



**DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT
OFFICER REPORT**

March 2019

“We provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on public policy, the best available science, and effective management.”

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EXECUTIVE SUMMARY

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 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. The Department’s Chief Information Officer (CIO), Mr. Gary S. Washington provides program oversight for all the Department’s FOIA offices at the agency and mission area. These offices collaborate throughout the year to process the tens of thousands of FOIA requests received at the Department.

The Department’s FOIA program is led by the Office of the Chief Information Officer’s (OCIO) Department FOIA Office (DFO). The DFO provides day-to-day coordination and oversight and ensures statutory compliance with the FOIA. The DFO also processes FOIA requests, consultations, and appeals on behalf of the Office of the Secretary (OSEC) and Departmental Administration (DA).

In Fiscal Year 2018, the Department processed a record breaking 35,482 FOIA requests which is a 43.54% increase from the previous Fiscal Year. Despite the increase, several USDA components realized reductions in backlog despite few if any additional resources. The Animal & Plant Health Inspection Service (APHIS) had a 29.5% reduction, the Grain Inspection, Packers & Stockyards (GIPSA) a 100% reduction, the National Appeals Division (NAD) a 40% reduction, the Office of the Chief Financial Officer (OCFO) a 64.29% reduction, and finally, the Office of General Counsel a 33.96% reduction.



This report encompasses the efforts of the following agencies, offices, and mission areas:

Agricultural Marketing Service (AMS)¹
Animal & Plant Health Inspection Service (APHIS)
Farm Service Agency (FSA)
Departmental Management (DM)
 Office of the Administrative Law Judges (OALJ)
 Office of Advocacy and Outreach (OAO)
 Office of the Chief Information Officer (OCIO)
 Office of the Executive Secretariat (OES)
 Office of Homeland Security & Emergency Coordination (OHSEC)
 Office of Human Resource Management (OHRM)
 Office of Operations (OO)
 Office of Procurement & Property Management (OPPM)
 Office of Small & Disadvantaged Business Utilization (OSDBU)
Food, Nutrition & Consumer Services (FNCS)
Food Safety & Inspection Service (FSIS)
Foreign Agricultural Service (FAS)
Forest Service (FS)
Grain Inspection, Packers & Stockyards (GIPSA)
National Appeals Division (NAD)
Natural Resources Conservation Service (NRCS)
Office of Budget & Program Analysis (OBPA)
Office of Communications (OC)
Office of the Chief Financial Officer (OCFO)
 National Finance Center (NFC)
Office for the Assistant Secretary of Civil Rights (OASCR)
Office of the General Counsel (OGC)
 Marketing, Regulatory, and Food Safety Programs (MRFSP)
 International Affairs, Food Assistance, and Farm and Rural Programs
 Natural Resources and Environment (NRE)
 General Law and Research (GLRD)
 Civil Rights, Labor and Employment Law
 Office of Ethics (OE)
Office of the Secretary (OSEC)
Office of Inspector General (OIG)
Research, Education and Economics (REE)
 Agricultural Research Service (ARS)
 Economic Research Service (ERS)
 National Agricultural Statistics Service (NASS)
 National Institute of Food and Agriculture (NIFA)
Risk Management Agency (RMA)
Rural Development (RD)

¹ On September 7, 2017, Agriculture Secretary Sonny Perdue announced the realignment of a number of offices within the USDA. The Grain Inspection, Packers, and Stockyards Administration (GIPSA) and several program areas from the Farm Service Agency (FSA) joined the Agricultural Marketing Service (AMS) to help us better meet the needs of farmers, ranchers, and producers, while providing improved customer service and maximize efficiency.

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Leadership:

The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level? Please provide the name and title of your agency's Chief FOIA Officer.

USDA Chief Information Officer, Gary S. Washington serves as USDA's Chief FOIA Officer and is a direct report to the Deputy Assistant Secretary for Administration as the Assistant Secretary for Administration position is currently vacant.

FOIA Training:

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes. USDA's FOIA professionals participated in substantive FOIA training and conferences during the reporting period hosted by the OCIO's Department FOIA Office (DFO), the Department's Office of General Counsel, General Law and Research Division (OGC-GLRD), the Department of Justice (DOJ), Office of Information Policy (DOJ-OIP), the Office of Government Information Services (OGIS), the American Society of Access Professionals (ASAP), AINS Inc., and USDA's various components.

2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

DFO: The DFO continued to promote its online training *FOIA for FOIA Professionals* in the Department's online training repository in addition to the suite of online courses offered by the DOJ-OIP.

DOJ-OIP: USDA's FOIA professionals also attended the following training programs provided by the DOJ-OIP:

- Introduction to the Freedom of Information Act
- Advanced Freedom of Information Act Seminar
- Best Practices Seminar: Reducing Backlogs and Improving Timeliness

OGC-GLRD: The OGC-GLRD provided classroom instruction to FNS' FOIA professionals on the processing of FOIA appeals.

Agricultural Marketing Service (AMS): The FOIA Officer conducted a full-day training session for program office coordinators on a variety of issues to include, adequate searches,

assessing fees, and appropriate use for AMS' commonly used FOIA exemptions.

Other External Training Courses and Conferences: USDA's FOIA professionals also participated in the following external training courses and conferences:

- ASAP: 11th Annual National Training Conference
- OGIS: Dispute Resolution Skills for FOIA Professionals
- AINS: FOIAXpress User Conference & Technology Summit 2018

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 83% of USDA's FOIA professionals participated in either one or more substantive FOIA training courses.

4. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year. If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Not applicable. More than 80% of our FOIA professionals participated in substantive FOIA training courses facilitated by the Department, OGC-GLRD, DOJ-OIP, OGIS, ASAP, AINS Inc., and various USDA components.

Outreach:

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes. The Food Safety & Inspection Service (FSIS) FOIA Officer engaged in outreach with the requester community by conducting presentations on the FSIS FOIA process during Agency meetings with Humane Handling Groups (Animal Welfare Institute, Humane Society Legislative Fund, Mercy for Animals, American Society for the Prevention of Cruelty to Animals, and the Animal Legal Defense Fund) and members of the Safe Food Coalition whose members are frequent requesters of FSIS' records. The Safe Food Coalition's members include: The National Consumers League; the Center for Foodborne Illness Research & Prevention; the Center for Food Safety; the Consumer Federation of America; Consumers Union; Food & Water Watch; Government Accountability Project; and the U.S. Public Interest Research Group. FSIS also hosted monthly meetings with the Safe Food Coalition.

Other components have advised that they regularly engage in dialogue with requesters on issues like record keeping practices, search capabilities, and overall FOIA practices as this does in fact greatly assist with the formulation and processing of future requests. For example, the Animal & Plant Health Inspection Service (APHIS) has a team of FOIA professionals dedicated to the intake process, specifically, identifying records that need clarification and confirming their

understanding of the scope. As a result, 154 requests were clarified, ensuring that requests were accurate and equally understood by both requesters and APHIS program offices performing searches. Another 41 requests were administratively closed as duplicates, referred to other agencies, withdrawn, etc., and did not require APHIS processing. And eight cases were significantly narrowed in scope.

Other Initiatives:

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

DFO Outreach: The DFO continued to provide several one-hour training sessions to its own management teams but also to component management teams with the hope that participants will share with their employees the importance of timely returning records.

Component Outreach: Several USDA components reported providing training to non-FOIA professionals. For example, the Rural Development (RD) FOIA Office briefed the newly appointed Rural Development State Directors, Administrator of the Rural Business-Cooperative Service, and Acting Administrators for the Rural Utilities Service and Rural Housing Service. The purpose of the briefings was to provide an overview of the FOIA, frequently requested information pertaining their respective programs, examples of information that is typically released, how the pre-disclosure notification process is conducted, and the types of potential requests respective to their roles as Presidential Appointees, e.g. emails and travel details.

The Food, Nutrition & Consumer Services (FNCS) FOIA professionals conducted training for its Northeast and Mid-Atlantic Regions record custodians. A variety of FOIA procedural issues were addressed, to include the importance of conducting an adequate search and the importance of timely searches. All training sessions were well received by its participants.

The Forest Service (FS) FOIA professionals in the Washington Office (WO) and in the Regions presented to several record custodian groups, the importance of conducting and documenting an adequate search. The FS Region 1 hosted a two-day FOIA training course in collaboration with the Natural Resources Conservation Service (NRCS), Fish and Wildlife Service and the FS-WO. The FS Region 6 provided training to more than 100+ of its record custodians that included instruction on performing an adequate search, organizing responsive records for FOIA professionals, the level of review required by subject matter experts, and the distinction between FOIA requests and first party Privacy Act requests. Lastly, FS Regions 8 and 9 provided multiple training sessions to its leadership teams and staff related to the importance of an adequate search and the timeliness of FOIA responses.

7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

Yes. A few USDA components have reported modifying its Fiscal Year 2019 performance standards for record custodians either overseeing and/or receiving a high number of search requests to ensure the timely return of records and inquiry requests to its FOIA professionals.

8. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Yes. On July 11, 2018, USDA published its draft FOIA regulations to replace the current one codified at 7 C.F.R. Part 1 Subpart A and last revised on July 28, 2000. The comment period closed on August 10, 2018. The DFO is currently reviewing those comments received and intends to publish its final regulations this calendar year.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

Processing Procedures:

1. For Fiscal Year 2018, what was the average number of days your agency reported for adjudicating requests for expedited processing?

USDA's average number of days to adjudicate requests for expedited processing is 6.69 calendar days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not applicable. USDA's average number of days to adjudicate requests for expedited processing wasn't above ten calendar days.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

Yes. The DFO continued to regularly conduct self-assessments of the Department's FOIA program, by reviewing component report submissions, FOIA professional audit reports in our enterprise wide tracking system, components internal operating procedures, and feedback from frequent requesters and FOIA professionals.



AMS’ new FOIA Officer conducted a self-assessment upon arrival. In addition to utilizing the DOJ-OIP self-assessment toolkit, the AMS FOIA Officer reviewed Annual Report data, office procedures, and discussed with AMS FOIA professionals perceived inefficiencies.

From Fiscal Year 2015 to Fiscal Year 2017, the APHIS FOIA Office was engaged in an intense assessment as part of its Business Process Improvement Project. APHIS continued to refine its processes in Fiscal Year 2018 based on that audit and emerging issues and trends identified from weekly and monthly progress reports to management. Resultantly, APHIS has been able to reduce its backlog by a few hundred requests.

The FS Region 6 reported its Regional Coordinators reviewed in detail its internal referral process. Based on the findings, a new electronic file management system was implemented to improve process tracking and case assignments. Procedures were also streamlined to greatly improve processing times.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency’s FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency’s FOIA Public Liaison during Fiscal Year 2018 (please provide a total number or an estimate of the number).

| Component/ Mission Area | Estimated Number of Times Requesters Sought Assistance from the Component’s FOIA Public Liaison |
|-------------------------------|--|
| AMS | 10 |
| APHIS | 3 |
| ASCR | 1 |
| FAS | 0 |
| FNCS | 0 |
| FSA | 1 |
| FSIS | 24 -- Approximately 90% Request Assistance at the Onset |
| FS | 3 |
| GIPSA | 0 |
| NAD | 0 |
| NRCS | 2 |
| OBPA | 0 |
| OCFO | 0 |
| OGC | 3 |
| OIG | No Estimate Provided |
| DFO | 0 |
| RD | 2 |

| | |
|-----|---|
| REE | 1 |
| RMA | 0 |

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

Since the timely return of records from record custodians continues to be a challenge for USDA’s FOIA professionals, many FOIA components reported advancing those initiatives aimed at increasing communications and building strong rapport with its key program offices. For example, APHIS developed a SharePoint site to make it easier for its program offices to share electronic records with the APHIS FOIA team.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

A few examples of proactive disclosures are included in the chart below.

| Component/ Mission Area | Examples of Proactive Disclosures |
|--|--|
| DFO | <p>The DFO proactively disclosed records related to the Secretary to include the daily calendar and items related to travel as well as the daily calendars from some of his senior advisors.</p> <p>https://www.dm.usda.gov/foia/OCIOReading.htm</p> |
| FNCS | <p>FNS posts SNAP program data on the internet.</p> <p>http://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap</p> <p>FNS also posts annual research agendas, grants/demonstration projects, SNAP Community Characteristics, and SNAP Quality Control Data on the internet.</p> <p>http://www.fns.usda.gov/ops/research-and-analysis</p> <p>SNAP also publishes general information on the program that includes links to report fraud, an “ask the expert” section, links to the requirements for retailer eligibility, and recent Agency press releases.</p> <p>https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap</p> <p>FNS posts information to assist with locating retailers that accept SNAP benefits.</p> <p>http://www.fns.usda.gov/snap/retailerlocator</p> |

| | |
|-------------|---|
| <p>FSIS</p> | <p>FSIS proactively disclosed certain data based on consumer and stakeholder interest. Some establishment specific data is updated quarterly, and national data is typically updated annually. This information is posted in the FSIS FOIA Reading Room and on the FSIS website’s Data Collection and Reports page.</p> <p>https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports</p> <p>FSIS also proactively disclosed information regarding enforcement actions and information regarding violations of the Humane Methods of Slaughter Act.</p> <p>FSIS also disclosed information about the agency’s sampling program, including the Annual Sampling Plan which describes the Agency’s overall strategy for directing its sampling resources.</p> <p>https://www.fsis.usda.gov/wps/portal/fsis/topics/science/Sampling+Programs</p> |
| <p>FS</p> | <ul style="list-style-type: none"> • http://www.fs.usda.gov/newsarchives/r5/newsarchive • http://www.fs.usda.gov/projects/angeles/landmanagement/projects • http://www.fs.usda.gov/projects/cleveland/landmanagement/projects • http://www.fs.usda.gov/projects/eldorado/landmanagement/projects • http://www.fs.usda.gov/projects/inyo/landmanagement/projects • http://www.fs.usda.gov/projects/klamath/landmanagement/projects • http://www.fs.usda.gov/projects/lbmu/landmanagement/projects • http://www.fs.usda.gov/projects/lassen/landmanagement/projects • http://www.fs.usda.gov/projects/lpnf/landmanagement/projects • http://www.fs.usda.gov/projects/mendocino/landmanagement/projects • http://www.fs.usda.gov/projects/modoc/landmanagement/projects • http://www.fs.usda.gov/projects/plumas/landmanagement/projects • http://www.fs.usda.gov/projects/sbnf/landmanagement/projects • http://www.fs.usda.gov/projects/sequoia/landmanagement/projects • http://www.fs.usda.gov/projects/stnf/landmanagement/projects • http://www.fs.usda.gov/projects/sierra/landmanagement/projects • http://www.fs.usda.gov/projects/srnf/landmanagement/projects • http://www.fs.usda.gov/projects/stanislaus/landmanagement/projects • http://www.fs.usda.gov/projects/tahoe/landmanagement/projects • https://www.srs.fs.fed.us/pubs/new-publications/ • https://www.srs.fs.fed.us/soundresearch/ • https://www.fs.usda.gov/srsfia/program_information/TheInventory_Issue51.pdf • https://forestthreats.org/news/in-the-news • https://www.fs.usda.gov/srsfia/ • https://www.srs.fs.fed.us/ |
| <p>OBPA</p> | <p>OBPA’s primary documents of public interest are USDA’s Annual Budget documents and USDA’s Shutdown Plans. USDA’s Annual Budget documents are posted every year on OBPA’s website. USDA’s Shutdown Plans are updated and posted when events require their release.</p> <ul style="list-style-type: none"> • https://www.obpa.usda.gov/index.html |

| | |
|-----|---|
| | <ul style="list-style-type: none"> • https://usdasearch.usda.gov/search/docs?affiliate=usda&dc=166&query=Shutdown+Plans |
| REE | <p>ARS highlights the results of research across the agency website, such as on our main website (https://www.ars.usda.gov/) in the News & Events (https://www.ars.usda.gov/news-events/news-events/), on the ARS Research websites. Information is also highlighted in the popular AgResearch online magazine (https://agresearchmag.ars.usda.gov/), and occasionally in USDA blogs, as appropriate. In all cases, information/products are leveraged/cross-referenced and cited in related topics, related reports, related data, related AgResearch articles, and others.</p> <p>ERS highlights the results of research across the agency website, such as on Topic pages (https://www.ers.usda.gov/topics/), in the Newsroom (https://www.ers.usda.gov/newsroom/), in FAQs (https://www.ers.usda.gov/faqs/), on Staff Bio pages. Information is also synthesized in the popular Amber Waves online magazine (https://www.ers.usda.gov/amber-waves/), and occasionally in USDA blogs, as appropriate. In all cases, information/products are leveraged/cross-referenced and cited in related topics, related reports, related data, related Amber Waves articles, and others.</p> <p>New and updated material is advertised on the Calendar of Releases (https://www.ers.usda.gov/calendar/). It is also distributed daily in the agency Twitter feed (https://twitter.com/usda_ers), to subscribers to the weekly ERS email notification service (https://visitor.r20.constantcontact.com/manage/optin?v=001CPZXBN9FC9oQmLu-TWkaLP7SvDdga7cX7jZNMCIpXr2uqj8FpStg4k0byCuEQmqPGX48LLMOB6FZqyHmf_wngtnGUBh1_EdQ), and when appropriate to the USDA Facebook.</p> <p>During 2018, NASS continued the Census of Agriculture communications campaign with tactics such as the production of approximately 16 video and 28 audio public service announcements featuring national, state, and community Agricultural leaders (including PSAs in English and Spanish); and nationwide radio and TV media outreach featuring interviews with NASS spokespeople. In total, NASS staff conducted over 150 interviews regarding the Census of Agriculture.</p> <p>A workshop was held with representatives of community-based organizations (CBOs) to explain the importance of the Census of Agriculture to all of those involved in farming, regardless of size. NASS requested the assistance of the CBO leaders to spread the message to respond and to help promote trust among respondents who may be less familiar with NASS. The CBO-NASS handbook was updated – Partnering to Count and Serve U.S. Farmers, A Handbook to Increase Participation.</p> |

NASS continues to make a strong effort to improve online products. All products will be available online shortly after their official release. The on-line query system has been enhanced to allow improved downloads of customized data. Introduction of internet-driven dynamic mapping tools will highlight new products in response to public requests for visual data presentation.

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

FOIA components reported routinely reviewing logs generated by USDA's enterprise wide tracking system to identify items requested and released three or more times.

3. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes. USDA is taking steps to make posted information more useful to the public.

4. If yes, please provide examples of such improvements.

Yes. When APHIS' FOIA office launched its new [eFOIA Reading Room page](#) during Fiscal Year 2018, it designed a page that is both searchable and sortable to ensure ease of use for its stakeholders. Currently, there are a total of ninety-one record sets available for viewing. Updates will be made monthly. A [press release](#) was issued to media and interested stakeholders to alert them to the new site.

The FSIS launched its first catalog of annual sampling projects to aide requesters in obtaining information about the FSIS' various sampling projects. This [catalog](#) was created due to an increase in requests for scientific data for use in research projects that are focused on finding effective and innovative approaches to food safety. The FSIS sought requester feedback throughout the development of this catalog and plans to provide annual updates.

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Many USDA FOIA components reported engaging with their open data professionals and communications teams to identify items for proactive disclosures. Also, helpful is collaboration with outside stakeholders. For example, the FSIS hosted monthly meetings with the Safe Food Coalition. These stakeholders often inquired about the FOIA process but also informed FSIS about records of interest that may be candidates for proactive disclosures as well as useful formats for publication.

Section IV: Steps Taken to Greater Utilize Technology

1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

Yes. OCIO's Client Experience Center (CEC) performs network services for several USDA FOIA components to include electronic messaging operations, electronic calendars, blackberry, mobile device management (MDM), file and print, remote access, voice, network, service desk, and other application services. Upon request from a USDA FOIA component serviced, CEC will initiate a search for responsive electronic records in accordance with the assigned search criteria provided.

For review of records returned from CEC, the OCIO-DFO has purchased an add-on tool to the Department's enterprise wide tracking system that enables FOIA components to search, sort, and identify select responsive content in large volumes. Unfortunately, however due to budget constraints, only a few licenses were purchased. Additionally, some USDA components have opted to purchase software like Adobe AutoPortfolio to assist with the review of records returned from CEC.

2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes. In accordance with the DOJ-OIP's 2017 guidance, a clear link to USDA's central FOIA site is available on USDA's homepage. The central FOIA site does include key information and resources such as instruction on submitting a request to include points of contact in addition to access to USDA FOIA component reading rooms and FOIA reports.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2018?

Yes. USDA successfully posted all four of its quarterly reports.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.

Not applicable. USDA successfully posted all four of its quarterly reports.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

The raw statistical data for Fiscal Years 2017 and 2018 is available at <https://www.dm.usda.gov/foia/reading.htm#reports>.

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

Many USDA FOIA components reported routinely providing refresher training for its FOIA professionals on programs and software intended to increase efficiency. Since many FOIA professionals within USDA are performing FOIA functions as an ancillary duty, the refresher training ensures users understand how best to use the programs and software to achieve the most desirable result.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

Simple Track: Section VII.A of your agency’s Annual FOIA Report, entitled “FOIA Requests – Response Time for All Processed Requests,” includes figures that show your agency’s average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for “simple” requests, which are those requests that are placed in the agency’s fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency?

USDA does not currently utilize a multi-track system beyond simple, complex, and expedited to process requests.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?

Yes. In Fiscal Year 2018, the average number of days to process a simple request was 12.05 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

The percentage of requests processed by USDA in Fiscal Year 2018 that were placed in the simple track is 94.9%.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Not applicable. USDA tracks simple requests separately.

Backlogs

Section XII.A of your agency’s Annual FOIA Report, entitled “Backlogs of FOIA Requests and Administrative Appeals” shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2017 and Fiscal Year 2018 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

No. The overall number of backlogged requests increased by 1.5% in Fiscal Year 2017.

| | Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report |
|--------------|--|---|
| USDA OVERALL | 2371 | 2407 |

6. If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?

Yes. USDA processed 47.8% more requests in Fiscal Year 2018.

7. If your agency’s request backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Many USDA FOIA components reported significant increases in the number and complexity of incoming requests, loss of staff, and an increase in litigation as factors contributing to the increased backlog. Additionally, many of our professionals in the FOIA community, like those in the Farm Service Agency (FSA), FS, NRCS and RD process FOIAs as an ancillary duty and therefore must choose between competing priorities.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2018.

The percentage of requests that make up the backlog is 6.58%.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?

No. The overall number of backlogged appeals increased by 45.23 % in Fiscal Year 2018.

| | Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report |
|--------------|---|--|
| USDA OVERALL | 577 | 838 |

10. If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?

No. There was an 11.67% decrease in the number of appeals processed.

11. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

Most of USDA’s backlog appeals continue to originate in FNCS. As such, FNCS continued its work on an amendment to the existing rule which will tighten FNCS administrative sanction process and ultimately reduce the need for Supplemental Nutrition Assistance Program (SNAP) violators to appeal FNCS initial FOIA responses. Under the existing rule, FOIA requests can currently hold a FNCS administrative determination in abeyance while the request is processed. The amended rule will codify FNCS procedure which seeks to separate the FOIA request from the administrative sanction process, allowing administrative determinations to be made in a timely manner. To facilitate an increase in appeals processed, the FNCS recently on-boarded a team of four FOIA contractors.

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with “N/A.”

The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2018 is 161.77%.

Backlog Reduction Plans:

13. In the 2018 guidelines for the Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency’s efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2018?

Yes. The Department did implement a backlog reduction plan. Unfortunately, due to unforeseen litigation, vacancies in multiple components, and almost a 50% increase in incoming records requests, only a few of USDA’s FOIA components were unable to realize reductions this reporting period.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency’s plan to reduce this backlog during Fiscal Year 2019?

USDA is committed to reducing its backlog during Fiscal Year 2019. Each component with a backlog will be required to report progress to the DFO on a monthly basis, more specifically, confirm (1) items received for the component have been properly logged; (2) program offices are timely returning records; and (3) workloads for FOIA professionals are evenly distributed.

Status of Ten Oldest Requests, Appeals, and Consultations:

Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2017 and Fiscal Year 2018 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No. USDA did not close its ten oldest requests reported pending in the Fiscal Year 2017 Annual FOIA Report.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

USDA successfully closed eight out of its ten oldest requests.

17. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None of the requests were withdrawn by the requester.

18. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

A few of the USDA FOIA components reported developing intake teams that among other items, focus on negotiating the scope of requests alongside record custodians to more efficiently conduct searches and reviews. When the scope of a requests is understood by the requester, the record custodian, and the FOIA professional, all can work collaboratively to quickly satisfy the request and, in those instances, where the records requested are voluminous, initiate a manageable production schedule.

TEN OLDEST APPEALS

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No. USDA did not close its ten oldest appeals reported pending in the Fiscal Year 2017 Annual FOIA Report.

20. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2017 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

USDA closed eight of its ten oldest appeals.

21. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

A few of our FOIA components with the larger queue of backlogged appeals have elected to hire contract team to assist with the processing of existing and new incoming appeals.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

No. USDA did not close its ten oldest consultations.

23. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

USDA closed a total of six consultations.

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.

A major obstacle continues to be the lack of human resources to process the growing number of complex requests.

25. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable. USDA was not unable to close any of its ten oldest requests because it was waiting to hear back from other agencies.

26. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2018.

USDA remains committed to closing these items. In Fiscal Year 2019, the Department intends to continue monitoring progress monthly, providing tips on effective FOIA management, and providing substantive FOIA training in an effort to ensure closure.

Out of all the activities undertaken by your agency since March 2018 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete

description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- The APHIS FOIA office launched its new searchable [eFOIA Reading Room page](#). In February 2018, APHIS issued a [press release](#) to alert media and interested stakeholders to the site. Since its release, the APHIS FOIA office continues to update with new records each month. There are currently ninety-one record sets available, covering all of APHIS program areas.
- In October 2018, NASS fully integrated the Census of Agriculture website into its primary website to provide a consistent look and feel across a single site, making navigation and access to census data easier and more intuitive. Merging the census and NASS websites responds to feedback from customers, stakeholders, and partners, who asked for access to all NASS data in the same visit, including on mobile devices. The merge is one of several customer experience improvements NASS is undertaking. Merging the census and NASS websites also improves search capabilities for census information and brings responsive design to census content, making it accessible on mobile phones, tablets and other devices.
- Several requests were able to be closed this fiscal year using information publicly available via the Data Gateway, which provides the ability to filter and export data and metrics on how the agency disseminates funding. The Data Gateway was created to harness new technologies to advance greater openness. Its usefulness in addressing FOIA requests, with minimal effort, shows that it is in fact materially advancing transparency, as intended.