

**OFFICE OF INSPECTOR GENERAL  
FY 2006 Annual FOIA Report**

**Sections I. Basic Information, II. How to Make a FOIA Request, and III. Definitions of Terms, will be completed by the Office of Communications.**

**IV. Exemption 3 Statutes**

**A. List of Exemption 3 statutes relied on by agency during current fiscal year:**

1. Brief description of type(s) of information withheld under each statute.

**Rule 6(e), Federal Rules of Criminal Procedure – Grand Jury material.**

2. Statement of whether a court has upheld the use of each statute. If so cite example.

**Iglesias v. CIA, 525 F. Supp. 547, 556 (D.D.C 1981)**

**V. Initial FOIA/PA Access Requests**

**A. Number of Initial Requests:** *(including all access requests, whether first party or third party) (NOTE: The total of Lines 1 and 2, minus Line 3, should equal Line 4.)*

1. Number of requests pending at end of FY 2005:	61
2. Number of requests received during FY 2006:	206
3. Number of requests processing during FY 2006:	226
4. Number of requests pending at end of FY 2006:	41

**B. Disposition of Initial Requests:** *(NOTE: The total of Lines 1, 2, 3, and 4 should equal the number of requests processed shown in Line 3 of Part A.)*

1. Number of total grants:	48
2. Number of partial grants:	83
3. Number of denials:	21

a. Number of times each FOA exemption used: *(count each exemption once per requests)*

(1) Exemption 1	0
(2) Exemption 2	28
(3) Exemption 3	1
(4) Exemption 4	10
(5) Exemption 5	42
(6) Exemption 6	74
(7) Exemption 7 (A)	18
(8) Exemption 7 (B)	1
(9) Exemption 7 (C)	66
(10) Exemption 7 (D)	1
(11) Exemption 7 (E)	8
(12) Exemption 7 (F)	0
(13) Exemption 8	0
(14) Exemption 9	0

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4. Other reasons for nondisclosure (total):	74
a. No Records	36
b. Referred elsewhere	6
c. Request withdrawn	13
d. Fee-related reason	0
e. Records not reasonably described	1
f. Not a proper FOIA request for some reason	3
g. Not an agency record	2
h. Duplicate request	6
i. Other (specify)	7
No authorization letter for release of information, no written consent of person.	

*Note: Do not count request requests referred within your agency in this, it pertains only to requests that are referred outside of your agency)*

**VI. Appeals of Initial Denials of FOIA/PA Requests (includes all access requests, whether first-party or third-party).**

**A. Number of Appeals:**

1. Number of appeals received during FY 2006:	11
2. Number of appeals processed during FY 2006:	18

**B. Disposition of Appeals:**

1. Number of completed upheld	9
2. Number of partially reversed	5
3. Number completely reversed	3

a. Number of times each FOA exemption used: (count each exemption once per appeal)

(1) Exemption 1	0
(2) Exemption 2	1
(3) Exemption 3	0
(4) Exemption 4	0
(5) Exemption 5	0
(6) Exemption 6	2
(7) Exemption 7 (A)	1
(8) Exemption 7 (B)	0
(9) Exemption 7 (C)	1
(10) Exemption 7 (D)	0
(11) Exemption 7 (E)	0
(12) Exemption 7 (F)	0
(13) Exemption 8	0
(14) Exemption 9	0

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4. Other reasons for nondisclosure (total):	1
a. No Records	0
b. Referred elsewhere	0
c. Request withdrawn	0
d. Fee-related reason	0
e. Records not reasonably described	0
f. Not a proper FOIA request for some reason	0
g. Not an agency record	0
h. Duplicate request	0
i. Other (specify)	1
Litigation filed by the requester before completion of the appeal response.	

**VII. Compliance with Time Limits/Status of Pending Requests**

**A. Median Processing Time For Request:** *(Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from the date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)*

1. Simple requests (if multiple tracks used)	
a. Number of requests processed	186
b. Median number of days to process	5
2. Complex requests (specify for any and all tracks used)	
a. Number of requests processed	35
b. Median number of days to process	102
3. Requests accorded expedited processing	
a. Number of requests processed	5
b. Median number of days to process	2

*(NOTE: The number of requests listed in the different tracks must equal the number of requests processed from section A, Line 3.)*

**B. Status Pending Requests:** *(Agencies using multiple tracks may provide numbers for each track as well as totals.)*

1. Number of requests pending at end of FY 2006:	41
2. Median number of days requests were pending as of FY 2006:	114

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**VIII. Comparison with Previous Year(s) (Optional)**

**E. Describe Agency Effort To:**

1. Improve timeliness:
2. Reduce backlog:
  - a. Number of requests pending at end of FY 2005: 61
  - b. Number of requests pending at end of FY 2006: 41
3. Provide training:
4. Add new categories of record:

**IX. Costs/FOIA Staffing**

**A. Staffing Levels**

1. Number of full-time FOIA personnel: 2
2. Number of personnel with part-time or occasional FOIA duties (in work-years): 1.76
3. Total number of personnel (work-years): 3.76

**B. Total Costs:** (include staff and all resources) (Note: use +20% for overhead.)

1. FOIA processing (including appeals): \$340,035
2. Litigation-related activities (estimated): \$2,977
3. Total costs: \$343,013
4. Comparison with previous year(s) (optional) \_\_\_\_\_

**C. Statement of additional resources needed for FOIA compliance (optional).**

**X. Fees: (includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.)**

- A. Total fees collected for processing requests: \$159.00
- B. Percentage of total costs: .0004

**XI. FOIA Regulations: (including Fee Schedule):**

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**XII. Report on FOIA Executive Order Implementation**

- A. Description of supplementation/modification of agency improvement plan (if applicable).

Not applicable.

- B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

We reduced the backlog of initial requests at calendar year end to 27. As our goal number was 55, we met this goal.

- C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

- D. Additional narrative statement regarding other executive order-related activities (optional).

Having a contractor has helped us reduce our backlog. We have also made improvements to our FOIA website.

- E. Concise descriptions of FOIA exemptions.

1. Time range of request pending, by date of request (or, where applicable, by date of referral from another agency).

As of 12/29/06, our oldest request was received 09/06/05. Our newest request was received 12/28/06.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

We do not have exact figures on this, but will track for the next Annual Report. Most consultations have been accomplished within a couple of weeks.

- G. Attachment: Agency improvement plan (in current form).

**Part II – Office of Inspector General (OIG) FOIA Plan**

- A. Characterize overall nature of agency's FOIA operations (degree of detail optional), with optional reference to areas preliminarily considered for agency review. (Agencies may also describe any particular FOIA challenges that they face.)

Response: OIG has a centralized FOIA program. We have field office locations, but they do not process FOIA requests. All FOIA processing is done at OIG Headquarters. We accept FOIA requests by regular mail, by phone and by fax, and have a dedicated FOIA mailbox on the internet. We are available by phone to answer questions, to walk requestors through the process of making a FOIA request, to clarify FOIA requests, and to give the status of FOIA requests. We receive many phone calls in connection with FOIA/PA requests.

The OIG FOIA program regulations are found at 7 C.F.R. Part 2620. OIG Office of Counsel (of which the FOIA Staff is a part) processes and advises the Inspector General on FOIA appeals. All FOIA appeals are decided by the Inspector General.

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OIG has its own FOIA program and handles its own appeals due to OIG's statutory independence within USDA. Additionally, many OIG records, particularly criminal investigation records and sensitive audit records and materials, present specialized concerns regarding FOIA processing.

Staffing consists of four full time employees who work on FOIA matters: a FOIA Attorney, who acts as the Team Leader, a Management Analyst, a FOIA Paralegal and a FOIA Administrative Assistant. Supervisory oversight is provided by the Deputy Counsel to the IG for Congressional and Media Affairs, who in turn reports to the Counsel to the IG.

OIG utilizes the ARGOS system, which is an Oracle database that provides all functions required for FOIA tracking. We use ARGOS to track and log requests, send out acknowledgment letters (both on initial requests and appeals), and to calculate our numbers for the annual report, our monthly reports, and the OIG's Semiannual Report to Congress. Searches for responsive documents are also made on this system based upon the information provided by requesters.

Pursuant to the DOJ guidelines, expedited processing has been granted in instances where the media requester has established an urgent need to inform the public concerning an OIG matter. Litigation deadlines also may be cause for expedited processing.

OIG has four tracks: 1) expedited, 2) a simple track, 3) a complex track, and 4) a remanded track for appeals that are remanded to FOIA staff for initial processing. Remanded cases occur, for example, in instances when an Exemption 7(A) case is no longer open, and the IG as the appellate authority remands the case for further processing.

OIG's website at <http://www.usda.gov/oig/index.htm> has many final products of OIG online, including our audit reports, investigative summaries, and the Inspector General's Congressional testimonies. Because our investigative reports are frequently part of a Privacy Act record, and additionally often contain sensitive information on subjects and witnesses, as well as on law enforcement techniques, we generally do not post our investigative reports. Instead, we post sanitized summaries of investigative results.

The website also contains detailed instructions on how to submit a FOIA request to OIG. We accept requests by e-mail, fax or by regular mail, as stated on our FOIA page at <http://www.usda.gov/oig/foiareq.htm>. Our annual reports are also listed on our FOIA website, as well as links to the Department's FOIA websites. See <http://www.usda.gov/oig/foia.htm>.

OIG FOIA Staff routinely provides courteous service to each FOIA requester, and provides alternative phone numbers for a member of the staff when they are on any extended leave from the office.

OIG has had a significant backlog in the past which is, with continued effort, showing steady improvement. In April of 2004, the backlog stood at 142. In FY 2004, we processed 191 FOIAs, including five appeals. In FY 2005, we processed 248 FOIAs, including 5 appeals. In FY 2006 we processed 244, including 18 appeals. As of December 31, 2006, the backlog was 27 initial request and 3 appeals. We are working to continue this downward trend.

B. List all areas selected for review:

Backlog, website improvement, various other processes as described.

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C. Include narrative statement summarizing results of review:

Response: Our biggest challenge is our backlog. To eliminate/reduce the backlog, the following steps have been taken:

1. In February 2006, we requested and were granted authority to hire an additional, full time FOIA staff person (a Paralegal) to work solely on processing FOIAs. However, our new hire went on maternity leave and we filled her position with a temporary contractor so that we would not “lose ground.” Additionally, we hired a college student intern over the summer, which we used to assist us in further improving our OIG FOIA website, and provided input for a FOIA Reference Guide.
2. We continue to train staff, including attorneys working on appeals.
3. We have established monthly internal FOIA meetings. These meetings are devoted to awareness and education, including the discussion of new ideas that may have been learned from other sources such as DOJ or ASAP-sponsored training. We also use these meetings to coordinate high priority or complex response efforts and to discuss FOIA policies and procedures that are working well, the implementation of new or improved “best practices,” issues and requests needing special attention, and any problem areas that have arisen.
4. We periodically examine our internal work practices, which are captured in our “Workflow & Procedures.” This gives us opportunity to identify bottlenecks in our process, so that we can try to resolve them as they arise. Examples in the past have included making website improvements, instituting new processing tracks, and making updates to the acknowledgement letter.
5. Several FOIA staffers typically devote several days each month to a joint effort to process “Old Dogs.” These are typically the oldest and larger FOIA cases in our backlog. We have found that working together on these helps to clear them out in a more expeditious fashion.
6. We have established a bifurcated process for handling FOIA appeals. The appeals are processed by attorneys in the OIG Office of Counsel.<sup>1</sup> This bifurcation was done to further alleviate the workload on the FOIA Staff, allow them to focus on initial requests, and to allow a different “processor” to take a “fresh look” upon appeal at the reasons for withholding or redacting documents at the initial processing stage.
7. FOIA Staff revised OIG’s FOIA webpage, adding a FOIA Service Center and a Public Liaison as the public’s point of contact for FOIA inquiries.

To eliminate/reduce the backlog, the follows steps are being considered:

1. We will continue to review and improve our website, including having a link to the Department’s Handbook online.
2. We are also looking into the feasibility of establishing an OIG automated redaction system, and are considering the feasibility of purchasing a new/improved copier, perhaps with scanning abilities.

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<sup>1</sup> With consultation, as needed with the FOIA Attorney mentioned above, who acts as the Team Leader in the processing of initial FOIA requests.

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D. List all areas chosen as improvement areas for agency plan:

Backlog reduction is of particular focus for OIG's plan.

E. For each improvement area provide:

1. Name: Backlog reduction.
2. Brief statement of goal(s)/objective(s): Have a manageable backlog, with a goal of its elimination.
3. List of all distinct steps planned to be taken: See above.
4. Time milestones (in relation to specific timetables and outcomes): See below.
5. Means of measurement of success: Backlog reduction expressed in numbers of pending requests. Reduce pending requests numbers to 55 pending requests by December 2006. Reduce pending requests to 30 by December 2007.

F. For the entire plan, group the improvement areas into the following time periods:

1. Areas anticipated to be completed by December 31, 2006: Reduction of backlog to 55 requests.
2. Areas anticipated to be completed by December 31, 2007: Reduction of backlog to 30 requests.
3. Areas anticipated to be completed after December 31, 2007: Reduction of backlog to a number between 10 and zero.