement this data with information on FSA-538 (RPT-I-00-INFO-09-1) with cost and staffing information about the administration of the FOIA program.

Note: Negative reports are **required** (Exhibit 1).

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1 Overview (Continued)

F Microsoft SharePoint Website for States Submitting FSA-538 Data

For FY 2019, State Offices will submit the information compiled for their States to the Washington, DC, National FOIA Office using an electronic version of FSA-538 hosted on the Microsoft SharePoint website located at <https://sharepoint.fsa.usda.net/states/Lists/annualfoiarpt/FY%202019%20FSA538.aspx>. On the website, on the navigation bar on the left side, CLICK “**FY 2019 FOIA Annual Report (FSA-538)**”.

State Offices **must** request permission from the website administrator **before** entering data on this website if access has yet to be granted. To request access to the website:

- on the SharePoint Home Page at <https://sharepoint.fsa.usda.net/states/Lists/annualfoiarpt/FY%202019%20FSA538.aspx>, on the top right corner by user’s “Welcome”, CLICK “**Drop-Down Arrow**”

Example: “Welcome Doe, John – FSA Washington, DC”.

- CLICK “**Request Access**”
- complete the “Request Access” text box that will be displayed to request access and CLICK “**Send Request**”.

An automated e-mail message will notify individuals that permission has been granted. Requests for access should be made immediately, to allow the website administrator to grant permission in time to enable States to complete data entry by **Wednesday, October 9, 2019**.

To enter data into the electronic FSA-538:

- follow the instructions on the SharePoint website for data entry
- transfer the information compiled on FSA-538 onto the electronic version.

Using the FSA-538 electronic version replaces the need to submit a hard copy.

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2 Action

A State Office Action

State Offices shall:

- review all open FOIA requests entered by their office to ensure that all entries are accurate and complete, paying special attention to any requests that have **not** yet been perfected in the system
- request access to the designated SharePoint website immediately
- complete entering FOIA requests processed in FY 2019 in FOIA-CAP by COB **Monday, September 30, 2019**
- ensure that County Offices follow the contents of this notice
- review all County Office certifications and FSA-538's to determine complete and accurate reporting, and assist County Offices, as necessary, to correct errors or omissions
- provide the following to the Washington, DC, National FOIA Office by **Friday, October 4, 2019**:
 - certification that all FOIA requests processed in State and County Offices in their State in FY 2019 have been entered into FOIA-CAP
 - FOIA Office staffing and administrative cost data for the State on FSA-538 (RPT-I-00-INFO-09-1).

Notes: Certification and administration cost data shall be provided by the designated SharePoint website.

Negative reports are **required** (Exhibit 1; Example, Part C - Certification).

2 Action (Continued)

B County Office Action

County Offices shall:

- review all open FOIA requests entered by their office to ensure that all entries are accurate and complete, paying special attention to any requests that have not yet been perfected in the system
- complete entering FOIA requests processed in FY 2019 in FOIA-CAP by COB **Monday, September 30, 2019**
- provide their State Office the FOIA office staffing and administrative cost data on FSA-538 (RPT-I-00-INFO-09-1) by **Thursday, October 3, 2019**
- certify to their State Offices that all FOIA requests processed in FY 2013 have been entered into FOIA-CAP by **Friday, October 4, 2019**.

Note: Negative reports are **required** (Exhibit 1; Example, Part C - Certification).

C Kansas City, MO, National FOIA Office Action

The Kansas City, MO, National FOIA Office shall follow the guidance in subparagraph A for submitting FOIA Office staffing and administrative cost data to the Washington, DC, National FOIA Office, using FSA-538 and the SharePoint website, despite the fact that FSA-538 specifically references FOIA-CAP, and not FOIAXpress.

D Contacts

For questions about:

- this notice or the annual report, contact Philip Buchan, FPAC FOIA/PA team lead, by either of the following:
 - e-mail at **philip.buchan@usda.gov**
 - telephone at 301-504-1701
- the SharePoint website where State consolidated data shall be loaded, for integration into the FSA report, or for technical guidance on developing a similar SharePoint website for consolidating county data in any of the States, contact Barbara McLean by either of the following:
 - e-mail at **barbara.mcLean@usda.gov**
 - telephone at 202-720-6788.

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 FY of the reporting period.
1B	Enter date FSA-538 was submitted.
2	Select office location.
3	Enter name, address, and telephone number of the office completing FSA-538.
4A	<p>Enter number of full-time FOIA employees in the office (or State, for State reports) for whom FOIA responsibilities constitute their entire workload.</p> <p>Note: 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 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"> • estimating how many hours each employee spends, in an average week, performing FOIA duties; for example, 10 hours per week • determining, from this number, what percentage of each employee’s time is spent on performing FOIA duties; for example, 25 percent • expressing this amount of time as a decimal fraction; for example, .25 of a full-time equivalent (FTE) • adding together the total number of partial FTE’s arrived at; for example, $.25 + .5 + .75 = 1.5$ FTE’s. <p>Note: 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 total of items 4A and 4B.
4D	<p>Calculate cost of FOIA personnel by:</p> <ul style="list-style-type: none"> • 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 • 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 • adding the resulting costs of each employee assigned to FOIA duties to determine the total cost of FOIA personnel.

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

A Instructions for Completing FSA-538 (Continued)

Item	Instruction
<p>4D (Cntd)</p>	<p>Calculate cost of any other administrative expenses associated with administering the FOIA program by:</p> <ul style="list-style-type: none"> • including any and all expenses associated with the processing of FOIA requests not attributable to the processing of any individual FOIA request, including, but not limited to, the following: <ul style="list-style-type: none"> • expenses incurred in providing or attending FOIA training; for example, for transportation, lodging, and meals • expenses incurred in purchasing equipment or supplies for the FOIA program <p style="margin-left: 40px;">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.</p> • expenses incurred in maintaining FOIA records <p style="margin-left: 40px;">Example: FRC storage charges.</p> • not 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. <p>Add the total cost of FOIA personnel with the total cost of all other administrative expenses associated with managing the FOIA program.</p>
<p>5</p>	<p>Complete the certification by indicating either of the following:</p> <ul style="list-style-type: none"> • that all FOIA and FOIA/privacy requests received in the office (or State, for State reports) that qualify for input into FOIA-CAP during FY have been entered into the system • that the office (or State, for State reports) received no FOIA or FOIA/privacy requests that qualified for input into FOIA-CAP during FY.
<p>6</p>	<p>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 form FSA-538, as posted electronically on the SharePoint website.

This form is available electronically. FSA-538 (02-20-09)			U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1A. Fiscal Year: (Reporting Period)
ANNUAL FREEDOM OF INFORMATION ACT REPORT Certification Form					1B. Reporting Date
<i>Report Control No. RPT-I-00-INFO-09-1</i>					
INSTRUCTIONS: County Offices must submit 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 must submit 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.					
PART A – REPORTING OFFICE INFORMATION					
2. Office Location (Check one below): <input type="checkbox"/> National Office <input type="checkbox"/> State Office <input type="checkbox"/> County Office					
3A. Name of Responding Office			3B. Office Address (Including Zip Code)		
			3C. Office Telephone Number (Including Area Code)		
PART B – FOIA STAFFING AND ADMINISTRATIVE COST DATA					
4A. Number of Full-Time FOIA Personnel			4B. Number of Part-Time or Occasional FOIA Personnel		
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					
4C. Total Number of Personnel (Total FTEs = Items 4A and 4B, above.)			4D. Total costs of FOIA personnel, and other related administrative expenses incurred when processing FOIA requests. * \$		
* 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.					
PART C - CERTIFICATION					
5. Certification: Place an "X" in the checkbox below indicating the statement that applies:					
<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.					
<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.					
6A. Signature of FSA Official		6B. Title		6C. Date Prepared	
<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>					