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[USDA Public Access Link \(PAL\)](#)
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United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

June 17, 2022

Delivered via Electronic Mail

RE: Final Response for Freedom of Information Act (FOIA) Request 2022-OGC-03768-F

This is the final response to the May 22, 2022, Freedom of Information Act (FOIA) request submitted to the U.S. Department of Agriculture (USDA), Office of Information Affairs (OIA), FOIA Division. Your request sought a copy of each FOIA Standard Operating Procedure (SOP) used by the USDA Departmental FOIA Office, excluding agency component SOPs.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted in the OIA, FOIA Division, which is the office that handles FOIA matters for the Department, specifically the Office of the Secretary (OSEC), the Under Secretaries, USDA's staff offices, and the Research, Education and Economics (REE) and Trade and Foreign Agricultural Affairs (TFAA) mission areas. The search identified a forty-five (45) page Departmental FOIA SOP, which is being released to you in full, with no FOIA exemptions applied.

You may seek dispute resolution services from the OIA's FOIA Public Liaison, Ms. Melanie Enciso. Ms. Enciso may be contacted by telephone at (202) 720-9425, or electronically at Melanie.Enciso@usda.gov or USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow the OIA to recover part of the cost of processing your request. In this instance, no fees are being charged.

If you have any questions regarding this letter, please contact Ms. Christine Jordan electronically at Christine.Jordan@usda.gov or USDAFOIA@usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at [Freedom of Information Act Division | USDA](#).

The OIA Team appreciates the opportunity to assist you.

Sincerely,

A handwritten signature in black ink that reads "Alexis R. Graves". The signature is written in a cursive, flowing style.

Alexis R. Graves
Director
Office of Information Affairs

Departmental FOIA Office Internal Standard Operating Procedure

Office of Information Affairs

- ❖ Draft: 1.5
- ❖ Date: January 2020



Document Information

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Revision	Date	Author	Comments
Draft 0.1	9/8/2011	Ross-DeFlanders	Find relevant links.
Draft 0.2	10/3/2011	Graves	Create Table of Contents, Table of Authorities, FOIA Officer Page, Appendix A and began drafting Intake Procedures.
Draft 0.3	11/2012	Graves	Draft Acknowledgements, Search Memorandums and Redaction Sections of Report.
Draft 0.4	4/2012	Graves	Draft USDA Website Information, Reporting Requirements, Revisions to Intake Procedures.
Draft 0.5	5/15/2012	Graves	Draft Appeal, Requests for VIP Calendars and Multi-Agency Request Section, USDA Connect/Miscellaneous.
Draft 0.6	5/23/2012	Graves	Revised Redaction Section.
Draft 0.7	5/29/2012	Payton	Comments added in red. Additional screenshots and language added to various sections of the document.
Draft 0.8	6/4/2012	Graves	Incorporated R. Payton comments and additional other minor revisions.
Draft 0.9	6/12/2012	Graves	Inclusion of Backlog Reports
Draft 1.0	7/09/2012	Graves	Added Procurement Distribution List information.
Draft 1.1	10/23/2012	Graves	Added screenshots from recently revised FOIA website.
Draft 1.2	3/31/2016	Graves	Revised the SOP in its entirety.
Draft 1.3	4/7/2017	Graves	Inclusion of subsection for manual call tree. Update acronyms.
Draft 1.4	8/12/2019	Aponte-Rossini	Revised the SOP in its entirety.
Draft 1.5	1/3/2020	Graves	Revised to reflect realignment to the OIA.

Internal Standard Operating Procedures

Approval Form	
The signature below represents the approval of this document.	
Signature:	
Name:	Alexis R. Graves
Title:	Departmental FOIA Officer
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1 Introduction

1.1.1 Background

The United States Department of Agriculture (Department) was founded by President Abraham Lincoln in 1862 and was quickly coined “The People’s Department.” At the time, more than half of all Americans either lived or worked on farms, compared with the two percent today. Despite this decrease, the Department is still fulfilling Lincoln’s vision of touching the lives of every American through its mission to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

To successfully accomplish its mission, the Department operates more than 300 programs through an extensive network of Federal, State, and local cooperators. These programs affect every American, every day, by providing a safe and stable food supply, nutrition assistance, renewable energy, rural economic development, care for forest and conservation lands, and global opportunities for farm and forest products. These programs also hold the answers to pressing global issues like the need for renewable energy, increasing crop yields to combat hunger, protecting the food supply, and optimizing internal trade.

The Department’s success is dependent on several core values. Among them is transparency. Central to the Department’s effort to increase transparency is its Freedom of Information Act (FOIA) program.

As of October 1, 2019, the Departmental FOIA Office was realigned under the General Counsel (GC), specifically in a new stand-alone, the Office of Information Affairs (OIA). See U.S. Department of Agriculture, [Secretary’s Memorandum](#) 1076-033, September 24, 2019. The GC was delegated authority to directly manage the OIA, as its Chief FOIA Officer (CFO). The OIA also assumed the FOIA functions for all of USDA’s staff offices, as well as the Research Education and Economics and the Trade and Foreign Agricultural Affairs mission areas. These changes were motivated by the attrition of FOIA personnel, the skills required to process the increasingly complex records requests, and the overlap of equities among the staff offices and mission areas.

The realignment also fulfilled a statutory mandate that the CFO be co-equal with Assistant Secretaries and ensures the CFO has the necessary authority to exercise an oversight role. See 5 U.S.C. §552(j)(1) and (2). In taking this step, USDA joined the Office of Management and Budget, the Departments of Labor, Transportation, and Interior, and the Environmental Protection Agency, each of which designated its General Counsel (or functional equivalent) as the CFO.

1.1.2 Purpose

The Internal Standard Operating Procedure (ISOP) provides general guidance for federal employees and contractors administering and implementing FOIA, 5 U.S.C. 552, as amended. This guidance ensures both consistency and continuity in the administration and implementation of FOIA.

1.1.3 Authority

Authority for administering FOIA is reflected in the chart below.

<u>Reference</u>	<u>Description</u>
<u>Freedom of Information Act (FOIA)</u> 5 U.S.C. § 552	The FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.
<u>Privacy Act (PA)</u> 5 U.S.C. § 552a	The PA establishes a Code of Fair Information Practices that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by federal agencies.
<u>USDA's FOIA Regulations</u> 7 C.F.R. Part 1, Subpart A	The rules that detail USDA's procedures for implementing the FOIA.
<u>USDA's PA Regulations</u> 7 C.F.R. Part 1, Subpart G	The rules that detail USDA's procedures for implementing the PA.
<u>U.S. Department of Justice Guide to the Freedom of Information Act</u>	The United States Department of Justice Guide to the Freedom of Information Act is a comprehensive legal treatise on the FOIA. The Guide includes detailed discussions of the FOIA's procedural requirements, nine exemptions, and litigation considerations. Each section contains a detailed analysis of the key judicial opinions issued on the FOIA.
<u>Hubbell Memorandum</u> <u>Craig Memorandum</u>	The memorandum dated January 1, 1993, from former Associate Attorney General Webster Hubbell and the memorandum dated April 15, 2019, from former Counsel to the President Gregory Craig, remain in effect. These memoranda discuss the long-standing practice of agencies consulting with the White House on records requests involving White House Equities.

2 Communication

Effective communication is an essential element to ensuring the success of the OIA's FOIA. As such, we have identified below the DFO's central points of communication both internally and externally.

2.1.1 USDA FOIA Website

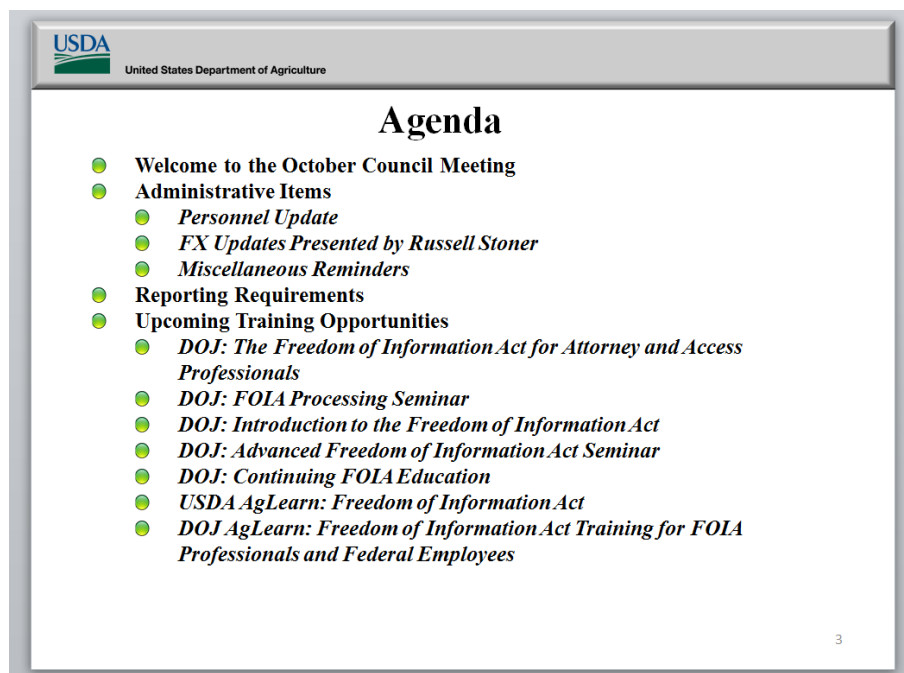
USDA maintains a [website](#) devoted exclusively to FOIA. The website provides guidance for submitting a FOIA, a direct link to each [FOIA office's reading room](#), entry to the [Public Access Link \(PAL\)](#), FOIA [points of contact](#), the Department's FOIA [regulations](#), FOIA [reports](#) and other valuable FOIA resources.

2.1.2 USDA's FOIA Council

USDA's FOIA Council was assembled in 2012 to provide a centralized and focused forum with members forming committees to assist in the revision, development, and implementation on FOIA issues, policies, and procedure. It is intended that Council members will collaborate to streamline FOIA operations, reduce backlog, improve agency resources, and increase awareness of FOIA statutory requirements.

FOIA Council meetings are quarterly and currently open to FOIA Officers and FOIA Team Leads. Schedules for subcommittees vary dependent on need.

Presentations for the Council are generally prepared by the Departmental FOIA Team Lead and submitted to the Departmental FOIA Officer at least one week in advance of the meeting. Once approved, the slide deck is then enclosed in a meeting invitation to the FOIA Officers at least 24 hours in advance. A sample agenda for these meeting is below.



3 Expectations

A GIS in the DFO is expected to:

1. **Develop and implement an effective strategy for processing FOIA requests, consultations, and appeals.** An effective strategy requires acknowledgement within (3) business days of receipt of the request by the GIS and initiation of search requests within (5) business days of receipt by the GIS or analyst.
2. **Submit written products with minimal if any grammatical, spelling, and major substantive errors.** Major substantive errors include reference to the wrong requester, contact information, type of request, or

scope of request, citing in more than (5) instances an incorrect exemption (other than exemption 5), or failure to conduct the appropriate search.

3. **Maintain a copy of the administrative file for each request on the enterprise wide tracking database and shared drive.** The administrative file should include any (a) correspondence between the GIS or analyst and requester, (b) formal and informal correspondence between the GIS or analyst and record custodian(s), (c) if applicable, written guidance from the Office of General Counsel General Law and Research Division (OGC-GLRD), the Departmental FOIA Officer, the Department Team Lead, and (d) if applicable, formal or informal correspondence between the DFO GIS and any other GIS within or outside of the Department.
4. **Prepare by close of business Friday a submission for the Weekly Activity Report (WAR).** Submissions should include a detailed list of the requests, appeals and/or consultations received and closed for the period of performance. Other items should include participation or facilitation of training, meeting notes, and information regarding the preparation and/or submission of any statutorily required report.
5. **Participate in a minimum of two substantive FOIA training courses every fiscal year.** The training requirement can be satisfied by participation in any on-site or webinar offered by the OGC-GLRD, the Department of Justice, Office of Information Policy (DOJ-OIP), the Office of Government Information Services (OGIS), the Graduate School USA, the American Society of Access Professionals (ASAP), and the District of Columbia Bar. If fees are required for participation, you must submit a SF-187 and receive written approval from the Departmental FOIA Officer.
6. **Network and build strong [mutually respectful] internal working relationships with other professionals in the GIS series, record custodians, and attorneys.** It is critical that GIS professionals maintain a strong mutually respectful working relationship as our success is dependent on cooperation between other GIS professionals, record custodians, and our attorneys.
7. **Preserve the professional image and legal position of the Department in all communications.** Correspondence should conform to the templates provided in the shared drive and maintain the position of the Department for the issue at hand.
8. **Respond to external customers within 48 hours of initial contact.** If unable to respond in full within 48 hours, the GIS or analyst must provide at a minimum notification that the request was received along with a target date for responding to the customer's inquiry.
9. **Plan for scheduled absences ahead of time.** Except in extenuating circumstances, a GIS must submit a written request to the Departmental FOIA Officer at least 48 hours in advance of any scheduled leave.
10. **Maintain a supportive and team-like atmosphere.** When one of us wins, we all win. When one of us loses, we all lose.

4 The DFO's Role in USDA's FOIA Process

The DFO is the central office for the Department's FOIA program. The DFO provides day-to-day **coordination and oversight** over the Department's FOIA Offices at the agencies and mission areas.

4.1.1 Coordination and Oversight

The DFO continues to receive a growing number of requests requiring searches in multiple FOIA offices. Sometimes requesters will identify all offices likely to maintain responsive records. In other instances, the DFO will need to make this determination based on the scope of the request and some preliminary research.

Once the FOIA offices are identified, the DFO will farm the request to the appropriate points of contact (POC) in the FOIA offices. The DFO will then ensure consistency by serving as the principal point of contact for the request on behalf of the FOIA offices involved in processing. As such, the DFO makes determinations on requester category, if applicable, fee waivers and expedited processing, clarifies or negotiates scope and time extensions, and ensures consistency in the application of redactions through a series of coordination teleconferences and/or emails.

The DFO also ensures coordinated responses for all statutorily required reports and audits. The DFO typically provides oral and written guidance for the FOIA offices' report and audit submission well in advance of a submission deadline. Those submissions are then reviewed for accuracy by the Departmental FOIA Officer and then compiled into a final submission for signature by the Chief FOIA Officer.

4.1.2 Processing

It is imperative that GIS professionals in the DFO familiarize themselves with the offices, agencies, and mission areas it services along with the primary locations for many of the records requested.

Offices Serviced by the DFO	Link to Organizational Chart
The Office of the Secretary is the general management arm of the Department and provides the principal support to the Secretary in formulating policy and in providing guidance to the President. It provides program leadership for the Department's functions and exercises general supervision over the operating units.	https://www.usda.gov/sites/default/files/documents/usda-organization-chart.pdf

<p><u>Departmental Administration</u> (DA) is USDA's central administrative management organization. Departmental Administration provides budget and fiscal management, human resource, procurement, and information technology support to mission areas so that they can serve customers more effectively and efficiently. Departmental Administration manages the Headquarters Complex and provides direct customer service to Washington, D.C. employees.</p>	<p>http://www.dm.usda.gov/docs/DM-Directory.pdf</p>
<p>The <u>Office of Communications</u> (OC) provides leadership, expertise, counsel, and coordination for the development of communications strategies which are vital to the overall formulation, awareness and acceptance of USDA programs and policies, and serves as the principal USDA contact point for the dissemination of consistent, timely information.</p>	<p>https://www.usda.gov/sites/default/files/documents/oc-organization-chart.pdf</p>
<p>The <u>Office of Ethics</u> is the centralized office responsible for coordinating and implementing USDA's Ethics program throughout the Department. OE provides ethics services to employees at all levels of USDA concerning advice and training about compliance with ethics laws and regulations, including the conflict of interest and impartiality rules, as well as the rules governing political activity by Federal employees.</p>	<p>http://www.ethics.usda.gov/branch.htm</p>

<p>The Office of Advocacy and Outreach (OAO) works across USDA to enhance access to services for the communities we serve, by: (1) improving the viability and profitability of small and beginning farmers and ranchers; (2) improving access to USDA programs for historically underserved communities; (3) improving agricultural opportunities for farm workers; and (4) closing the professional achievement gap by providing opportunities to talented and diverse young people to support the agricultural industry in the 21st century</p>	<p>https://www.outreach.usda.gov/aboutus.htm</p>
<p>The Office of the Chief Economist (OCE) advises the Secretary of Agriculture on the economic implications of policies and programs affecting the U.S. food and fiber system and rural areas. OCE supports USDA policy decision making by analyzing the impact of proposals and coordinating a response among several USDA agencies.</p>	<p>https://www.usda.gov/oce/about_oce/leadership.htm</p>
<p>The Office of the Chief Scientist (OCS) was established in accordance with the Food, Conservation, and Energy Act of 2008 to provide strategic coordination of the science that informs the Department's and the Federal government's decisions, policies and regulations that impact all aspects of U.S. food and agriculture and related landscapes and communities.</p>	<p>https://www.usda.gov/our-agency/staff-offices/office-chief-scientist-ocs/about-office-chief-scientist</p>

<p>The Office of Congressional Relations (OCR) serves as the Department's liaison with Members of Congress and their staffs. OCR works closely with members and staffs of various House and Senate Committees including the House Agriculture Committee and the Senate Committee on Agriculture, Nutrition, and Forestry to communicate USDA's legislative agenda and budget proposals.</p>	<p>https://www.usda.gov/our-agency/staff-offices/office-congressional-relations-ocr/ocr-staff</p>
<p>The Center for Faith-Based and Neighborhood Partnerships reaches out and connects government with non-profit organizations - both secular and faith-based - to help people in need.</p>	<p>https://www.usda.gov/our-agency/staff-offices/center-faith-based-and-neighborhood-partnerships/policy-guidance-and</p>
<p>The Research, Education, and Economics (REE) mission area is dedicated to creating a safe, sustainable, competitive U.S. food and fiber system, as well as building strong communities, families, and youth through integrated research, analysis, and education.</p>	<p>https://www.ree.usda.gov/biographies https://www.ree.usda.gov/agencies-and-offices</p>
<p>Trade and Foreign Agricultural Affairs' (TFAA) role is to provide our farmers and ranchers with opportunities to compete in the global marketplace. TFAA is the Department's lead on trade policy with primary responsibility to ensure USDA speaks with a unified voice on international agriculture issues domestically and abroad.</p>	<p>https://www.fas.usda.gov/about-fas/leadership https://www.usda.gov/codex</p>

5 Intake Procedures

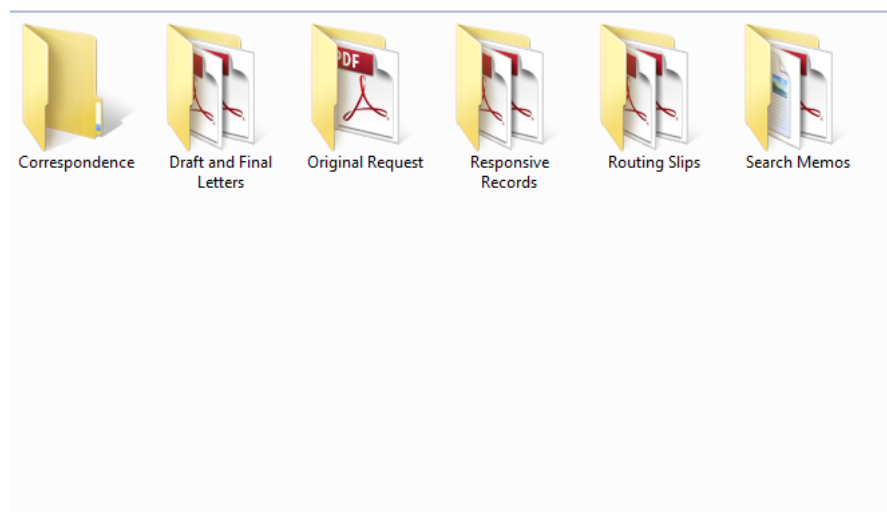
The DFO accepts written requests by mail, facsimile, electronic delivery, and the USDA's Public Access Link (PAL). The intake officer assigns the incoming requests directly to the GIS or FOIA analyst for processing. Upon receipt, each requests should be reviewed to ensure it includes **contact information**, in the absence of a fee waiver request, a **statement indicating the requester's willinness to pay fees**, and a

request for records that is reasonably described.¹ Additionally, please be sure to retain the cover page or packaging for the administrative file if the request was submitted by mail or facsimile.

All requests should then be immediately logged in the Department's enterprise-wide tracking database² unless personally identifiable information needs to be secured in accordance with USDA and PA requirements. Please ensure that fields for the Request Type, Requester Category, Organization, Received Mode, Requested Date, Received Date, and Request Description are completed prior to saving the new entry. Also, the GIS or analyst should address at the outset any issues with the contact information, statement indicating willingness to pay fees, and/or the records sought not being reasonably described.

Once the request is logged, create an electronic case folder on the shared drive under the subfolder for the GIS or analyst assigned to the request. The electronic case folder should be labeled as follows [Tracking Number] [Requester's Last Name] [Organization].

Within each case folder, the GIS or analyst should also create as shown below a subfolder for at a minimum correspondence, draft and final letters, the original request, responsive records, and search memorandums.



After the electronic case folders are created, the GIS or analyst should then draft a standard acknowledgment using the template in **Appendix C**. Appendix C also includes acknowledgment templates should you need more information regarding the scope or fee category.

If the request seeks a **consultation** or is a referral of records (which we here in the DFO call a **route**) the assigned GIS or analyst will prepare an acknowledgment email using the instruction in 5.1.1 and 5.1.2 and **Appendices D and E**.

5.1.1 Routing

In the absence of a processing agreement (e.g., interagency agreement), a GIS or analyst in possession of records originating with another agency and/or USDA component, should ordinarily route the records to the

¹ A request is reasonably described if it enables agency personnel to locate potentially responsive records with reasonable effort.

² DFO's logging procedures are included in Appendix B.

originating agency and/or USDA component for processing and direct response to the requester. In doing so, the GIS or analyst should follow [OIP's guidance](#) for routing as it makes the process transparent, it maximizes administrative efficiency, and it facilitates tracking of the routed records. **Appendix D** includes a sample routing memorandum and email from the DFO acknowledging the route.

5.1.2 Consultations

There are several situations where it is appropriate for agencies to consult with another agency or entity which holds an interest in the documents that are the subject of a FOIA request. This most commonly arises when an agency locates records in response to a request that originated with the agency, but which contain within them information that was furnished by or is of special interest to another agency and/or another USDA component. In those situations, the agency processing the request should consult with that other agency and/or USDA component to obtain its views prior to disclosure of the records. **Appendix E** contains a sample consultation memorandum. Unlike routes, consultations do not require formal notification to the requester.

Consultations are also appropriate when an agency locates records in its files that originated with an entity that is not itself subject to the FOIA. The agency may consult with that outside entity as part of its process of making a disclosure determination. Such consultations are required by Executive Order 12,600 whenever an agency is processing a request for records that arguably contain material exempt from release under Exemption 4 of the FOIA. Pursuant to Executive Order 12,600, agencies are required, with certain limited exceptions, to establish procedures to consult with the submitter of such records in order to obtain the submitter's views prior to making a disclosure determination. As part of those procedures, Executive Order 12,600 specifically requires that agencies notify requesters to advise them that they are seeking the views of the submitter on records sought by the requester. **Appendix F** contains the DFO's submitter notification templates.

6 Searches

A GIS or analyst is required to initiate in writing any searches needed to satisfy a request or appeal with the appropriate office. Searches should be initiated within five (5) days of receipt of the request. Below is a current list of offices frequently searched, the types of records maintained by each office, and the point of contact (POC). A regularly updated POC list is also kept in the DFO's shared drive.

<u>Office</u>	<u>Types of Records Maintained</u>	<u>POC</u>
Client Experience Center (CEC)	Emails ³ Instant Messages Phone Records	Jeng Mao
Climate Change Program Office (CCPO) (within OCE)	Climate Policies Response Strategies Recommendations	William Hohenstein

³ Request for emails should be handled by CEC's eComply team. The exception to this rule is those instances where the requester asks for a specific email and it would be inefficient to initiate an eComply search.



Internal Standard Operating Procedures

Office of the Administrative Law Judge (OALJ)	Complaints Answers Motions Exhibit Lists Docket Summary Index	Brenda V. Seegars
Office of Ethics (OE)	Ethics Waivers Disclosure Forms	Stuart Bender Andrew Tobin
Office of the Chief Economist (OCE)	Agricultural Forecasts	Seth Meyer
Office of the Chief Scientist (OCS)	Scientific Integrity and Research Misconduct Investigations	Dr. Dionne Toombs Dr. William Trenkle
Office of the Executive Secretariat (OES)	Congressional Correspondence	OIA Analyst Harald Fuller Bennett
Office of Human Resources (OHRM)	Personnel Recruitment/Hiring Human Resources Policies Virtual University	Mary Pletcher
Office of Operations (OO)	Facilities Management Physical Security Space Management Sustainable Practices Occupational Safety and Health	Duane Williams
Office of Pest Management Policy (OPMP)	Pest Management Policies	Sheryl Kunickis
Office of Contracting & Procurement (OCP) Charge Card Service Center (CCSC)	Purchase Card Fleet Card Travel Card	Domoni Alexander
Office of Property & Fleet Management (OPFM)	Real Property Personal Property Fleet Management	Scott Davis
Office of Contracting & Procurement (OCP) Procurement Operations Division (POD)	Procurement Properties Contracts	Domoni Alexander
Office of Contracting & Procurement (OPPM) Procurement Policy Division (PPD)	Policy and Regulations Acquisition Workforce Special Procurement Programs	Domoni Alexander

White House Liaison (WHL)		Vacant
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Requests for searches must be made in writing in the form of a search memorandum, which must be signed by the Departmental FOIA Officer or authorized GIS. Search memoranda should adhere to the template in **Appendix G** and then be forwarded to the appropriate office within 5 business days of receipt of the request. Once signed, the memorandum should be immediately forwarded to the office performing the search, as also shown in **Appendix G**. The signed search memorandum and forwarding email should both become part of the electronic file.

Search requests to CEC should be submitted via the eComply portal at:

<https://usdagcc.sharepoint.com/sites/eDiscovery/Lists/Request/AllView.aspx>. Records will be returned in the form of a PST file. You may request access to the eComply portal via an online request form at: <https://usdagcc.sharepoint.com/sites/eDiscovery>.

7 Exemption Application

The DFO makes records available unless withholding is required by one of the FOIA's nine statutory exemptions, three statutory exclusions, or the PA's ten exemptions. A GIS or analyst in the DFO should be proficient in application of the FOIA's nine statutory exemptions, three statutory exclusions, and the PA's ten exemptions, but demonstrate mastery of FOIA exemptions 5 U.S.C. § 552(b)(3), 5 U.S.C. § 552(b)(4), 5 U.S.C. § 552(b)(5), 5 U.S.C. § 552(b)(6), 5 U.S.C. § 552(b)(7)(a), 5 U.S.C. § 552(b)(7)(c), as these are most commonly used by the Department.

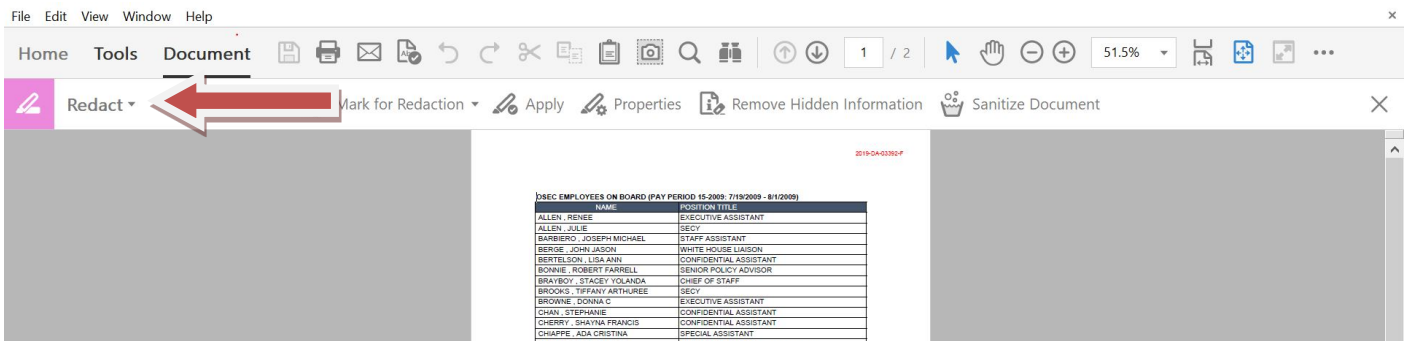
8 Redactions

A GIS or analyst in possession of responsive records is required to maintain them in the subfolder titled "Responsive Records" under the case folder. If redactions are required, the GIS or analyst must maintain a clean copy of the records, a working copy with proposed redactions, and a copy of the final version with the redactions applied. This record-keeping requirement is necessary regardless of the method used to apply the redactions (see 8.1.1 and 8.1.2).

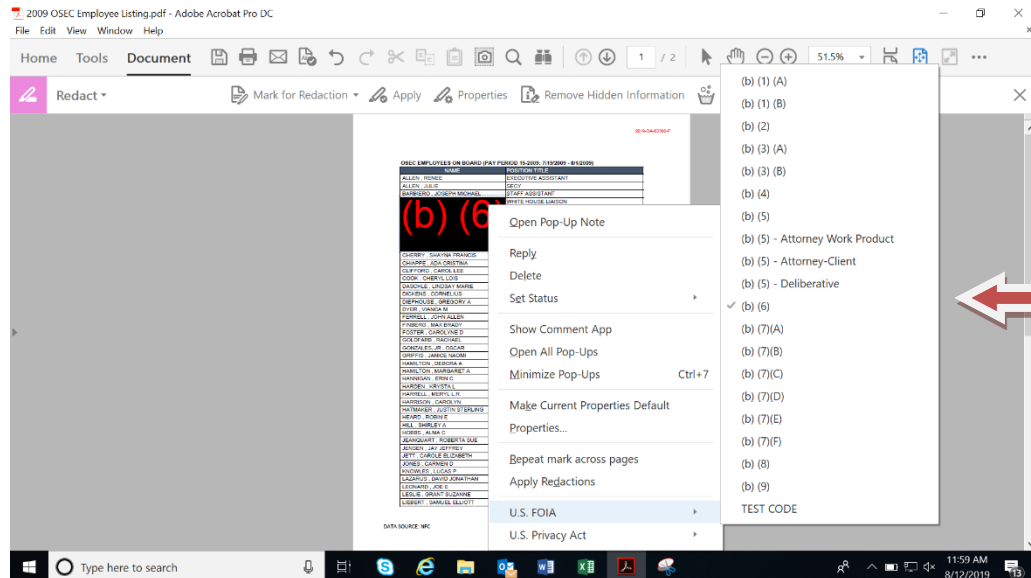
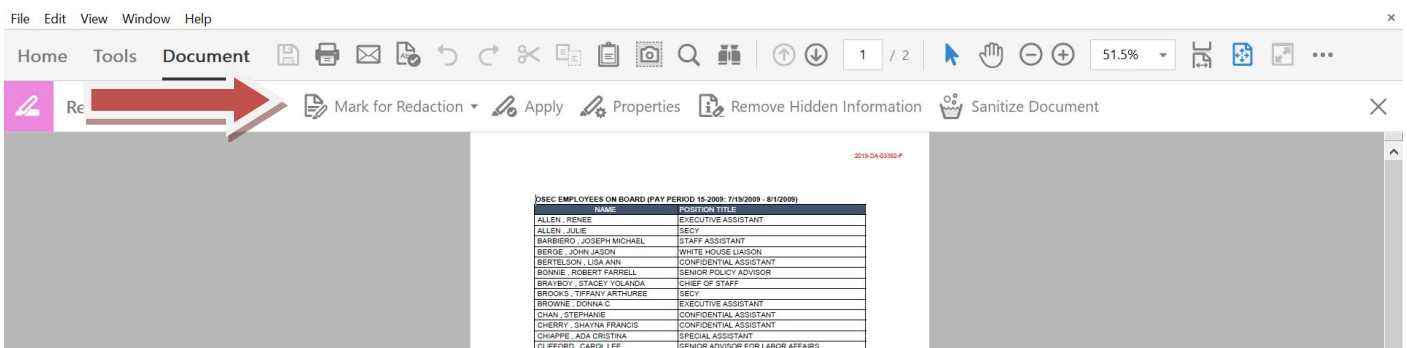
8.1.1 Adobe Acrobat X Pro

To access the Adobe redaction kit, select 'Tools' and then select the 'Redact' tab.

Internal Standard Operating Procedures

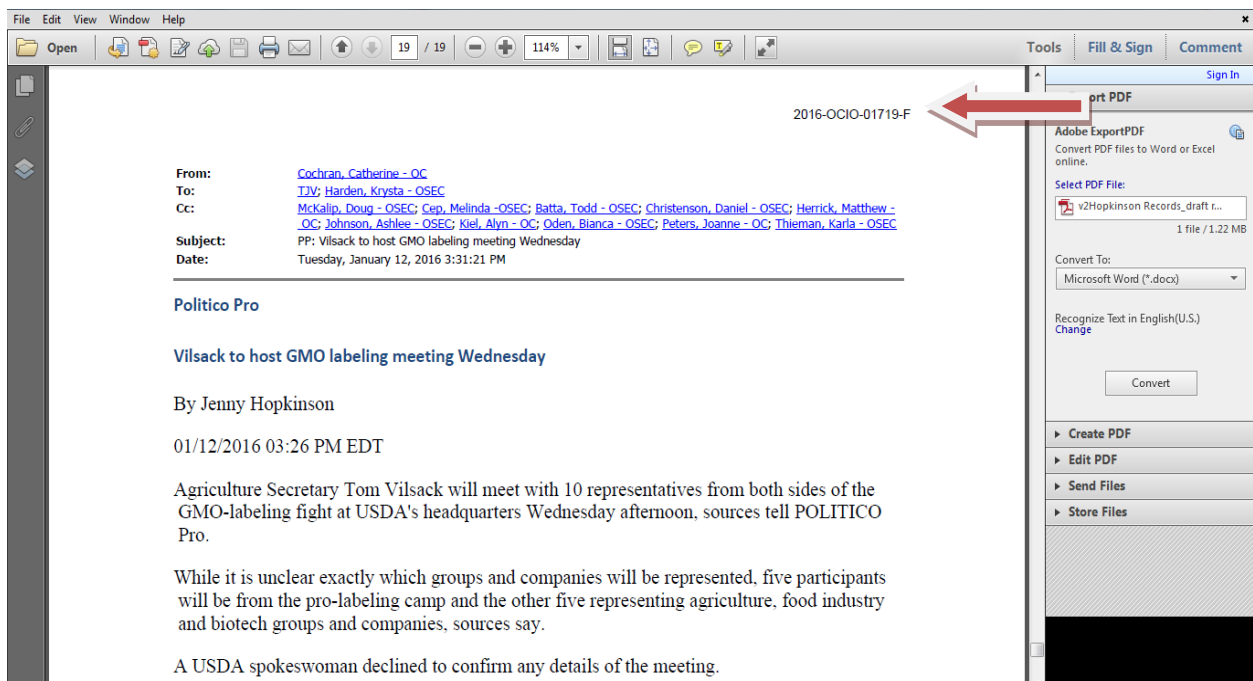


Under the 'Mark for Redaction' tab, select 'Text and Images'.



To select the area you wish to redact, place the cursor at the beginning of the word or sentence to be redacted, and drag across the desired area. When redacting larger areas or images, you may place the cursor at the outer corner of the area to be redacted and holding the 'CTRL' key while you click the cursor and drag it across the desired area. Once you've selected the area you want to redact, right click and the program will give you the option to insert the appropriate exemption(s). If applying FOIA exemptions 5 U.S.C. § 552(b)(3) or 5 U.S.C. § 552(b)(5), either the statute or privilege must accompany the redaction code.

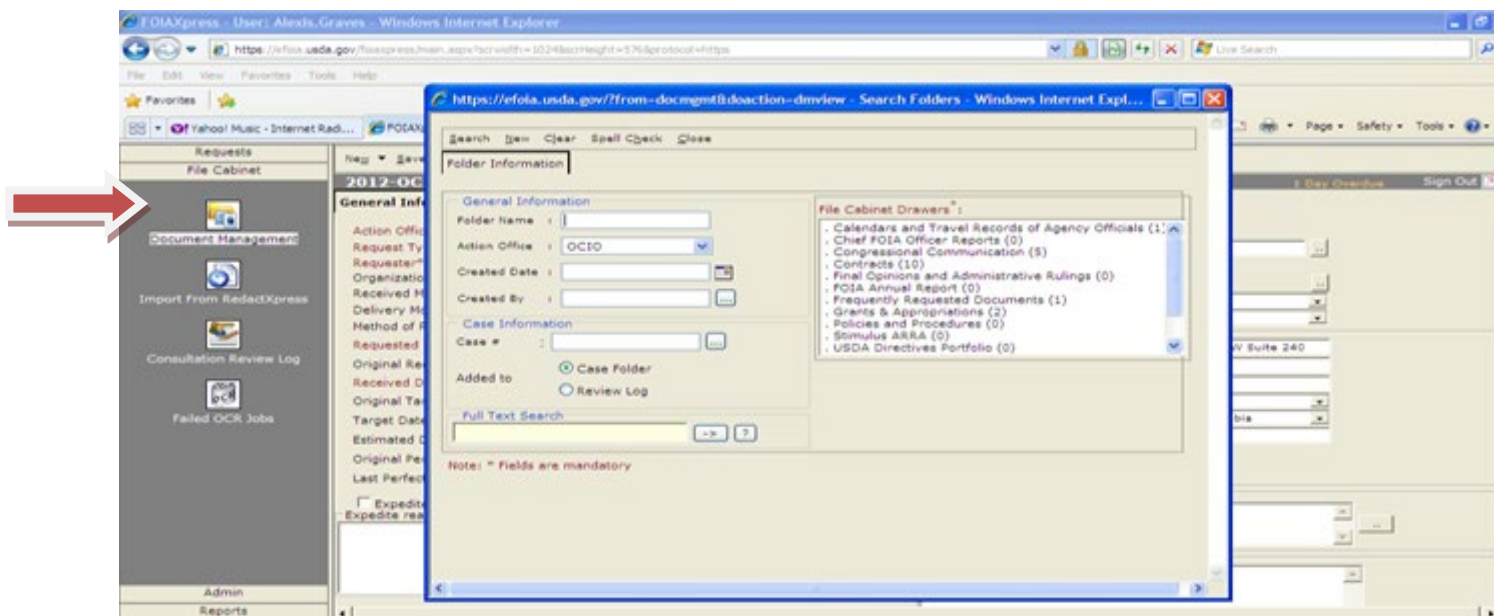
Also remember to save your work as you go along. When all redactions are complete and have been approved by the Departmental FOIA Officer, you will then select the ‘Apply Redactions’ tab under the ‘Redact’ tool to finalize the redactions. A pop-up window will appear asking you to confirm this action; click the ‘OK’ button. Once the redactions are applied, Adobe will automatically run the ‘Search for Hidden Information’ function, which finds and removes potentially sensitive data from the PDF files; generally, this includes deleting comments and killing live links. Once the automatic search for hidden information is complete, click on the ‘Remove’ button. The case tracking number should be added to the header as shown below and the page count to the footer. Finally, save the file in the electronic folder as the redacted version of the responsive records.



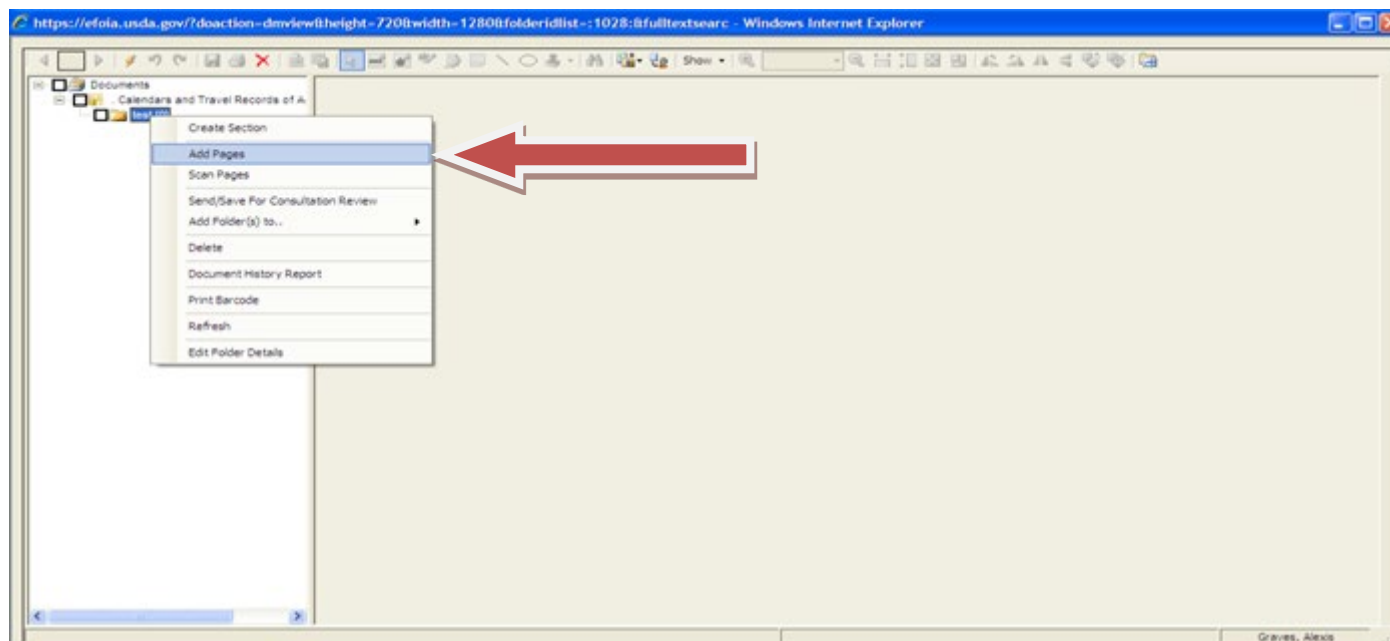
8.1.2 FX Redactions

Before you can begin the redaction process in FX you must either create the folder from which you will work or select an already existing folder to upload responsive records. To create or select an existing folder, select the ‘Document Management’ tab on the left-hand side of the screen.

Internal Standard Operating Procedures

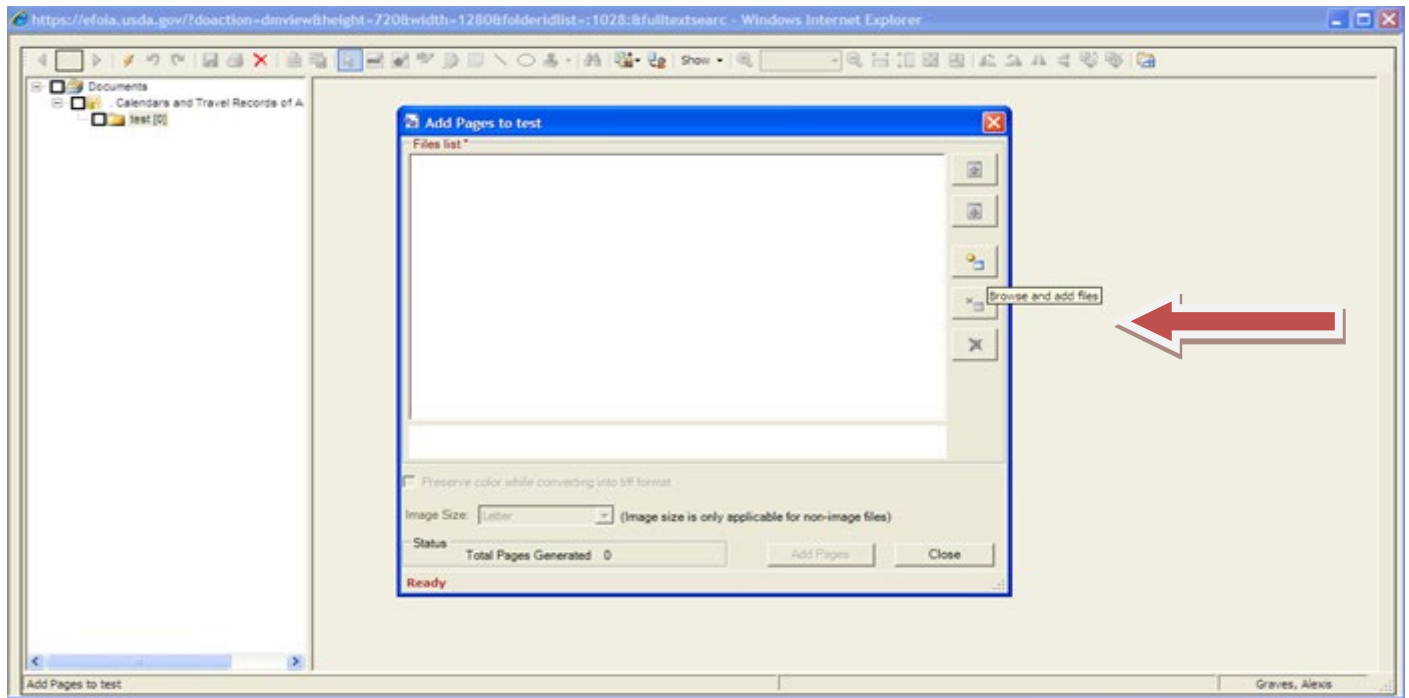


Once you've either created a folder or have elected to work from an existing folder, you will be taken to the document management home screen as shown below. To upload documents, select a folder and then right click to add pages.

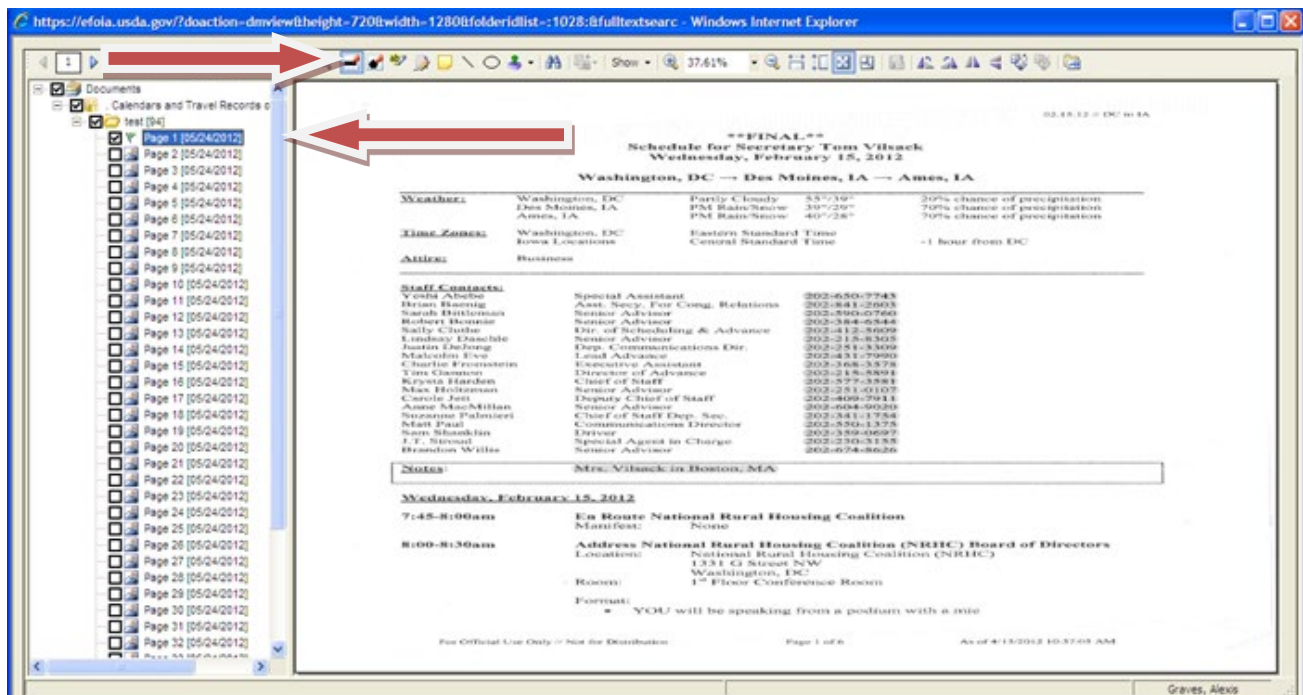


Then select the browse and add files icon shown below.

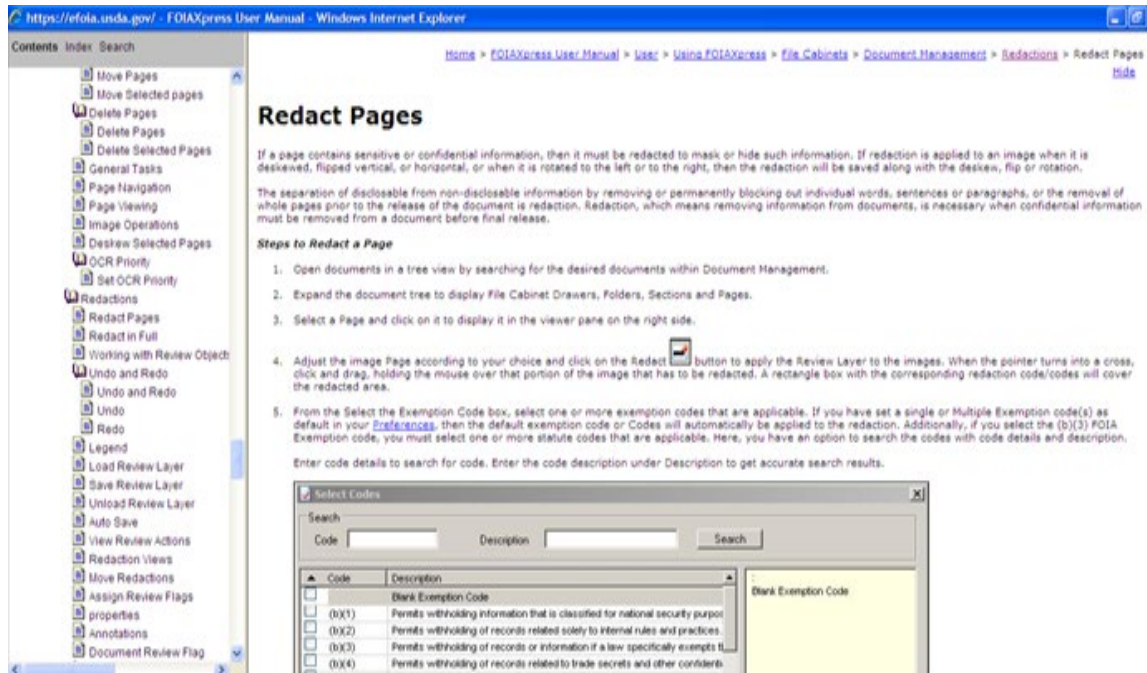
Internal Standard Operating Procedures



Once records are uploaded, select the page from which you want to begin work. You can then begin redacting using any of the FX redaction tools.



For more information regarding the FX redaction tools, please visit the FX user manual on your FX homepage.



9 Releases

9.1.1 Interim

When a request involves a voluminous record set or searches in multiple locations, whenever feasible, provide the requester with interim responses rather than waiting until all records are located and processed. Although there are situations where records need to be reviewed in their totality to ensure proper handling, in other cases rolling releases of records are possible. Whenever such rolling releases are possible, the GIS or analyst should do so to facilitate access to the requested records.

When drafting an interim response, identify it as such and note that appeal rights will be provided with the agency's final determination as shown in **Appendix H**. Once finalized, it should be emailed to the Departmental FOIA Officer for a secondary and final review. The Departmental FOIA Officer will review as soon as possible and either sign or provide corrections for the GIS or analyst.

9.1.2 Final

A final determination should identify the responsive records, the volume of any information withheld, any exemptions asserted, provide appeal rights, and contact information for the GIS or analyst processing the request. The template for the DFO's final determinations is also available in **Appendix H**. Upon approval, a copy of the signed letter should be placed in the case folder and also uploaded to the FX case log.

10 Appeals

Appeals received in the DFO within 90 days of the date of the denial letter must be processed in accordance with 7 C.F.R. Part 1.9. When verifying whether the requester is within the 90-day window, please refer to the postmarked date on the envelope or the date of the email. If the requester is not within the 90-day window, please consult with the Departmental FOIA Officer for next steps. If the requester, however, is within the prescribed 90-day period, the DFO must designate an appeal officer. To protect the integrity of the appeal process, the appeal officer must be an individual removed from the initial review. That is, any individuals working on the initial release --- whether the activity is redacting or even a cursory review -- must recuses themselves from the appeal process. Like FOIA requests, appeals should be logged into FX. To initiate an appeal in FX, select the 'Create Appeal' function and then follow the same log in procedures in **Appendix B**.

Once an appeal officer is designated, an acknowledgement email must be sent to the requester. The acknowledgement should identify the appeal tracking number, the appeal officer and provide sufficient contact information. The GIS or analyst should then move forward with preparing an appeal package for legal sufficiency review. An appeal package should include at a minimum an introductory memorandum to the OGC outlining the issues, the initial request, the DFO's initial determination, the appeal letter, proposed redactions if applicable, and the DFO's draft final response to the appeal. Sample appeal packages are available in the 'Final Release' folder in the DFO's shared directory.

11 Reporting Requirements

11.1.1 Weekly Activity Report

The Weekly Activity Report (WAR) provides a general overview of the weekly activities in the DFO. Each week every GIS is required to submit input to the DFO Team Lead. Input should include a description of requests received, routed, and closed, capsule summaries of meetings facilitated and/or attended, and the submission of any statutorily required reports.

The DFO Team Lead will compile the submissions to create one comprehensive report for review by the Departmental FOIA Officer.

11.1.2 FOIA ANNUAL REPORT

The FOIA requires each federal agency to submit an Annual Report to the Attorney General each year. These reports contain detailed statistics on the numbers of requests received and processed by each agency, the time taken to respond, and the outcome of each request. The Departmental FOIA Officer is tasked with preparation of the Annual Report, submission to the DOJ, and publication on the Department's FOIA website. Preparation typically begins in October and concludes the first week in December. If interested in viewing the Department's reports from prior years, click [here](#).

11.1.3 CHIEF FOIA ANNUAL REPORT

Attorney General Holder's FOIA Guidelines require the Chief FOIA Officer for each federal agency to submit a report to the Attorney General containing a detailed description of the steps taken by the agency to improve FOIA compliance and transparency. The Departmental FOIA Officer is also tasked with preparing this report on behalf of the Chief FOIA Officer. Preparation for this report begins in December and concludes mid-January. If interested in viewing the Department's reports from prior years, click [here](#).

12 MISCELLANEOUS

12.1.1 Call Trees

The DFO's manual call tree is an integral part of the overall emergency management plan. It is activated only in an emergency scenario. In such instance, each person on the call tree contacts the next person on the list until everyone on the call tree has been reached. In the event, the next person on the list cannot be reached, the caller should continue with the next level of the tree, so the chain does not break.

For the call tree to be successful, it is also imperative that employee contact information is routinely reviewed by team members for accuracy. With that, the Department Team Lead will request quarterly for each member to review and update if appropriate their contact information.

12.1.2 Teleconferences

Requests for use of a telephone bridge pass code and leader code must be submitted in writing to the Departmental FOIA Officer.

12.1.3 Supply Requests

Requests for supplies must be submitted in writing to the Departmental FOIA Officer. A consolidated supply request will be submitted to the Administration team.

Appendix A. Acronyms & Abbreviations

Acronyms/abbreviations used in this document are listed below in alphabetical order.

Acronym/Abbreviation	Description
ASAP	American Society of Access Professionals
CCSC	Charge Card Service Center
CEC	Client Experience Center
CCPO	Climate Change Program
DA	Departmental Administration
DOJ-OIP	United States Department of Justice Office of Information Policy
FOIA	Freedom of Information Act
FPL	FOIA Public Liaison
FX	FOIAXpress
GAL	Global Address List
GIS	Government Information Specialist
OALJ	Office of the Administrative Law Judge
OC	Office of Communications
OCE	Office of the Chief Economist
OCIO	Office of the Chief Information Officer
OCS	Office of the Chief Scientist
OE	Office of Ethics
OHRM	Office of Human Resources
OIP	Office of Information Policy
OGC-GLRD	Office of General Counsel-General Law and Research Division
OGIS	Office of Government Information Services
OO	Office of Operations
OPMP	Office of Pest Management Policy
OCP	Office of Contracting & Procurement
OPFM	Office of Property & Fleet Management
OSEC	Office of the Secretary
PA	Privacy Act
PAL	Public Access Link
PMD	Property Management Division
POC	Points of Contact
POD	Procurement Operations Division
PPD	Procurement Policy Division

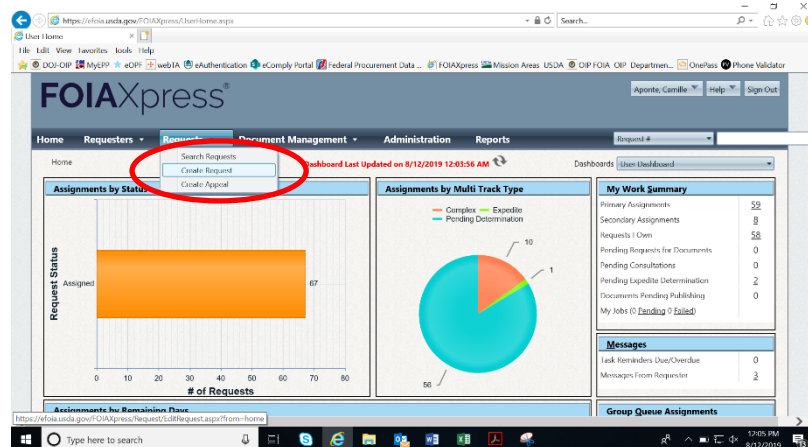
Internal Standard Operating Procedures

ISOP	Internal Standard Operating Procedure
WAR	Weekly Activity Report
WHO	White House Liaison
USDA	United States Department of Agriculture

Appendix B. Quick-Start Guide for Logging FOIAs in FX

From the FOIAXpress Homepage (above)

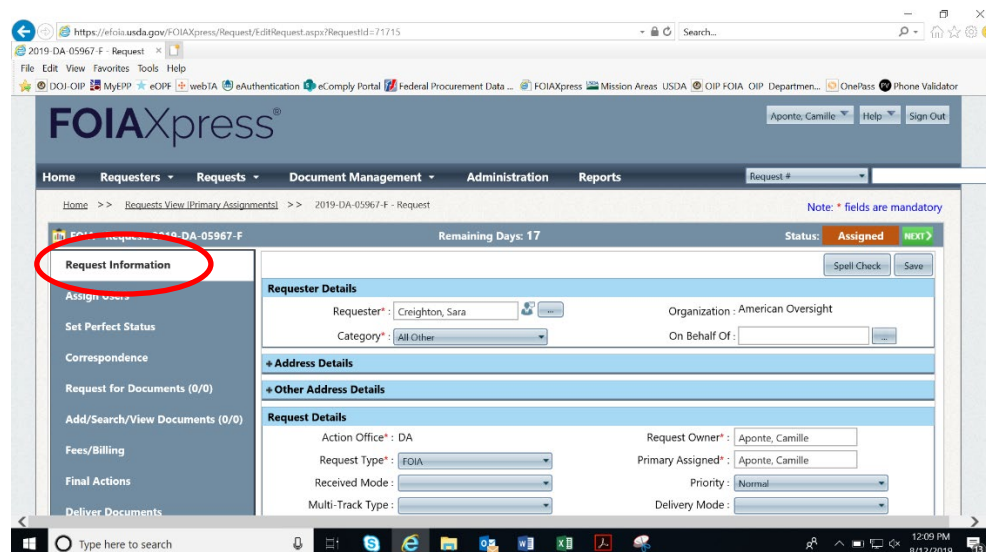
1. Click 'Create Request'



From the New Request screen (above)

2. Enter pertinent FOIA information under the 'General Information Tab'

Please Note: Fields marked with asterisks (*) are required.

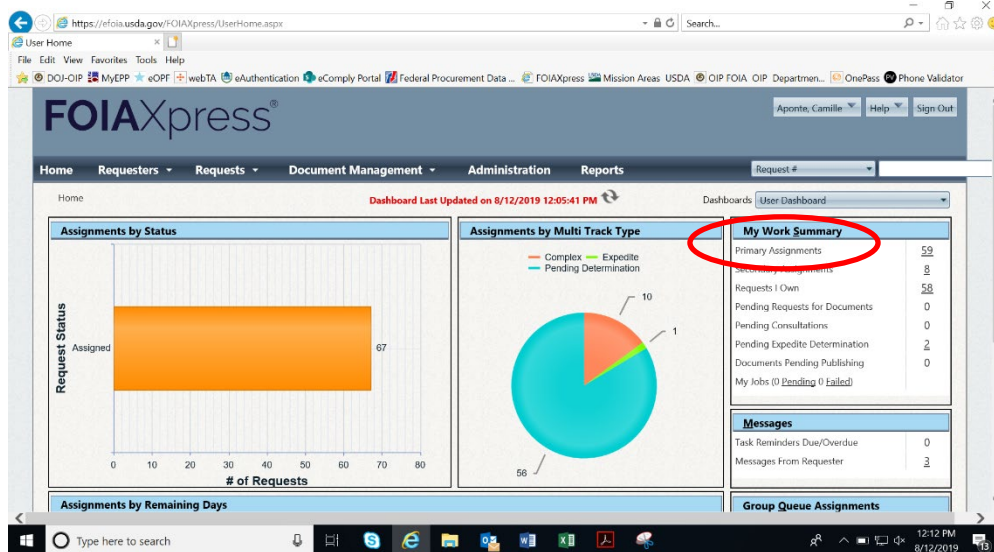


3. Click 'Request Information' Tab – Enter date range of search (if applicable), request description and attached a copy of the incoming FOIA request.
4. Click 'Fee Information' Tab – Enter Willing Amount and/or fee waiver information.

Please Note: If a Fee Waiver was requested, you will also need to provide the fee waiver status, start/end dates of approval and the reason for the fee waiver request. FYI – FOIAXpress will not accept a duplicate copy of the incoming FOIA request as the fee waiver reason. But don't fret, this is fine (because you have already uploaded a copy of the request and fee waiver request information under the 'Request Information' Tab).

5. Click 'Save' –
 - a. Here, the system will ask you "Do you want to send correspondence to the Requester?"
 - b. Click 'no' – FX will automatically take you back to your FOIAXpress Homepage

In order to retrieve/view/modify/close/amend your logged request (s), look for your 'Primary Assignments' on the right side of your FOIAXpress Homepage.





Appendix C. Sample Acknowledgment Email

ACKNOWLEDGMENT EMAIL

Re: Acknowledgment of Freedom of Information Act Request
FOIA Case No. **[INSERT HERE]**

Dear **[MR./MS.] [REQUESTER LAST NAME]**:

This email acknowledges receipt of your enclosed **[DATE OF REQUEST]** Freedom of Information Act (FOIA) request to the U.S. Department of Agriculture (USDA) Departmental FOIA Office (DFO). Your request was received in this office on **[RECEIVED DATE]**.

USDA has a decentralized FOIA program. Each agency processes its own FOIA requests and appeals independently. The Departmental FOIA Office (DFO) processes requests, consultations and appeals on behalf the DFO processes requests and appeals on behalf of the Office of the Secretary (OSEC); the Under Secretaries; USDA's staff offices; and the Research, Education and Economics and Trade and Foreign Agricultural Affairs mission areas.

The FOIA requires USDA to make a determination in response to a FOIA request within 20 business days from the date of its receipt. In unusual circumstances, the Federal agency time limit may be extended by 10 business days as stated in 5 U.S.C. § 552(a)(6)(B). If your request seeks numerous records that will necessitate a wide-ranging search, including searches with components and possible consultations with components that have a substantial interest in the determination of this request, the DFO will invoke a 10-business day extension for determination of your request. You of course have the option to narrow the scope of your request to limit the number of potentially responsive records.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Pursuant to USDA FOIA Regulations, Title 7 CFR §1.8(d), the USDA processes FOIA requests according to their order of receipt.

Provisions of the FOIA allow USDA to recover part of the cost of complying with your request. For purposes of fee assessment, you have been categorized as a **[media]** requester, pursuant to 7 CFR Appendix A to Subpart A of Part 1. For your review and information, a copy of the USDA FOIA Fee Schedule is attached. In accordance with 7 CFR Appendix A to Subpart A of Part 1, your fees shall be waived where the amount of the fee is \$25.00 or less.

A search will be conducted for records responsive to your request. If any responsive records are located, they will be reviewed for release determination. Please be assured that the FOIA Government Information Specialist in this office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned FOIA Case No. **[CASE NUMBER]**. Please refer to this case number in any future correspondence with the DFO. If you have any questions regarding the processing of this request, please contact **[MR./MS.] [GIS' NAME]** at **[GIS' PHONE NUMBER]** or



electronically at [GIS' EMAIL ADDRESS] or USDAFOIA@usda.gov. For additional information regarding USDA FOIA regulations and process, please refer to the information available on-line at www.dm.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you in this matter.

Sincerely,

The Departmental FOIA Team

Attachments: FOIA Request

USDA FOIA Fee Schedule

**ACKNOWLEDGMENT EMAIL – NEED MORE INFORMATION**

Re: Acknowledgment of Freedom of Information Act Request
FOIA Case No. **[FOIAXPRESS CASE NUMBER]**

Dear **[MR./MS.] [REQUESTER LAST NAME]:**

This email acknowledges receipt of your enclosed **[DATE OF REQUEST]** Freedom of Information Act (FOIA) request to the U.S. Department of Agriculture (USDA) Departmental FOIA Office (DFO). Your request was received in this office on **[RECEIVED DATE]**.

The DFO processes requests and appeals on behalf of the Office of the Secretary (OSEC); the Under Secretaries; USDA's staff offices; and the Research, Education and Economics and Trade and Foreign Agricultural Affairs mission areas.

After careful review of your FOIA request, the DFO determined that your request is too broad in scope or did not specifically identify the records which you are seeking. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. See 7 C.F.R. § 1.3(c)(1). Where possible, a requester should supply specific information regarding dates, titles, names of individuals, names of offices, and name of agencies or organizations that may help identify the records. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

Please provide additional information clarifying the description of the records you are seeking. In this instance, **[INSERT INFORMATION REQUIRED TO PERFECT FOIA REQUEST]**. Upon receipt of the requested information, you will be advised as to the status of your request.

If the DFO does not hear from you within 20 business days from the date of this email, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed. Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future.

Your request has been assigned FOIA Case No. **[FOIAXPRESS CASE NUMBER]**. Please refer to this case number in any future correspondence with the DFO. If you have any questions regarding the processing of this request, please contact **[MR./MS.] [FOIA ANALYST'S NAME]** at **[FOIA ANALYST'S PHONE NUMBER]** or electronically at **[FOIA ANALYST'S EMAIL ADDRESS]** or USDAFOIA@usda.gov. For additional information regarding USDA FOIA regulations and process, please refer to the information available on-line at www.dm.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,
Alexis R. Graves
Departmental FOIA Officer
Attachments: FOIA Request

ACKNOWLEDGMENT EMAIL– NEED INFORMATION FOR FEE CATEGORY

Re: Acknowledgment of Freedom of Information Act Request
FOIA Case No. **[FOIAXPRESS CASE NUMBER]**

Dear **[MR./MS.] [REQUESTER LAST NAME]**:

This email acknowledges receipt of your enclosed **[DATE OF REQUEST]** Freedom of Information Act (FOIA) request to the U.S. Department of Agriculture (USDA) Departmental FOIA Office FOIA (DFO). Your request was received in this office on **[RECEIVED DATE]**.

The DFO processes requests and appeals on behalf of the Office of the Secretary (OSEC); the Under Secretaries; USDA's staff offices; and the Research, Education and Economics and Trade and Foreign Agricultural Affairs mission areas.

Provisions of the FOIA allow USDA to recover part of the cost of complying with your request. In order to properly categorize your request for fee purposes, the DFO requires additional information such as your purpose for the requested records. Please provide the DFO with information in order to categorize your request as: 1) commercial, 2) educational institution, 3) non-commercial scientific institution, 4) media, or 5) all other. Your request will be placed on hold and will not be processed, until the DFO receives the requested information. If the DFO does not receive a response from you within 15 business days from the date of this letter, the DFO will proceed to process your request and categorize you as **[CHOOSE ONE:** an "all other" **OR** a commercial] requester.

CHOOSE ONE OF THE FOLLOWING FOR REQUESTER FEE CATEGORY**For Commercial Requesters**

Provisions of the FOIA allow USDA to recover part of the cost of complying with your request. For purposes of fee assessment, you were categorized as a commercial requester, pursuant to 7 CFR Appendix A to Subpart A of Part 1. For your review and information, a copy of the USDA FOIA Fee Schedule is enclosed. In accordance with 7 CFR Appendix A to Subpart A of Part 1, your fees shall be waived where the amount of the fee is \$25.00 or less. You will be contacted before any fees over \$25.00 are accrued.

For All Other Requesters:

Provisions of the FOIA allow USDA to recover part of the cost of complying with your request. For purposes of fee assessment, you were categorized as an "all other" requester, pursuant to 7 CFR Appendix A to Subpart A of Part 1. For your review and information, a copy of the USDA FOIA Fee Schedule is enclosed. In accordance with 7 CFR Appendix A to Subpart A of Part 1, your fees shall be waived where the amount of the fee is \$25.00 or less. You will be contacted before any fees over \$25.00 are accrued.

Your request has been assigned FOIA Case No. **[FOIAXPRESS CASE NUMBER]**. Please refer to this case number in any future correspondence with the DFO. If you have any questions regarding the processing of this request, please contact **[MR./MS.] [FOIA ANALYST'S NAME]** at **[FOIA ANALYST'S PHONE NUMBER]** or electronically at **[FOIA ANALYST'S EMAIL ADDRESS]**



or USDAFOIA@usda.gov. For additional information regarding USDA FOIA regulations and process, please refer to the information available on-line at www.dm.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you in this matter.

Sincerely,

Alexis R. Graves
Departmental FOIA Officer

Attachments: FOIA Request
USDA FOIA Fee Schedule

FEE SCHEDULE FOR ACKNOWLEDGMENTS

USDA FOIA Fee Schedule

7 CFR Appendix A to Subpart A of Part 1

Type of Requester	Type of Charge	Price
Commercial	Duplication	\$.20 per page
	Search	Actual salary rate of employee involved, plus 16% of salary rate*
	Review	Actual salary rate of employee involved, plus 16% of salary rate
Educational or Non-Commercial Scientific	Duplication	No charge for first 100 pages, then \$.20 per page
	Search	Free
	Review	Free
News Media	Duplication	No charge for first 100 pages, then \$.20 per page
	Search	Free
	Review	Free
All Other	Duplication	No charge for first 100 pages, then \$.20 per page
	Search	No charge for first two (2) hours of search, then actual salary rate of employee involved, plus 16% of salary rate *
	Review	Free



Appendix D. Sample Referral Memorandum (for External Agency) **OR** Email (for USDA Agency) and Acknowledgment Email Informing Requester of Routing

TO: [FOIA OFFICER'S NAME]
[TITLE]
[COMPONENT NAME]

FROM: Alexis R. Graves
Departmental FOIA Officer

SUBJECT: Referral of Records
FOIA Case No. [FOIAXPRESS CASE NUMBER]

DATE: [DATE]

Please refer to the attached Freedom of Information Act (FOIA) request submitted to the U.S. Department of Agriculture (USDA) Departmental FOIA Office (DFO) from [REQUESTER'S NAME on behalf of REQUESTER'S ORGANIZATION].

During the search for responsive records, the DFO identified [NUMBER] pages of records that originated within [COMPONENT NAME]. Therefore, according to USDA regulation 7 C.F.R. § 1.4(e)(2), the DFO is referring the attached records to your office for review and release determination. The DFO has advised the requester that your office will respond directly regarding these records. As a courtesy, a copy of the initial FOIA request and the routing email to the requester is attached.

If you have any questions concerning this referral, please contact [MR./MS.] [FOIA ANALYST'S NAME] at [FOIA ANALYST'S PHONE NUMBER] or electronically at [FOIA ANALYST'S E-MAIL ADDRESS] or USDAFOIA@usda.gov.

The DFO Team appreciates your assistance in this matter.

Attachments: FOIA request
USDA Routing Email
[USDA COMPONENT ACRONYM] Records

**ACKNOWLEDGMENT EMAIL – ROUTING OF REQUEST**

Re: Acknowledgment and Routing of Freedom of Information Act Request
FOIA Case No. **[FOIAXPRESS CASE NUMBER]**

Dear **[MR./MS.] [REQUESTER LAST NAME]**:

This email acknowledges receipt of your attached **[DATE OF REQUEST]** Freedom of Information Act (FOIA) request to the U.S. Department of Agriculture (USDA) Departmental FOIA Office (DFO). Your request was received in this office on **[RECEIVED DATE]**.

The DFO processes requests and appeals on behalf of the Office of the Secretary (OSEC); the Under Secretaries; USDA's staff offices; and the Research, Education and Economics and Trade and Foreign Agricultural Affairs mission areas.

Upon review, the DFO has determined that the records sought are likely to be maintained by **[COMPONENT NAME]**, a USDA component. Therefore, according to USDA regulation 7 C.F.R. § 1.4(e)(2), the DFO is routing your request to the FOIA Officer for **[COMPONENT NAME]** for processing and direct response to you. In the event you have questions regarding your request, please contact the agency using the contact information below:

[FOIA OFFICER]
U.S. Department of Agriculture
[COMPONENT NAME]
[AGENCY ADDRESS]
[TELEPHONE]
[FOIA OFFICER EMAIL ADDRESS].

[OPTIONAL: USE IF REQUESTER DID NOT USE PAL]

For additional information regarding USDA FOIA regulations and frequently requested records, please visit the USDA FOIA homepage at www.dm.usda.gov/foia. There you can access our Public Access Link (PAL). Once registered, PAL allows you to: 1) submit a FOIA request to any of our 20 USDA component agencies electronically; 2) check the status of your FOIA request; and 3) download responsive records as they become available.

If you have any questions or concerns regarding this email, please contact **[MR./MS.] [FOIA ANALYST'S NAME]** at **[FOIA ANALYST'S PHONE NUMBER]** or electronically at **[FOIA ANALYST'S EMAIL ADDRESS]** or USDAFOIA@usda.gov.

The DFO Team appreciates the opportunity to assist you in this matter.

Sincerely,

Alexis R Graves
Departmental FOIA Officer



Attachment: FOIA request

cc: **[FOIA OFFICER, COMPONENT]**



Appendix E. Sample Consultation Memorandum (for External Agencies) OR Email (for USDA Agencies)

TO: [FOIA OFFICER'S NAME]
[TITLE]
[COMPONENT NAME]

FROM: Alexis R. Graves
Departmental FOIA Officer

SUBJECT: Request for Consultation of Freedom of Information Act Request
FOIA Case No. [FOIAXPRESS CASE NUMBER]

DATE: [DATE]

Please refer to the attached Freedom of Information Act (FOIA) request submitted to the U.S. Department of Agriculture Departmental FOIA Office (DFO) from [REQUESTER'S NAME on behalf of REQUESTER'S ORGANIZATION].

After review, it was determined that some of the responsive records contain equities related to [COMPONENT NAME]. Therefore, the DFO has attached the records, totaling NUMBER (#) of pages, for your review and release approval based on equities related to your office. The DFO is requesting a response regarding the release approval within [REASONABLE AMOUNT OF TIME] business days from the date of this letter. If the DFO does not receive a response from you within [REASONABLE AMOUNT OF TIME] business days, the DFO will route the records in their entirety to your office for direct response to the requester.

If you have any questions regarding this consultation, please contact [MR./MS.] [FOIA ANALYST'S NAME] at [FOIA ANALYST'S PHONE NUMBER] or electronically at [FOIA ANALYST'S EMAIL ADDRESS] or USDAFOIA@usda.gov.

The DFO Team appreciates your assistance with this matter.



Appendix F. Sample Business Submitters Notice

Re: FOIA Case No. [FOIAXPRESS CASE NUMBER]
Submitter Notice

Dear [MR./MS.] [SUBMITTER LAST NAME]:

The U.S. Department of Agriculture (USDA), [Insert Component Name] has received a Freedom of Information Act (FOIA) request seeking records that originated with the [Insert Requester Name or Organization]. [If Litigation, Cite It.]

Pursuant to Executive Order 12600 and USDA's FOIA regulations, 7 C.F.R. 1.8, the [Insert Component Name] is seeking your input regarding these records. Specifically, the [Insert Component Name] is seeking your input regarding whether the records should be withheld in full or in part under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). Enclosed please find [Insert No. of Pages] of records that originated with your organization.

FOIA Exemption 4 protects privileged or confidential trade secrets and commercial or financial information and is intended to protect the interests of both the government and submitters of information. The Supreme Court recently addressed the definition of "confidential." *See Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019) ("At least where commercial or financial information is both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy, the information is 'confidential' within the meaning of Exemption 4.") As a result, the [Insert Component Name] is seeking your input concerning your treatment of the enclosed information and, specifically, whether it is treated as confidential.

Accordingly, please provide a written response no later than **5:00pm ET**, on [Insert Date]; in that statement, please indicate whether you treat the enclosed information as confidential. Alternatively, if you voluntarily consent to the release of the enclosed information, please advise the [Insert Component Name] in writing. Finally, if you fail to provide a written response by **5:00pm ET**, [Insert Date], you will be deemed to have no objection to release of the enclosed information. Please be advised that the [Insert Component Name] will carefully consider your response as it makes a final determination with regard to releasability. In the event that the [Insert Component Name] determines to release information over your objection, you will be afforded advance notice prior to release.

If you have any questions or concerns about this letter, please contact [Insert Name].
Sincerely, [Insert Name]

Note: Letter Template is Subject to Change as Further Case Law Develops



Appendix G. Sample Search Template and Forwarding Email

To: [INSERT NAME]
[INSERT POSITION]
[INSERT OFFICE]

From: Alexis R. Graves
Departmental FOIA Officer

Subject: Search for Responsive Records
Freedom of Information Act (FOIA) Request
[FOIA Case No.]

The DFO has received a FOIA request from [REQUESTER's NAME] of [REQUESTER AFFILIATION]. [REQUESTER NAME] is requesting [SCOPE OF RECORDS].

The DFO requires the assistance of your office to fulfill this request. Please provide an Adobe PDF version of all records related to the above referenced FOIA request.

Upon receipt of the signed memorandum, your office is authorized to commence with the above requested search. Please return the search records to [ANALYST NAME]. [ANALYST NAME] can be reached at [ANALYST NUMBER] or may be contacted through email at [ANALYST EMAIL].

Barnes, Marqui - OCIO

From: Barnes, Marqui - OCIO
Sent: Monday, November 09, 2015 2:47 PM
To: Sutch, Zina - DM; Ross-DeFlanders, Paula - OES
Cc: Goqniat, Ann Marie - OES; Jenkins, Betty - OES
Subject: New FOIA Search Request for OES - 2016-OSEC-00530-F
Attachments: 2016-OSEC-00530-F Signed OES Search Memo.pdf

Good Afternoon, Ms. Sutch/Paula/OES:

Please see a Search Memo for FOIA Case No. 2016-OSEC-00530-F attached.

Please provide a response at your earliest convenience. My contact information is listed on the attached Search Memo (and below).

Additionally, if you believe other office(s)/component(s) or another agency should be involved in processing this request, please don't hesitate to notify the FOIA Service Center as soon as possible.

Please contact me directly if you have any questions.

As always, thank you kindly!

Marqui

(Ms.) Marqui Q. Barnes, CIPP/G
Department FOIA Team Lead
Department FOIA Service Center
Policy, E-Government, and Fair Information Practices (PE&F)
Office of the Chief Information Officer (OCIO)
U.S. Department of Agriculture (USDA)
(202) 694-1802 (direct)
Marqui.Barnes@ocio.usda.gov



Appendix H. Releases

[DATE]

Delivered via [FIRST CLASS MAIL AND ELECTRONIC MAIL]

[REQUESTER NAME]

[REQUESTER TITLE]

[COMPANY NAME]

[ADDRESS]

[CITY, STATE ZIP CODE]

[E-MAIL ADDRESS]

Re: **Interim Response**

Freedom of Information (FOIA) Case No. [INSERT HERE]

Dear [MR./MS.] [REQUESTER LAST NAME]:

This is an interim response to the above-referenced FOIA request for [REQUEST SCOPE].

Your request is being processed under the **FOIA, 5 U.S.C. § 552**.

A search for responsive records was conducted by the [DIVISION AND/OR OFFICE]. [NUMBER] pages of responsive records have thus far been identified. The DFO has determined to release [NUMBER] pages in [FULL OR [PART PURSUANT TO INSERT EXEMPTION]].

Following a review of the records identified to date, the DFO has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. §552(b)(#) (FOIA Exemption(s) #). Below is an explanation of the information that has been withheld. [INSERT ANALYSIS]

The DFO continues processing the remainder of your request.

You have the right to appeal the DFO's determinations. Due to the need to issue more than one release of records in order to fully resolve your request, your appeal rights for all records released in response to this request will be provided to you in our final response letter.

You may seek dispute resolution services from the DFO's FOIA Public Liaison, [Insert Name], at USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

If you have any questions regarding the processing of this request, please contact USDAFOIA@usda.gov. For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.



If you have any questions concerning this interim response, please contact [ANALYST NAME] at [ANALYST NUMBER] or electronically at [ANALYST EMAIL].

The DFO appreciates your patience as we continue processing the remainder of your FOIA request.
Sincerely,

Alexis R. Graves
Departmental FOIA Officer

Enclosed: Responsive Records (# page(s))

[DATE]
Delivered via [FIRST CLASS MAIL AND ELECTRONIC MAIL]
[REQUESTER NAME]
[REQUESTER TITLE]
[COMPANY NAME]
[ADDRESS]
[CITY, STATE ZIP CODE]
[E-MAIL ADDRESS]

Re: **Final Response**
Freedom of Information (FOIA) Case No. [INSERT HERE]

Dear [MR./MS.] [REQUESTER LAST NAME]:

This is the final response to the above-referenced FOIA request for [REQUEST SCOPE].

Your request has been processed under the **FOIA, 5 U.S.C. § 552**.

A search for responsive records was conducted by [TITLE OF EMPLOYEE PERFORMING SEARCH] in the [DIVISION AND/OR OFFICE]. [NUMBER] pages of responsive records have been identified.

Upon review, the DFO has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. §552(b)(#) (FOIA Exemption(s) #). Below is an explanation of the information that has been withheld.

You may appeal this response by email at USDAFOIA@usda.gov, or by mail to the Assistant Secretary for Administration at 1400 Independence Avenue, S.W., South Building, Room 4101, Washington, D.C. 20250-0103. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The DFO will not consider appeals received after the 90 calendar day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

You may seek dispute resolution services from the DFO's FOIA Public Liaison, [Insert Name], at USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

If you have any questions concerning this final response, please contact [ANALYST NAME] at [ANALYST NUMBER] or electronically at [ANALYST EMAIL] or at USDAFOIA@usda.gov.



The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,

Alexis R. Graves
Departmental FOIA Officer

Enclosure: Responsive Records (# page(s))