



**RISK MANAGEMENT AGENCY
DEPARTMENT OF AGRICULTURE
FREEDOM OF INFORMATION ACT
ANNUAL REPORT
FOR
FISCAL YEAR 2012**

RISK MANAGEMENT AGENCY

U. S. DEPARTMENT OF AGRICULTURE

Freedom of Information Act Annual Report FY 2012

I. Basic Information Regarding Report

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

Bill Crews
RMA FOIA Officer
1400 Independence Ave SW MS 0821
Washington, DC 20250
202.720.9507

- B. Electronic link for access to the Report on the agency Web site:

<http://www.rma.usda.gov/aboutrma/foia/foia.html>

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

Please contact Bill Crews at the aforementioned address.

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.rma.usda.gov/aboutrma/foia/foia.html>

- 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:

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 entirety 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
			RMA		
7 U.S.C. §1502 (c)	Personal information in connection with policy holders; yield data	None	RMA	4	4

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
			RMA		
7 U.S.C. §8791A(2)(a), Food, Conservation and Energy Act of 2008	Information provided by an agriculture producer or owner of agricultural land in connection with participation in a USDA program and concerning agricultural operations, farming or conservation practices or the land itself; information contained in any type of USDA geospatial information system where producer provided information about agricultural land or operations	<i>Ctr. for Biological Diversity v. USDA</i> , 626 F.3d 1113, 1118 (9 th Cir. 2010); <i>Zanoni v. USDA</i> , 605 F.Supp. 2d 230, 237-381 (D.D.C. 2009)	RMA	4	4

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
RMA	8	72	55	25
USDA OVERALL				

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									TOTAL
				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	
RMA	24	10	12	3	0	5	0	1	0	0	0	0	55
USDA OVERALL													

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
RMA	0	0	0
USDA OVERALL			

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

Exemptions	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7) (A)	(b)(7) (B)	(b)(7) (C)	(b)(7) (D)	(b)(7) (E)	(b)(7) (F)	(b)(8)	(b)(9)
RMA	0	0	4	3	4	6	9	0	1	0	0	0	0	0
USDA Overall														

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
RMA	13	3	1	15
USDA OVERALL				

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
RMA	0	0	1	0	1
USDA OVERALL					

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
RMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USDA OVERALL														

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
RMA	0	0	0	0	0	0	0	0	0	0	0
USDA OVERALL											

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
RMA	0	0	0
USDA Overall			

C. (4) Response time for Administrative Appeals

Component	*Median Number of Days	#Average Number of Days	Lowest Number of Days	Highest Number of Days
RMA	11	11	11	11
USDA Overall				

C. (5) Ten Oldest Pending Administrative Appeals

		10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
RMA	Date	2011-09-07	2011-09-01	2011-09-01	2011-08-24	2011-08-18	2011-08-18	2011-08-11	2011-04-25	2011-03-17	2010-12-13
	Number of Days Pending	265	269	269	274	278	278	282	364	391	458
USDA Overall	Date										
	Number of Days Pending										

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
RMA	14	18.57	<1	95	11.5	11.5	3	20	17.5	17.5	6	29
USDA OVERALL												

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
RMA	18	24.29	<1	95	20	20	20	20	17.5	17.5	6	29
USDA OVERALL												

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
RMA	7	29	10	3	0	2	0	0	0	0	0	0	0	51
USDA OVERALL														

Complex 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
RMA	0	2	0	0	0	0	0	0	0	0	0	0	0	2
USDA OVERALL														

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
RMA	0	1	1	0	0	0	0	0	0	0	0	0	0	2
USDA OVERALL														

D. Pending Requests – All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
Component	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
RMA	8	24	39	11	85	163	0	0	0
USDA OVERALL									

E. Pending requests – Ten Oldest Pending Perfected Requests

		10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
RMA	Date	07.31.2012	07.31.2012	06.20.2012	05.30.2012	05.21.2012	03.08.2012	01.31.2012	09.02.2011	07.11.2011	11.16.2009
	Number of Days	42	42	70	85	91	143	169	269	308	721
USDA OVERALL	Date										
	Number of Days										

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
RMA	2	1	<1	2.67	3
USDA OVERALL					

B. Requests for Fee Waiver

	Number Granted	Number Denied	*Median Number of Days to Adjudicate	#Average Number of Days to Adjudicate
RMA	8	0	0.5	13.38
USDA OVERALL				

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
RMA	0	.75	.75	\$1,529.04	\$0	\$1,529.04
USDA OVERALL						

X. FEES COLLECTED FOR PROCESSING

	Total Amount of Fees Collected	Percentage of Total Costs
RMA	\$861.62	56.35%
USDA OVERALL		

XI – FOIA REGULATIONS

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
RMA	8	13
USDA OVERALL		

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

Component	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of Start of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of End of the Fiscal Year
RMA	0	0	0	0
USDA OVERALL				

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

Component		10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
RMA	Date	0									
	Number of Days	0									
USDA OVERALL	Date										
	Number of Days										

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
RMA	112	72	117	55
USDA OVERALL				

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
RMA	8	1
USDA OVERALL		

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
RMA	12	7	1	1
USDA OVERALL				

*** Any inconsistencies in the number of appeals received during FY2010 is due to the migration of data into our new electronic tracking system**

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
RMA	0	0
USDA OVERALL		

F. Discussion of Other FOIA Activities (Optional)