# DEPARTMENT OF AGRICULTURE
# FREEDOM OF INFORMATION ACT
# ANNUAL REPORT
# FOR
# FISCAL YEAR 2010

# U. S. DEPARTMENT OF AGRICULTURE

## Freedom of Information Act Annual Report FY 2010

### I. Basic Information Regarding Report

    A. Name, title, address, and telephone number of person to be contacted with questions about the report:

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        USDAFOIA@usda.gov
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    B. Electronic link for access to the Report on the agency Web site:
       http://www.usda.gov/da/foia.htm

    C. How to obtain a paper copy of this report:

       Contact Courtney Wilkerson at the contact information listed above.

### II. Making a FOIA Request

    A. Names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

       For the names, addresses, and telephone numbers, visit our Web site at http://www.usda.gov/da/foia.htm.

    B. Brief description of why some requests are not granted and an overview of certain general categories of USDA records to which FOIA exemptions apply.

       The United States Department of Agriculture (USDA) administers many, widely diverse programs. Most USDA records relate to program administration and program participants. USDA invokes the two privacy exemptions of the FOIA more than the rest of the exemptions combined.

### III. Definitions of Terms and Acronyms Used in the Report:

    A. Mission Area, Agency and Staff Office acronyms are as follows:

       AMS - Agricultural Marketing Service
       APHIS - Animal and Plant Health Inspection Service
       ASCR – Assistant Secretary for Civil Rights
       DM - Departmental Management
       FAS - Foreign Agricultural Service
       FNCS - Food, Nutrition and Consumer Service

FSA - Farm Service Agency
FSIS - Food Safety and Inspection Service
FS - Forest Service
GIPSA - Grain Inspection, Packers and Stockyards Administration
NAD - National Appeals Division
NRCS - Natural Resources Conservation Service
OBPA - Office of Budget and Program Analysis
OCFO - Office of the Chief Financial Officer
OGC - Office of General Counsel
OIG - Office of the Inspector General
OSEC- Office of the Secretary
RD - Rural Development
REE - Research, Education and Economics
RMA - Risk Management Agency

B. Definitions of terms used in this report:

1. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

2. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 10, and 14, the average number is 9.

3. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

4. **Component** – for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

5. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

6. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

7. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be

afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

8.  **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.

9.  **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

10. **Median Number** – the middle, not average, number. For example, of 3, 10, and 14, the median number is 10.

11. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

    a.  **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

    b.  **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

    c.  **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

12. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

13. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

14. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

15. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.

16. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.

17. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

C. Concise descriptions of the nine FOIA exemptions:

1. **Exemption 1**: classified national defense and foreign relations information

2. **Exemption 2**: internal agency rules and practices

3. **Exemption 3**: information that is prohibited from disclosure by another federal law

4. **Exemption 4**: trade secrets and other confidential business information

5. **Exemption 5**: inter-agency or intra-agency communications that are protected by legal privileges

6. **Exemption 6**: information involving matters of personal privacy

7. **Exemption 7**: records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

8. **Exemption 8**: information relating to the supervision of financial institutions

9. **Exemption 9**: geological information on wells

## IV. EXEMPTION 3 STATUTES

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. 136** | Disclosure of any information regarding the location and the use of pesticides. | | AMS | | **1** |
| | | | APHIS | 1 | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **41 U.S.C. 253b(m)** | Proposal not set forth or incorporated by reference in a contract entered into between the agency and the contractor.<br><br>Business/financial information<br><br>Technical Proposals of Contracts - Business/financial information | Hornbostel v. Dept. of the Interior, 305 F. Suppl. 2nd 21 (D.D.C. 2003) | AMS | | **5** |
| | | | APHIS | 2 | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | 2 | |
| | | | FSIS | 1 | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **Agricultural Bioterrorism Protection Act of 2002, Sec. 212, Regulation of Certain Biological Agents and Toxins** | Disclosure of use and locations of biological agents and toxins. | | AMS | | **3** |
| | | | APHIS | 3 | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---------|------|------|------|------|------|
| **7 U.S.C. 20011-2036, The Food Stamp Act (and 7 CRG 272.1 (2) 11 (e)(8)** | Names and personal information of SNAP (Food Stamps) recipients; confidential information provided by firms participating in SNAP. | Roberts v. Austin, 632 F.2d 1202. 1203 (5th Cir. 1980), cert. denied, 454 U.S. 975, 102 S.Ct. 527, 70 L. Ed. 2nd 395 (1981). | AMS | | **10** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | 10 | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **Section 1619 of the Food, Conservation, and Energy Act of 2008** | Information provided by an agricultural producer or owner of agricultural land in order to participate in a USDA program, and concerning agricultural operations, farming, or conservation practices or the land itself.<br><br>Information contained in any type of USDA geospatial information system (GIS) with producer-provided information about agricultural land or operations. | Central Platte Natural Resources District v. U.S. Department of Agriculture and Farm Service Agency, No. 4:09CV3198 (WKU) (Dist of NE Sept. 8, 2010) | AMS<br>APHIS<br>ASCR<br>DA<br>FAS<br>FNCS<br>FSA<br>FS<br>FSIS<br>GIPSA<br>NAD<br>NRCS<br>OBPA<br>OCFO<br>OGC<br>OIG<br>OSEC<br>REE<br>RMA<br>RD | 301 | **301** |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **41 U.S.C. 253(b)** | Confidential commercial information, including contract proposals.<br><br>Business/financial information | Hornbostel v. Dept. of the Interior, 305 F. Suppl. 2nd 21 (D.D.C. 2003) | AMS | | **2** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | 1 | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | 1 | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **7 U.S.C. 2276** | Respondents' identity and unaggregated survey data.<br><br>Identities and respondents of unaggregated survey data. | | AMS | | **7** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | 4 | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | 3 | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---------|------------------------------|---------------|-------------------------------------------|---|---------------------------------------------|
| **42 U.S.C. 2000e-5(b), 2000e-8(e)** | Information obtained by the EEOC in investigating charges of unlawful employment practices. | Frito-Lay v. EEOC, 964 F. Supp. 236, 240-43 (W. D. Ky. 1997) | AMS | | **1** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | 1 | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **26 U.S.C. 6103 (b)(2)(A)** | Financial Information | Linsteadt v. IRS, 729 F.2d 998, 1000 (5th Cir. 1984) | AMS | | **1** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | 1 | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **Exemption 3, Section 1619 of the Food, Conservation, and Energy Act of 2008** | Information provided by an agricultural producer or owner of agricultural land in order to participate in a USDA program, and concerning agricultural operations, farming or conservation practices or the land itself.<br><br>Information contained in any type of USDA geospatial information system (GIS) with producer-provided information about agricultural land or operations. | | AMS | | **43** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | 43 | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **Agricultural Marketing Agreement Act of 1937, as amended (AMAA) (d)(3)** | Confidential and Financial Information | | AMS | 1 | **1** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **The National Defense Authorization Act of 1977** | Technical proposal submitted by unsuccessful contractors | | AMS | | **9** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | 8 | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | 1 | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **7 U.S.C. 1502(c) FCIC Crop Insurance Act Section 502** | Personal information provided by the producer (policy information, yield data, etc.) | | AMS | | **8** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | 8 | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **16 USC 470hh** | Archaeological Resources Protection Act of 1979 - Archaeological, site maps, cultural resources and historic sites | None | AMS | | **3** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | 3 | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | | Total Number of Times Relied upon by Agency |
|---|---|---|---|---|---|
| **16 USC 470w-3** | National Historic Preservation Act of 1966 - Location, character, or ownership of historic resources | None | AMS | | **11** |
| | | | APHIS | | |
| | | | ASCR | | |
| | | | DA | | |
| | | | FAS | | |
| | | | FNCS | | |
| | | | FSA | | |
| | | | FS | 11 | |
| | | | FSIS | | |
| | | | GIPSA | | |
| | | | NAD | | |
| | | | NRCS | | |
| | | | OBPA | | |
| | | | OCFO | | |
| | | | OGC | | |
| | | | OIG | | |
| | | | OSEC | | |
| | | | REE | | |
| | | | RMA | | |
| | | | RD | | |

# V. FOIA REQUEST

## A. Received, Processed, and Pending FOIA Requests

| | Number of Requests Pending as of Start of Fiscal Year | Number of Requests Received in Fiscal Year | Number of Requests Processed in Fiscal Year | Number of Requests Pending as of End of Fiscal Year |
|---|---|---|---|---|
| AMS | 15 | 126 | 126 | 15 |
| APHIS[1] | 462 | 708 | 909 | 261 |
| ASCR[2] | 2 | 5 | 7 | 0 |
| DM | 8 | 63 | 65 | 6 |
| FAS | 1 | 30 | 27 | 4 |
| FNCS | 6 | 177 | 161 | 22 |
| FSA[3] | 141 | 14,267 | 14,247 | 161 |
| FS | 265 | 2,771 | 2,378 | 658 |
| FSIS | 160 | 387 | 248 | 299 |
| GIPSA | 4 | 77 | 77 | 4 |
| NAD | 0 | 10 | 10 | 0 |
| NRCS | 5 | 475 | 476 | 4 |
| OBPA | 0 | 13 | 13 | 0 |
| OCFO | 1 | 27 | 27 | 1 |
| OGC | 11 | 24 | 25 | 10 |
| OIG | 27 | 121 | 145 | 3 |
| OSEC | 18 | 83 | 75 | 26 |
| REE | 6 | 144 | 136 | 14 |
| RMA | 10 | 110 | 107 | 13 |
| RD | 60 | 750 | 703 | 107 |
| **USDA OVERALL** | **1,202** | **20,368** | **19,962** | **1,608** |

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[1] APHIS - Five cases were inadvertently closed out of the database system in FY09 while they were actually still pending at the end of FY09, therefore making 462 the actual starting number of pending requests at the beginning of FY10.

[2] ASCR - Two cases were inadvertently closed out of the database system in FY09 while they were actually still pending at the end of FY09, therefore making 2 the actual starting number of pending requests at the beginning of FY10.

[3] FSA - The number of request pending at the end of fiscal year 2009 was incorrect. It should have been reported as 141. This is because 29 Privacy Act requests were incorrectly entered into the system in fiscal year 2009, as FOIA requests. They were deleted prior to the start of fiscal year 2010. (This also reduces the number of FOIA requests received in fiscal year 2009 to 6416).

**B. (1) Disposition of FOIA Requests – All Processed Requests**

| | Number of Full Grants | Number of Partial Grants/ Partial Denials | Number of Full Denials Based on Exemptions | Full Denials based on reasons other than exemptions | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | No Records | All Records Referred to Another Component or Agency | Request Withdrawn | Fee-Related Reason | Records not Reasonably Described | Improper FOIA Request for Other Reason | Not Agency Record | Duplicate Request | Other | TOTAL |
| AMS | 35 | 67 | 6 | 10 | 2 | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 126 |
| APHIS | 127 | 470 | 33 | 169 | 14 | 49 | 0 | 2 | 0 | 1 | 12 | 32 | 909 |
| ASCR | 3 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| DM | 40 | 18 | 0 | 2 | 1 | 2 | 0 | 1 | 0 | 1 | 0 | 0 | 65 |
| FAS | 15 | 6 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 27 |
| FNCS | 50 | 52 | 5 | 28 | 0 | 6 | 1 | 1 | 4 | 14 | 0 | 0 | 161 |
| FSA | 12,719 | 370 | 221 | 283 | 364 | 66 | 96 | 36 | 32 | 12 | 10 | 38 | 14,247 |
| FS | 1,323 | 546 | 43 | 229 | 106 | 49 | 19 | 5 | 19 | 5 | 19 | 15 | 2,378 |
| FSIS | 55 | 96 | 2 | 24 | 7 | 41 | 0 | 1 | 1 | 8 | 5 | 8 | 248 |
| GIPSA | 45 | 17 | 4 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 | 77 |
| NAD | 4 | 1 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| NRCS | 354 | 56 | 20 | 20 | 5 | 10 | 1 | 0 | 0 | 10 | 0 | 0 | 476 |
| OBPA | 4 | 0 | 0 | 5 | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 13 |
| OCFO | 13 | 4 | 1 | 3 | 3 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 27 |
| OGC | 2 | 7 | 1 | 9 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 1 | 25 |
| OIG | 9 | 56 | 29 | 30 | 4 | 5 | 1 | 0 | 2 | 0 | 3 | 6 | 145 |
| OSEC | 23 | 15 | 0 | 13 | 11 | 3 | 1 | 8 | 0 | 1 | 0 | 0 | 75 |
| REE | 86 | 20 | 5 | 1 | 0 | 0 | 0 | 5 | 1 | 15 | 0 | 3 | 136 |
| RMA | 46 | 30 | 5 | 7 | 1 | 11 | 0 | 1 | 2 | 4 | 0 | 0 | 107 |
| RD | 462 | 117 | 16 | 29 | 30 | 36 | 3 | 1 | 5 | 2 | 2 | 0 | 703 |
| **USDA OVERALL** | **15,415** | **1,949** | **393** | **870** | **557** | **289** | **124** | **62** | **67** | **78** | **51** | **107** | **19,962** |

**B. (2) Disposition of FOIA Requests – "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions" from Section V, B(1) Chart**

| Component | Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon | Number of Time "Other" reason was relied upon | TOTAL |
|---|---|---|---|
| AMS | N/A | 0 | 0 |
| APHIS | Refer to the web for records | 30 | 32 |
| | Litigation | 2 | |
| ASCR | N/A | 0 | 0 |
| DM | NA | 0 | 0 |
| FAS | N/A | 0 | 0 |
| FNCS | N/A | 0 | 0 |
| FSA | Glomar Response | 8 | 38 |
| | Requester referred to public web site | 10 | |
| | Records not available in format requested | 18 | |
| | Requester Failed to provide adequate mailing address | 2 | |
| FS | Glomar | 6 | 15 |
| | No 3rd Part Permission to Release Records | 3 | |
| | Records publicly available | 5 | |
| | Legal review | 1 | |
| FSIS | Requestor referred to public Web site | 8 | 8 |
| | | | |
| GIPSA | Administratively closed | 4 | 4 |
| | Glomar | 0 | |
| NAD | N/A | 0 | 0 |
| NRCS | N/A | 0 | 0 |
| OBPA | N/A | 0 | 0 |
| OCFO | N/A | 0 | 0 |
| OGC | Requester left no forwarding address | 1 | 1 |
| OIG | No authorization to release records | 4 | 6 |
| | Glomarization | 2 | |
| OSEC | N/A | 0 | 0 |
| REE | Not a FOIA Request | 3 | 3 |
| | | | |
| RMA | N/A | 0 | 0 |
| RD | N/A | 0 | 0 |
| **USDA OVERALL** | | | **107** |

**B. (3)  Disposition of FOIA Requests – Number of Times Exemptions Applied**

| Component | Ex. 1 | Ex. 2 | Ex. 3 | Ex. 4 | Ex. 5 | Ex. 6 | Ex. 7(A) | Ex. 7(B) | Ex. 7(C) | Ex. 7(D) | Ex. 7(E) | Ex. 7(F) | Ex. 8 | Ex. 9 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | 0 | 3 | 1 | 38 | 11 | 47 | 6 | 0 | 6 | 1 | 0 | 0 | 0 | 0 |
| APHIS | 0 | 47 | 6 | 75 | 37 | 446 | 79 | 0 | 277 | 0 | 1 | 21 | 0 | 0 |
| ASCR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 0 | 0 | 0 | 8 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 0 | 0 | 0 | 6 | 2 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 0 | 0 | 10 | 1 | 2 | 42 | 0 | 1 | 32 | 7 | 27 | 0 | 0 | 0 |
| FSA | 8 | 5 | 306 | 11 | 32 | 293 | 3 | 0 | 6 | 1 | 0 | 0 | 0 | 0 |
| FS | 0 | 41 | 29 | 82 | 71 | 293 | 10 | 2 | 99 | 2 | 6 | 0 | 0 | 2 |
| FSIS | 0 | 5 | 1 | 48 | 7 | 63 | 3 | 0 | 54 | 0 | 0 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 0 | 5 | 2 | 4 | 6 | 0 | 9 | 0 | 1 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 0 | 1 | 33 | 10 | 1 | 46 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 0 | 0 | 8 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 13 | 2 | 26 | 36 | 107 | 17 | 0 | 81 | 0 | 7 | 11 | 0 | 0 |
| OSEC | 0 | 7 | 0 | 2 | 11 | 16 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| REE | 0 | 1 | 3 | 13 | 3 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RMA | 0 | 1 | 8 | 7 | 12 | 17 | 6 | 0 | 3 | 0 | 1 | 0 | 0 | 0 |
| RD | 0 | 0 | 1 | 53 | 27 | 66 | 1 | 0 | 9 | 0 | 0 | 0 | 0 | 0 |
| **USDA Overall** | **8** | **124** | **401** | **385** | **262** | **1472** | **131** | **3** | **577** | **11** | **43** | **32** | **0** | **3** |

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

### A. Received, Processed, and Pending Administrative Appeals

| Component | Appeals Pending as of Start of Fiscal Year | Number of Appeals Received in Fiscal Year | Number of Appeals Processed in Fiscal Year | Number of Appeals Pending as of End of Fiscal Year |
|---|---|---|---|---|
| AMS | 8 | 17 | 18 | 7 |
| APHIS[4] | 70 | 17 | 30 | 57 |
| ASCR | 0 | 0 | 0 | 0 |
| DM | 0 | 2 | 1 | 1 |
| FAS | 0 | 0 | 0 | 0 |
| FNCS[5] | 4 | 16 | 13 | 7 |
| FSA[6] | 7 | 32 | 35 | 4 |
| FS[7] | 36 | 63 | 68 | 31 |
| FSIS | 5 | 0 | 0 | 5 |
| GIPSA | 0 | 1 | 1 | 0 |
| NAD | 1 | 0 | 0 | 1 |
| NRCS | 1 | 13 | 12 | 2 |
| OBPA | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 |
| OGC | 3 | 6 | 6 | 3 |
| OIG | 2 | 15 | 11 | 6 |
| OSEC | 0 | 3 | 1 | 2 |
| REE | 2 | 2 | 4 | 0 |
| RMA | 3 | 1 | 2 | 2 |
| RD | 17 | 9 | 11 | 15 |
| **USDA OVERALL** | **159** | **197** | **213** | **143** |

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[4] APHIS - Two appeals which were actually closed in FY09 were not updated in the database system until FY10, making the number of pending appeals at the end of FY09 '70' not '72'.

[5] FNCS - Number of appeals pending as of start of FY10 is different from the FY09 annual report due to an appeal being found that was never answered.

[6] FSA - The number of appeals reported pending in FY09 was reported as 6. The correct number should have been 7.

[7] FS - Some reporting inconsistencies with totals referenced from USDA's FY 2009 FOIA Report may be attributable to the three different migrations of data actions from a proprietary tracking system to the newly procured FOIAXpress system. The national backlog increase may have been caused by either the data migration or the more accurate system capturing "open" cases as backlog.

**B. Disposition of Administrative Appeals – All Processed Appeals**

| Component | Number Affirmed on Appeal | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons | TOTAL |
|---|---|---|---|---|---|
| AMS | 9 | 0 | 3 | 6 | 18 |
| APHIS | 1 | 0 | 0 | 29 | 30 |
| ASCR | 0 | 0 | 0 | 0 | 0 |
| DM | 1 | 0 | 0 | 0 | 1 |
| FAS | 0 | 0 | 0 | 0 | 0 |
| FNCS | 2 | 9 | 1 | 1 | 13 |
| FSA | 9 | 11 | 3 | 12 | 35 |
| FS | 16 | 21 | 0 | 31 | 68 |
| FSIS | 0 | 0 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 1 | 0 | 1 |
| NAD | 0 | 0 | 0 | 0 | 0 |
| NRCS | 0 | 13 | 0 | 0 | 13 |
| OBPA | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 | 0 |
| OGC | 1 | 1 | 0 | 4 | 6 |
| OIG | 9 | 1 | 0 | 1 | 11 |
| OSEC | 0 | 0 | 0 | 1 | 1 |
| REE | 1 | 0 | 2 | 1 | 4 |
| RMA | 1 | 1 | 0 | 0 | 2 |
| RD | 3 | 2 | 1 | 5 | 11 |
| **USDA OVERALL** | **53** | **58** | **11** | **91** | **213** |

**C. (1)  Reasons for Denial on Appeal – Number of Times Exemptions Applied**

| Component | Ex. 1 | Ex. 2 | Ex. 3 | Ex. 4 | Ex. 5 | Ex. 6 | Ex. 7(A) | Ex. 7(B) | Ex. 7(C) | Ex. 7(D) | Ex. 7(E) | Ex. 7(F) | Ex. 8 | Ex. 9 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |
| APHIS | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| ASCR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 4 | 2 | 8 | 0 | 0 | 0 |
| FSA | 0 | 0 | 10 | 0 | 2 | 10 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 |
| FS | 0 | 0 | 1 | 1 | 7 | 15 | 1 | 0 | 7 | 0 | 0 | 0 | 0 | 0 |
| FSIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 0 | 0 | 0 | 4 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 2 | 0 | 0 | 2 | 5 | 1 | 0 | 7 | 0 | 1 | 1 | 0 | 0 |
| OSEC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| REE | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RMA | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RD | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **0** | **2** | **12** | **8** | **13** | **52** | **3** | **0** | **24** | **2** | **9** | **1** | **0** | **0** |

## C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

| Component | No Records | Records Referred at Initial Request Level | Request Withdrawn | Fee-Related Reason | Records not Reasonably Described | Improper Request for Other Reasons | Not Agency Record | Duplicate Request or Appeal | Request in Litigation | Appeal Based Solely on Denial of Request for Expedited Processing | Other *Explain in chart below |
|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | 3 | 0 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| APHIS | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 |
| ASCR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA | 7 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| FS | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 5 |
| FSIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| OIG | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| OSEC | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| REE | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RMA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RD | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **11** | **1** | **15** | **5** | **1** | **4** | **0** | **0** | **0** | **0** | **44** |

**C. (3) Reasons for Denial on Appeal – "Other" Reasons from Section VI, C (2) Chart**

| Component | Description of "Other" Reasons for Denial on Appeal from Chart C (2) | Number of times "Other" Reason was Relied Upon | Component TOTAL |
|---|---|---|---|
| AMS | Litigation Settlement with Requestor | 4 | 4 |
|  |  |  |  |
| APHIS | Records provide as response to request | 6 | 26 |
|  | Unable to contact appelent | 18 |  |
|  | Records destroyed | 2 |  |
| ASCR | N/A | 0 | 0 |
| DM | N/A | 0 | 0 |
| FAS | N/A | 0 | 0 |
| FNCS | N/A | 0 | 0 |
| FSA | Untimely appeal (received by FSA after final date to file appeal) | 4 | 8 |
|  | Not ripe for appeal (initial request not processed according to FSA's Public regulations and policies, and returned to the record-holding office for additional processing. | 4 |  |
| FS | Moot | 5 | 5 |
| FSIS | N/A | 0 | 0 |
| GIPSA | N/A | 0 | 0 |
| NAD | N/A | 0 | 0 |
| NRCS | N/A | 0 | 0 |
| OBPA | N/A | 0 | 0 |
| OCFO | N/A | 0 | 0 |
| OGC | Requester left no forwarding address | 1 | 1 |
| OIG | N/A | 0 | 0 |
| OSEC | N/A | 0 | 0 |
| REE | N/A | 0 | 0 |
| RMA | N/A | 0 | 0 |
| RD | N/A | 0 | 0 |
| **USDA Overall** |  |  | **44** |

**C. (4) Response time for Administrative Appeals**

| Component | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days |
|---|---|---|---|---|
| AMS | 23.50 | 163.00 | 1.00 | 1,197.00 |
| APHIS | 922.00 | 964.00 | 107.00 | 1,741.00 |
| ASCR | 0.00 | 0.00 | 0.00 | 0.00 |
| DM | 14.00 | 14.00 | 6.00 | 22.00 |
| FAS | 0.00 | 0.00 | 0.00 | 0.00 |
| FNCS | 91.00 | 117.00 | 28.00 | 300.00 |
| FSA | 16.00 | 219.00 | 1.00 | 2,160.00 |
| FS | 55.50 | 100.44 | 0.00 | 720.00 |
| FSIS | 0.00 | 0.00 | 0.00 | 0.00 |
| GIPSA | 31.00 | 31.00 | 31.00 | 31.00 |
| NAD | 0.00 | 0.00 | 0.00 | 0.00 |
| NRCS | 1.00 | 1.00 | 1.00 | 1.00 |
| OBPA | 0.00 | 0.00 | 0.00 | 0.00 |
| OCFO | 0.00 | 0.00 | 0.00 | 0.00 |
| OGC | 102.00 | 171.00 | 55.00 | 566.00 |
| OIG | 12.00 | 38.00 | 9.00 | 128.00 |
| OSEC | 0.00 | 0.00 | 0.00 | 0.00 |
| REE | 16.00 | 19.00 | 10.00 | 33.00 |
| RMA | 238.00 | 238.00 | 59.00 | 417.00 |
| RD | 617.00 | 651.00 | 22.00 | 1,265.00 |
| **USDA Overall** | **461.00** | **131.82** | **0.00** | **2160.00** |

**C. (5) Ten Oldest Pending Administrative Appeals**

| | | 10th Oldest | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest |
|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | Date | N/A | N/A | N/A | 2010-09-27 | 2010-08-23 | 2010-05-19 | 2009-10-16 | 2009-09-14 | 2008-11-20 | 2008-09-26 |
| | Number of Days Pending | 0 | 0 | 0 | 3 | 27 | 93 | 236 | 261 | 463 | 500 |
| APHIS | Date | 2005-06-14 | 2005-05-31 | 2005-05-03 | 2005-04-25 | 2004-11-02 | 2004-08-12 | 2004-06-15 | 2003-10-27 | 2003-08-01 | 2003-07-31 |
| | Number of Days Pending | 1345 | 1354 | 1373 | 1378 | 1501 | 1558 | 1599 | 1764 | 1824 | 1825 |
| ASCR | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2010-09-21 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 |
| FAS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | Date | N/A | N/A | 2010-09-29 | 2010-08-06 | 2010-06-24 | 2010-06-09 | 2009-12-17 | 2008-12-09 | 2007-12-21 | 2007-10-23 |
| | Number of Days Pending | 0 | 0 | 0 | 38 | 66 | 77 | 190 | 446 | 686 | 723 |
| FSA | Date | N/A | N/A | N/A | N/A | N/A | N/A | 2010-09-27 | 2010-09-08 | 2010-06-03 | 2002-04-22 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 16 | 85 | 2203 |
| FS | Date | 2009-09-15 | 2009-09-15 | 2009-06-22 | 2009-06-19 | 2009-06-18 | 2009-05-27 | 2009-04-09 | 2008-09-02 | 2008-08-25 | 2008-08-07 |
| | Number of Days Pending | 262 | 262 | 321 | 322 | 323 | 339 | 372 | 522 | 527 | 539 |
| FSIS | Date | N/A | N/A | N/A | N/A | N/A | 2009-06-08 | 2009-05-01 | 2008-08-04 | 2008-08-04 | 2008-04-29 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 331 | 356 | 542 | 542 | 609 |
| GIPSA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NAD | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2010-09-13 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 |
| OBPA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | 10th Oldest | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest |
|---|---|---|---|---|---|---|---|---|---|---|---|
| OGC | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2010-05-26 | 2008-08-14 | 2008-04-28 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 88 | 541 | 586 |
| OIG | Date | N/A | N/A | N/A | N/A | 2010-09-27 | 2010-09-27 | 2010-09-21 | 2010-08-16 | 2010-07-16 | 2010-02-17 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 4 | 4 | 8 | 33 | 54 | 159 |
| OSEC | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2010-07-21 | 2010-07-21 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 52 | 52 |
| REE | Date | N/A | N/A | N/A | N/A | N/A | N/A | 2010-11-30 | 2010-05-21 | 2009-10-20 | 2009-09-25 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 16 | 16 | 33 |
| RMA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2009-05-07 | 2006-12-28 |
| | Number of Days Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 355 | 957 |
| RD | Date | 2010-04-12 | 2010-02-23 | 2009-10-09 | 2009-08-04 | 2009-06-05 | 2008-08-22 | 2007-10-19 | 2007-08-24 | 2007-08-24 | 2006-01-20 |
| | Number of Days Pending | 124 | 158 | 255 | 303 | 345 | 550 | 770 | 810 | 810 | 1225 |
| USDA Overall | Date | 2005-05-31 | 2005-05-03 | 2005-04-25 | 2004-11-02 | 2004-08-12 | 2004-06-15 | 2003-10-27 | 2003-08-01 | 2003-07-31 | 2002-04-22 |
| | Number of Days Pending | 1354 | 1373 | 1378 | 1501 | 1558 | 1599 | 1764 | 1824 | 1825 | 2203 |

## VII. FOIA REQUESTS:  RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

### A. Processed Requests – Response Time for All Processed Perfected Requests

| | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days |
| AMS | 32 | 35 | 1 | 206 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| APHIS | 46 | 112 | 1 | 1,106 | 322 | 368 | 12 | 1,042 | 161 | 383 | 3 | 1,189 |
| ASCR | 15 | 15 | 1 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 22.5 | 36 | 1 | 96 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 8 | 24.2 | 0.5 | 130 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 12 | 19 | 1 | 178 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA[8] | 1 | 2 | 0 | 200 | 2 | 18 | 0 | 349 | 1 | 1 | 1 | 1 |
| FS | 13 | 16.42 | 0 | 262 | 29 | 38.5 | 0 | 328 | 0 | 0 | 0 | 0 |
| FSIS | 21 | 44 | <1 | 445 | 43 | 119 | <1 | 643 | 0 | 0 | 0 | 0 |
| GIPSA | 5 | 7.4 | 1 | 36 | 44 | 76 | 37 | 133 | 0 | 0 | 0 | 0 |
| NAD | 2 | 3 | 1 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 5 | 5 | 1 | 23 | 14 | 14 | 1 | 26 | 0 | 0 | 0 | 0 |
| OBPA | 6 | 6 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 4 | 6 | 1 | 20 | 19 | 19 | 0 | 19 | 0 | 0 | 0 | 0 |
| OGC | 28 | 75 | 3 | 581 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 8 | 14 | 2 | 34 | 100 | 156 | 41 | 778 | 0 | 0 | 0 | 0 |
| OSEC | 20 | 21 | 1 | 93 | 39 | 43 | 4 | 106 | 0 | 0 | 0 | 0 |
| REE | 0 | 0 | 0 | 0 | 12 | 13 | 1 | 32 | 0 | 0 | 0 | 0 |
| RMA | 9 | 12 | 1 | 36 | 32 | 32 | 6 | 89 | 0 | 0 | 0 | 0 |
| RD | 13 | 45 | <1 | 999 | 131 | 112 | 14 | 239 | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **23** | **26.05** | **0** | **1,106** | **161** | **50.43** | **0** | **1,042** | **80.5** | **19.2** | **0** | **1,189** |

[8] FSA - For Section VII, FSA included in its Annual FOIA Report a fourth category titled "NORMAL". However, USDA's Annual FOIA Report does not maintain a NORMAL category. Therefore, throughout the entirety of Section VII, FSA's NORMAL category is incorporated into the SIMPLE category for inclusion and totaling therein.

**B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted**

| | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days | *Median Number of Days | #Average Number of Days | Lowest Number of Days | Highest Number of Days |
| AMS | 27 | 35 | 8 | 181 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| APHIS | 50 | 124 | 1 | 1,062 | 282 | 369 | 12 | 1,042 | 97 | 445 | 22 | 1,189 |
| ASCR | 15 | 15 | 1 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 21 | 33 | 1 | 96 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 8 | 14.8 | .5 | 130 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 16 | 21 | 1 | 145 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA[9] | 1 | 2 | 0 | 200 | 6 | 17 | 1 | 209 | 1 | 1 | 1 | 1 |
| FS | 13 | 16.64 | 0 | 262 | 31 | 40.56 | 0 | 274 | 0 | 0 | 0 | 0 |
| FSIS | 15 | 60 | 1 | 400 | 101 | 144 | 1 | 586 | 0 | 0 | 0 | 0 |
| GIPSA | 3 | 5.62 | 1 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NAD | 2 | 3 | 1 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 8 | 6 | 1 | 22 | 14 | 14 | 1 | 26 | 0 | 0 | 0 | 0 |
| OBPA | 7 | 8 | 1 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 6 | 6 | 1 | 14 | 19 | 19 | 0 | 19 | 0 | 0 | 0 | 0 |
| OGC | 34 | 43 | 20 | 91 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 6 | 11 | 6 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OSEC | 17 | 19.6 | 1 | 93 | 45 | 43 | 4 | 85 | 0 | 0 | 0 | 0 |
| REE | 0 | 0 | 0 | 0 | 11 | 12 | 1 | 32 | 0 | 0 | 0 | 0 |
| RMA | 12 | 13 | 0 | 53 | 32 | 33 | 9 | 89 | 0 | 0 | 0 | 0 |
| RD | 5 | 31 | 5 | 56 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **25** | **24.55** | **0** | **1,062** | **141** | **34.38** | **0** | **1,042** | **48.5** | **22.3** | **0** | **1,189** |

[9] FSA - For Section VII, FSA included in its Annual FOIA Report a fourth category titled "NORMAL". However, USDA's Annual FOIA Report does not maintain a NORMAL category. Therefore, throughout the entirety of Section VII, FSA's NORMAL category is incorporated into the SIMPLE category for inclusion and totaling therein.

## C. Processed Requests – Response Time in Day Increments

| | Simple Requests | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Component | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
| AMS | 53 | 41 | 9 | 2 | 3 | 2 | 3 | 2 | 0 | 1 | 1 | 0 | 0 | 117 |
| APHIS | 183 | 139 | 87 | 59 | 36 | 30 | 13 | 15 | 18 | 7 | 32 | 29 | 53 | 701 |
| ASCR | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| DM | 25 | 8 | 8 | 10 | 8 | 0 | 0 | 0 | 1 | 4 | 1 | 0 | 0 | 65 |
| FAS | 21 | 1 | 1 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 27 |
| FNCS | 123 | 28 | 1 | 1 | 2 | 2 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 161 |
| FSA[10] | 13,787 | 80 | 10 | 1 | 3 | 2 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 13,886 |
| FS | 52 | 1,418 | 328 | 70 | 20 | 13 | 4 | 2 | 2 | 0 | 2 | 3 | 0 | 1,914 |
| FSIS | 26 | 15 | 1 | 3 | 3 | 1 | 2 | 0 | 0 | 1 | 0 | 1 | 1 | 54 |
| GIPSA | 63 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 70 |
| NAD | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| NRCS | 466 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 472 |
| OBPA | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| OCFO | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 |
| OGC | 12 | 7 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 25 |
| OIG | 77 | 23 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 100 |
| OSEC | 53 | 7 | 5 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 66 |
| REE | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 |
| RMA | 62 | 13 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 76 |
| RD | 468 | 94 | 37 | 14 | 15 | 12 | 7 | 5 | 1 | 2 | 15 | 7 | 15 | 692 |
| USDA OVERALL | 15,550 | 1,887 | 489 | 163 | 91 | 62 | 35 | 25 | 23 | 17 | 52 | 41 | 70 | 18,505 |

[10] FSA - For Section VII, FSA included in its Annual FOIA Report a fourth category titled "NORMAL". However, USDA's Annual FOIA Report does not maintain a NORMAL category. Therefore, throughout the entirety of Section VII, FSA's NORMAL category is incorporated into the SIMPLE category for inclusion and totaling therein.

| Component | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| APHIS | 1 | 4 | 6 | 7 | 6 | 8 | 7 | 7 | 8 | 17 | 20 | 23 | 78 | 192 |
| ASCR | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| DM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA | 258 | 53 | 15 | 9 | 1 | 3 | 1 | 1 | 0 | 0 | 2 | 5 | 0 | 348 |
| FS | 1 | 155 | 159 | 70 | 26 | 28 | 15 | 5 | 2 | 0 | 0 | 2 | 1 | 464 |
| FSIS | 76 | 17 | 18 | 8 | 9 | 4 | 6 | 3 | 5 | 8 | 14 | 5 | 21 | 194 |
| GIPSA | 0 | 0 | 2 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| NAD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| OBPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| OGC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 10 | 3 | 4 | 7 | 2 | 4 | 2 | 2 | 9 | 0 | 2 | 45 |
| OSEC | 1 | 3 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| REE | 98 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 112 |
| RMA | 5 | 21 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 31 |
| RD | 3 | 1 | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 2 | 0 | 0 | 11 |
| USDA OVERALL | 447 | 269 | 220 | 99 | 49 | 51 | 34 | 20 | 17 | 29 | 47 | 35 | 102 | 1,419 |

**Complex Requests**

| Requests Granted Expedited Service | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Component | 1-20 Days | 21-40 Days | 41-60 Days | 61-80 Days | 81-100 Days | 101-120 Days | 121-140 Days | 141-160 Days | 161-180 Days | 181-200 Days | 201-300 Days | 301-400 Days | 401+ Days | TOTAL |
| AMS | 2 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| APHIS | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 3 | 6 | 16 |
| ASCR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| FS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSIS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OSEC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| REE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RMA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USDA OVERALL | 16 | 7 | 2 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 3 | 6 | 38 |

D. Pending Requests – All Pending Perfected Requests

| Component | SIMPLE | | | COMPLEX | | | EXPEDITED PROCESSING | | |
|---|---|---|---|---|---|---|---|---|---|
| | Number Pending | *Median Number of Days | #Average Number of Days | Number Pending | *Median Number of Days | #Average Number of Days | Number Pending | *Median Number of Days | #Average Number of Days |
| AMS | 11 | 21 | 80 | 0 | 0 | 0 | 0 | 0 | 0 |
| APHIS | 102 | 37 | 119 | 159 | 196 | 279 | 0 | 0 | 0 |
| ASCR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | 6 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | 4 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| FNCS | 22 | 26 | 37 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA[11] | 10 | 95 | 111 | 8 | 230 | 195 | 0 | 0 | 0 |
| FS | 498 | 117.5 | 142.62 | 131 | 94 | 120.1 | 0 | 0 | 0 |
| FSIS | 16 | 241 | 226 | 249 | 211 | 225 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | 5 | 16 | 16 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | 10 | 172 | 262 | 0 | 0 | 0 | 0 | 0 | 0 |
| OIG | 3 | 5 | 7 | 5 | 33 | 66 | 0 | 0 | 0 |
| OSEC | 0 | 0 | 0 | 24 | 55 | 69 | 0 | 0 | 0 |
| REE | 0 | 0 | 0 | 14 | 7 | 8 | 0 | 0 | 0 |
| RMA | 6 | 20 | 21 | 7 | 38 | 74 | 0 | 0 | 0 |
| RD | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| USDA OVERALL | 694 | 120.5 | 53.18 | 601 | 115 | 51.81 | 0 | 0 | 0 |

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[11] FSA - For Section VII, FSA included in its Annual FOIA Report a fourth category titled "NORMAL". However, USDA's Annual FOIA Report does not maintain a NORMAL category. Therefore, throughout the entirety of Section VII, FSA's NORMAL category is incorporated into the SIMPLE category for inclusion and totaling therein.

| | | 10th Oldest | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest |
|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | Date | 2010-09-15 | 2010-09-08 | 2010-08-31 | 2010-08-26 | 2010-8-26 | 2009-07-14 | 2009-07-09 | 2009-05-11 | 2009-05-11 | 2009-05-06 |
| | Number of Days | 11 | 16 | 22 | 25 | 25 | 308 | 311 | 355 | 355 | 358 |
| APHIS | Date | 2007-10-29 | 2007-10-15 | 2007-09-19 | 2007-08-07 | 2007-05-22 | 2007-05-17 | 2007-04-03 | 2007-02-07 | 2006-12-06 | 2006-10-16 |
| | Number of Days | 764 | 774 | 792 | 823 | 878 | 881 | 913 | 952 | 997 | 1034 |
| ASCR | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | Date | N/A | N/A | N/A | N/A | 2010-08-09 | 2010-08-02 | 2010-07-26 | 2010-07-15 | 2010-07-01 | 2010-06-02 |
| | Number of Days | 0 | 0 | 0 | 0 | 39 | 44 | 49 | 56 | 65 | 86 |
| FAS | Date | N/A | N/A | N/A | N/A | N/A | N/A | 2010-09-29 | 2010-09-29 | 2010-09-27 | 2010-09-27 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 3 | 3 |
| FNCS | Date | 2010-09-18 | 2010-09-02 | 2010-08-09 | 2010-08-05 | 2010-06-24 | 2010-06-24 | 2010-06-09 | 2010-05-10 | 2010-03-11 | 2010-02-19 |
| | Number of Days | 16 | 21 | 38 | 40 | 70 | 70 | 81 | 102 | 144 | 158 |
| FSA | Date | 2010-07-16 | 2010-07-11 | 2010-04-28 | 2010-04-05 | 2010-02-26 | 2010-02-22 | 2010-02-16 | 2010-02-09 | 2010-02-08 | 2010-01-12 |
| | Number of Days | 54 | 58 | 109 | 126 | 152 | 156 | 160 | 164 | 165 | 183 |
| FS | Date | 2009-1-15 | 2009-01-08 | 2008-12-16 | 2008-12-02 | 2008-12-02 | 2008-12-02 | 2008-11-03 | 2008-10-13 | 2008-10-10 | 2008-10-01 |
| | Number of Days | 423 | 428 | 445 | 456 | 456 | 456 | 478 | 493 | 494 | 501 |
| FSIS | Date | 2008-03-05 | 2008-03-03 | 2008-02-28 | 2008-02-27 | 2008-02-15 | 2008-02-12 | 2008-02-05 | 2008-01-07 | 2008-01-03 | 2008-01-03 |
| | Number of Days | 689 | 691 | 693 | 694 | 701 | 704 | 709 | 729 | 731 | 731 |
| GIPSA | Date | N/A | N/A | N/A | N/A | N/A | N/A | 2010-08-26 | 2010-08-23 | 2010-08-18 | 2010-08-02 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 27 | 30 | 42 |
| NAD | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | Date | N/A | N/A | N/A | N/A | N/A | N/A | 2010-09-30 | 2010-09-28 | 2010-09-27 | 2010-09-23 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 3 | 4 |
| OBPA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | Date | 2010-09-28 | 2010-09-28 | 2010-09-21 | 2010-07-26 | 2010-03-25 | 2009-11-24 | 2009-02-06 | 2008-11-12 | 2008-03-05 | 2007-08-16 |
| | Number of Days | 2 | 2 | 7 | 47 | 132 | 213 | 435 | 471 | 583 | 816 |
| OIG | Date | N/A | N/A | 2010-09-28 | 2010-09-24 | 2010-09-13 | 2010-08-24 | 2010-08-24 | 2010-08-17 | 2010-08-17 | 2010-02-02 |
| | Number of Days | 0 | 0 | 3 | 5 | 14 | 28 | 28 | 33 | 33 | 171 |
| OSEC | Date | 2010-06-08 | 2010-06-08 | 2010-05-18 | 2010-04-21 | 2010-04-21 | 2010-03-29 | 2010-03-10 | 2010-03-10 | 2010-02-26 | 2010-02-23 |
| | Number of Days | 83 | 83 | 98 | 117 | 117 | 131 | 144 | 144 | 153 | 155 |

| | | 10th Oldest | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest |
|---|---|---|---|---|---|---|---|---|---|---|---|
| REE | Date | 2010-09-28 | 2010-09-24 | 2010-09-23 | 2010-09-20 | 2010-09-17 | 2010-09-17 | 2010-09-08 | 2010-09-08 | 2010-09-07 | 2010-09-07 |
| | Number of Days | 2 | 4 | 5 | 8 | 9 | 9 | 16 | 16 | 17 | 17 |
| RMA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RD | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2010-08-30 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 |
| USDA OVERALL | Date | 2007-10-15 | 2007-09-19 | 2007-08-16 | 2007-08-07 | 2007-05-22 | 2007-05-17 | 2007-04-03 | 2007-02-07 | 2006-12-06 | 2006-10-16 |
| | Number of Days | 774 | 792 | 816 | 823 | 878 | 881 | 913 | 952 | 997 | 1034 |

### VIII.   REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER
#### A.  Requests for Expedited Processing

| | Number Granted | Number Denied | *Median Number of Days to Adjudicate | #Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
|---|---|---|---|---|---|
| AMS | 9 | 0 | 25 | 28 | 0 |
| APHIS | 0 | 0 | 0 | 0 | 0 |
| ASCR | 0 | 0 | N/A | N/A | 0 |
| DM | 1 | 1 | 0 | 0 | 1 |
| FAS | 0 | 0 | 0 | 0 | 0 |
| FNCS | 0 | 0 | 0 | 0 | 0 |
| FSA | 13 | 361 | 1 | 1 | 370 |
| FS | 12 | 4 | 5.5 | 19.94 | 11 |
| FSIS | 0 | 0 | N/A | N/A | N/A |
| GIPSA | 0 | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 | 0 |
| NRCS | 0 | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 | 0 |
| OSEC | 0 | 5 | 1 | 1 | 5 |
| REE | 0 | 0 | 0 | 0 | 0 |
| RMA | 0 | 0 | 0 | 0 | 0 |
| RD | 0 | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **35** | **371** | **12.5** | **2.5** | **387** |

**B. Requests for Fee Waiver**

| | Number Granted | Number Denied | *Median Number of Days to Adjudicate | #Average Number of Days to Adjudicate |
|---|---|---|---|---|
| AMS | 13 | 0 | 22 | 35 |
| APHIS | 0 | 0 | 0 | 0 |
| ASCR | 0 | 0 | N/A | N/A |
| DM | 0 | 0 | 0 | 0 |
| FAS | 0 | 0 | 0 | 0 |
| FNCS | 4 | 0 | 0 | 0 |
| FSA | 849 | 31 | 1 | 1 |
| FS | 279 | 29 | 3 | 11.1 |
| FSIS | 0 | 0 | N/A | N/A |
| GIPSA | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 |
| NRCS | 1 | 0 | 1 | 1 |
| OBPA | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 0 | 0 |
| OIG | 0 | 0 | 0 | 0 |
| OSEC | 16 | 0 | 1 | 1 |
| REE | 0 | 0 | 0 | 0 |
| RMA | 1 | 0 | 5 | 5 |
| RD | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **1,163** | **60** | **11** | **2.71** |

**IX. FOIA PERSONNEL AND COSTS**

| | PERSONNEL | | | COSTS | | |
|---|---|---|---|---|---|---|
| | Number of "Full-Time FOIA Employees" | Number of "Equivalent Full-Time FOIA Employees" | Total Number of "Full-Time FOIA Staff" (The sum of Columns 1 & 2) | Processing Costs (At initial request and appeal levels) | Litigation-Related Costs | Total Costs |
| AMS | 1 | 6 | 7 | $564,000.00 | $0.00 | $564,000.00 |
| APHIS | 18 | 0 | 18 | $1,619,102.37 | $397,421.13 | $2,016,523.50 |
| ASCR | 1 | 1 | 2 | $0.00 | $0.00 | $0.00 |
| DM | 0 | 0.25 | 0.25 | $24,484.00 | $0.00 | $24,484.00 |
| FAS | 0 | 2 | 2 | $230,000.00 | $0.00 | $230,000.00 |
| FNCS | 1 | 4.375 | 5.375 | $365,048.00 | $0.00 | $365,048.00 |
| FSA | 15 | 75.57 | 90.57 | $3,848,042.18 | $7,800.00 | $3,855,842.18 |
| FS | 13 | 59.65 | 72.65 | $3,227,375.13 | 0 | $3,227,375.13 |
| FSIS | 5 | 0.75 | 5.75 | $623,802.00 | $0.00 | $623,802.00 |
| GIPSA | 0 | 4.00 | 4.00 | $50,00.00 | $142,000.00 | $192,000.00 |
| NAD | 1 | 0 | 1 | $0.00 | $0.00 | $0.00 |
| NRCS | 2 | 18 | 20 | $155,896.00 | $0.00 | $155,896.00 |
| OBPA | 0 | 0.1 | 0.1 | $9,794.00 | $0.00 | $9,794.00 |
| OCFO | 0 | 0.08 | 0.08 | $6,901.79 | $0.00 | $6,901.79 |
| OGC | 0 | 7.5 | 7.5 | $1,000,000.00 | $650,00.00 | $1,650,000.00 |
| OIG | 2 | 2.17 | 4.17 | $423,565.45 | $10,349.53 | $433,914.98 |
| OSEC | 2 | 0.33 | 2.33 | $246,061.00 | $0.00 | $246,061.00 |
| REE | 0 | 1.5 | 1.5 | $144,869.00 | $0.00 | $144,869.00 |
| RMA | 1 | 0.5 | 1.5 | $6,742.24 | $154,720.24 | $161,462.48 |
| RD | 5 | 7.05 | 12.05 | $902,207.60 | $30,000.00 | $932,207.60 |
| **USDA OVERALL** | **67** | **190.83** | **257.83** | **$13,397,891.00** | **$742,290.90** | **$14,840,182.00** |

## X. FEES COLLECTED FOR PROCESSING

|  | Total Amount of Fees Collected | Percentage of Total Costs |
|---|---|---|
| AMS | $6,915.98 | 1.23% |
| APHIS | $0.00 | 0.00% |
| ASCR | $0.00 | 0.00% |
| DM | $0.00 | 0.00% |
| FAS | $663.33 | 0.29% |
| FNCS | $2,634.43 | 0.72% |
| FSA | $48,623.46 | 1.26% |
| FS | $16,922.63 | 0.52% |
| FSIS | $1,550.80 | 0.25% |
| GIPSA | $187.60 | 0.38% |
| NAD | $0.00 | 0.00% |
| NRCS | $571.00 | 0.37% |
| OBPA | $0.00 | 0.00% |
| OCFO | $0.00 | 0.00% |
| OGC | $0.00 | 0.00% |
| OIG | $4,682.54 | 1.11% |
| OSEC | $0.00 | 0.00% |
| REE | $444.00 | .31% |
| RMA | $6,680.43 | 4.14% |
| RD | $2,607.75 | 0.29% |
| **USDA OVERALL** | **$92,483.95** | **0.62%** |

## XI – FOIA REGULATIONS
**http://www.dm.usda.gov/foia.htm**

# XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

## A. Backlogs of FOIA Requests and Administrative Appeals

| Component | Number of Backlogged Requests as of End of Fiscal Year | Number of Backlogged Appeals as of End of Fiscal Year |
|---|---|---|
| AMS | 11 | 11 |
| APHIS | 219 | 58 |
| ASCR | 0 | 0 |
| DM | 6 | 1 |
| FAS | 0 | 0 |
| FNCS | 11 | 7 |
| FSA | 12 | 2 |
| FS | 477 | 26 |
| FSIS | 254 | 5 |
| GIPSA | 4 | 0 |
| NAD | 1 | 1 |
| NRCS | 0 | 0 |
| OBPA | 0 | 0 |
| OCFO | 0 | 0 |
| OGC | 7 | 3 |
| OIG | 5 | 3 |
| OSEC | 20 | 2 |
| REE | 0 | 0 |
| RMA | 2 | 2 |
| RD | 107 | 15 |
| **USDA OVERALL** | **1,136** | **136** |

**B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations**

| Component | Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year | Number of Consultations Received from Other Agencies During the Fiscal Year | Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year | Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year |
|---|---|---|---|---|
| AMS | 0 | 0 | 0 | 0 |
| APHIS | 0 | 0 | 0 | 0 |
| ASCR | 0 | 0 | 0 | 0 |
| DM | 0 | 1 | 1 | 0 |
| FAS | 0 | 4 | 3 | 1 |
| FNCS | 0 | 0 | 0 | 0 |
| FSA | 2 | 27 | 28 | 1 |
| FS | 0 | 0 | 0 | 0 |
| FSIS | 0 | 0 | 0 | 0 |
| GIPSA | 0 | 0 | 0 | 0 |
| NAD | 0 | 0 | 0 | 0 |
| NRCS | 0 | 0 | 0 | 0 |
| OBPA | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 |
| OGC | 0 | 0 | 0 | 0 |
| OIG | 0 | 1 | 1 | 0 |
| OSEC | 1 | 4 | 5 | 0 |
| REE | 0 | 0 | 0 | 0 |
| RMA | 0 | 0 | 0 | 0 |
| RD | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **3** | **37** | **38** | **2** |

**C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies**

| Component | | 10th Oldest | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest |
|---|---|---|---|---|---|---|---|---|---|---|---|
| AMS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| APHIS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ASCR | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DM | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FAS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2010-09-27 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| FNCS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2008-09-03 |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 522 |
| FS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FSIS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GIPSA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NAD | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NRCS | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBPA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OCFO | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OGC | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Component | | 10th Oldest | 9th | 8th | 7th | 6th | 5th | 4th | 3rd | 2nd | Oldest |
|---|---|---|---|---|---|---|---|---|---|---|---|
| OIG | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OSEC | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| REE | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RMA | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RD | Date | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | Number of Days | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **USDA OVERALL** | **Date** | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** | **N/A** | **2010-09-27** | **2008-09-03** |
| | Number of Days | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **3** | **522** |

## D. Comparison of Number of Requests from Previous and Current Annual Report
## – Requests Received, Processed, and Backlogged

| Component | NUMBER OF REQUESTS RECEIVED | | NUMBER OF REQUESTS PROCESSED | |
|---|---|---|---|---|
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| AMS | 110 | 126 | 113 | 126 |
| APHIS | 1,232 | 708 | 1,656 | 909 |
| ASCR | 27 | 5 | 28 | 7 |
| DM | 61 | 63 | 61 | 65 |
| FAS | 48 | 30 | 53 | 27 |
| FNCS | 142 | 177 | 136 | 161 |
| FSA | 6,445 | 14,267 | 6,490 | 14,247 |
| FS[12] | 2,573 | 2,771 | 2,521 | 2,378 |
| FSIS | 318 | 387 | 377 | 248 |
| GIPSA | 115 | 77 | 111 | 77 |
| NAD | 9 | 10 | 9 | 10 |
| NRCS | 448 | 475 | 458 | 476 |
| OBPA | 4 | 13 | 4 | 13 |
| OCFO | 23 | 27 | 22 | 27 |
| OGC | 26 | 24 | 29 | 25 |
| OIG | 148 | 121 | 136 | 145 |
| OSEC | 102 | 83 | 87 | 75 |
| REE | 163 | 144 | 159 | 136 |
| RMA | 92 | 110 | 89 | 107 |
| RD | 860 | 750 | 871 | 703 |
| **USDA OVERALL** | **12,946** | **20,368** | **13,410** | **19,962** |

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[12] FS - Some reporting inconsistencies with totals referenced from USDA's FY 2009 FOIA Report may be attributable to the three different migrations of data actions from a proprietary tracking system to the newly procured FOIAXpress system. The national backlog increase may have been caused by either the data migration or the more accurate system capturing "open" cases as backlog.

D.2. **Comparison of Backlogged Requests from Previous and Current Annual Report**

| Component | 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 |
|---|---|---|
| AMS | 8 | 11 |
| APHIS | 387 | 219 |
| ASCR | 2 | 0 |
| DM | 8 | 6 |
| FAS | 0 | 0 |
| FNCS | 1 | 11 |
| FSA | 4 | 12 |
| FS[13] | 116 | 477 |
| FSIS | 132 | 254 |
| GIPSA | 4 | 4 |
| NAD | 0 | 1 |
| NRCS | 0 | 0 |
| OBPA | 0 | 0 |
| OCFO | 0 | 0 |
| OGC | 7 | 7 |
| OIG | 22 | 5 |
| OSEC | 8 | 20 |
| REE | 1 | 0 |
| RMA | 0 | 2 |
| RD | 60 | 107 |
| **USDA OVERALL** | **760** | **1,136** |

[13] FS - Some reporting inconsistencies with totals referenced from USDA's FY 2009 FOIA Report may be attributable to the three different migrations of data actions from a proprietary tracking system to the newly procured FOIAXpress system. The national backlog increase may have been caused by either the data migration or the more accurate system capturing "open" cases as backlog.

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and**
  **Backlogged**

| Component | NUMBER OF APPEALS RECEIVED | | NUMBER OF APPEALS PROCESSED | |
|---|---|---|---|---|
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| AMS | 12 | 17 | 10 | 18 |
| APHIS | 10 | 17 | 11 | 30 |
| ASCR | 0 | 0 | 1 | 0 |
| DM | 3 | 2 | 2 | 1 |
| FAS | 4 | 0 | 5 | 0 |
| FNCS | 9 | 16 | 14 | 13 |
| FSA | 48 | 32 | 73 | 35 |
| FS[14] | 66 | 63 | 56 | 68 |
| FSIS | 6 | 0 | 14 | 0 |
| GIPSA | 0 | 1 | 0 | 1 |
| NAD | 1 | 0 | 0 | 0 |
| NRCS | 8 | 13 | 12 | 12 |
| OBPA | 0 | 0 | 0 | 0 |
| OCFO | 0 | 0 | 0 | 0 |
| OGC | 2 | 6 | 3 | 6 |
| OIG | 11 | 15 | 10 | 11 |
| OSEC | 1 | 3 | 1 | 1 |
| REE | 5 | 2 | 3 | 4 |
| RMA | 2 | 1 | 1 | 2 |
| RD | 12 | 9 | 26 | 11 |
| **USDA OVERALL** | **200** | **197** | **242** | **213** |

[14] FS - Some reporting inconsistencies with totals referenced from USDA's FY 2009 FOIA Report may be attributable to the three different migrations of data actions from a proprietary tracking system to the newly procured FOIAXpress system. The national backlog increase may have been caused by either the data migration or the more accurate system capturing "open" cases as backlog.

**E.2. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report**

| Component | 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 |
|---|---|---|
| AMS | 6 | 11 |
| APHIS | 72 | 58 |
| ASCR | 0 | 0 |
| DM | 0 | 1 |
| FAS | 0 | 0 |
| FNCS[15] | 4 | 7 |
| FSA | 6 | 2 |
| FS[16] | 26 | 26 |
| FSIS | 5 | 5 |
| GIPSA | 0 | 0 |
| NAD | 1 | 1 |
| NRCS | 4 | 0 |
| OBPA | 0 | 0 |
| OCFO | 0 | 0 |
| OGC | 3 | 3 |
| OIG | 1 | 3 |
| OSEC | 0 | 2 |
| REE | 2 | 0 |
| RMA | 3 | 2 |
| RD | 17 | 15 |
| USDA OVERALL | **150** | **136** |

**F. Discussion of Other FOIA Activities (Optional)**

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[15] FNCS - FY09 Annual Report reflects 3 backlogged appeals as of the end of the fiscal year, whereas the actual number is 4. Number of appeals pending as of start of FY10 is different from the FY09 annual report due to an appeal being found that was never answered.

[16] FS - Some reporting inconsistencies with totals referenced from USDA's FY 2009 FOIA Report may be attributable to the three different migrations of data actions from a proprietary tracking system to the newly procured FOIAXpress system. The national backlog increase may have been caused by either the data migration or the more accurate system capturing "open" cases as backlog.