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USDA
 Whitten Bldg.
 Room 428W
 Washington, DC 20250
Report Date: 11/10/2016
Time: 9:57:13 AM

Requests Report
Received between 01/01/2009 and 11/10/2016

Request Description	Request ID	Request Status	Request Type	Requested Date	Requester Name
Report released decision	2012-DM-00068-A	Closed	Appeal	02/08/2012	Cottrell, Jeff
Appealing no response until June 25, 2012.	2012-DM-00136-A	Closed	Appeal	07/09/2012	Lewis, David
Appeal based upon two requests. 1.) 2012-OCIO-01913-F "Access to and copies of all records related in any way to the USDA's contract or potential contract with the Southwest Georgia Project for Community Education and/or Shirley Sherrod, including contracts, requests for proposals." 2.)2012-OCIO-0191 4-F "Access to and copies of all records related in any way to the attached FOIA request (identified as 11-232) filed with the USDA Office of the Secretary and remanded to the Rural Development FOIA Office." No responsive records were found for both requests.	2012-OCIO-00088-A	Closed	Appeal	03/23/2012	Carollo, Russell
"I appeal the partial denial of my request which resulted in redaction (under "FOIA Exemption (b)(5)) of material on page 38 of the "Responsive Records A" dataset because Ms. Porter's response letter did not provide any details concerning the redacted material. Enclosed are copies of my original request, the response letter, and pages 37 through 39 of the Responsive Records A" dataset."	2012-OCIO-00096-A	Closed	Appeal	04/23/2012	Metzsch, Lori
See attached appeal.	2012-OCIO-00129-A	Closed	Appeal	07/11/2012	Garcia, Lisette
On June 8, 2012, I filed a request for "access to and copies of the USDA database(s) for FOIA requests." Requester is appealing the format in which responsive records were given.	2012-OCIO-00156-A	Closed	Appeal	08/09/2012	Carollo, Russell
Emails and phone records attached to those emails that were sent by Jeng F. Mao, a department employee in Washington, D.C., to a Steve Sweiter, a department employee in Wyoming.	2013-OCIO-00076-A	Closed	Appeal	12/07/2012	Cook, Edith
please process this FOIA Appeal concerning the subject FOIA requests due to your failure to respond as required by law. Your agency is in direct	2013-OCIO-00212-A	Closed	Appeal	08/15/2013	Stachewicz, Jeff

violation of the FOIA requirements and procedures set forth Presidential Executive Order #13392, issued by the President on December 14, 2005, and recent administration FOIA processing guidelines. If there is some unique difficulty with this request please contact me to discuss. We will be requesting assistance from OGIS to get this request processed. Thank you.					
request a copy of the following documents identified to AG3142C100024: 1. Contract Sections A-J and any attachment with labor category or labor rate information.	2013-OCIO-00214-A	Closed	Appeal	08/15/2013	Stachewicz, Jeff
a copy of the following documents identified to AG3142D100124 (under GS06F0219Z) awarded to Focus Mgt for Identity Management Support Services (see below): 1) contract, attachments (including SOW/PWS, and section B/Pricing/Labor Categories), and modifications. We will accept clearly releasable*)	2013-OCIO-00215-A	Closed	Appeal	08/15/2013	Stachewicz, Jeff
any submission from the Department of Agriculture to the Office of the Director of National Intelligence from 2011-2012...specifically, records regarding Department of Agriculture intelligence requirements (Date Range for Record Search: From 01/01/2011 To 12/31/2012)	2014-OCIO-00097-A	Closed	Appeal	03/10/2014	Richelson, Jeffrey
Mr. Smathers is appealing: 1) the withholding of records as non-responsive, and 2) all uses of exemption (b)(5). He requests that all 523 pages be provided in full. He requested records containing the word Smathers and their attachments.	2014-OCIO-00103-A	Assigned	Appeal	04/14/2014	Smathers, Jason
This letter is a formal appeal to your FOIA response to FOIA # 2013-OCIO-05360-f in the above-referenced case. In my original request, I sought information on all agency employees who have used "official time" under any category of 5 USC 7131 or related statutes since January 1, 2009. In your response to my request, dated March 11, 2014, you provided a series of files from which virtually all information had been redacted under FOIA Exemption b6 dealing with "personal privacy." I am appealing this finding because the information I am seeking is clearly in the public interest and not "personal" in nature. Rather, it is an accounting of how public officials spend their time doing their official duties, for which they are compensated with public funds.	2014-OCIO-00172-A	Closed	Appeal	03/28/2014	Flatten, Mark
Rebecca Watson is appealing the FOIA Service Center's Response to October 22, 2013 FOIA Request for documents related to the Lake Ridge Unit. Ms. Watson Appeals: 1. inadequate search to locate documents responsive to SG's FOIA request 2. Failure to disclose the requested material based on Exemption 5	2014-OCIO-00210-A	Assigned	Appeal	05/02/2014	Watson, Rebecca
Mr. Stewart is appealing USDA's response dated April 28, 2014... he is appealing: 1. Inadequate Search 2. Exemptions applied	2014-OCIO-00211-A	Closed	Appeal	05/28/2014	Stewart, James
pursuant to 7 C.F.R. Subtitle A, Part 1, Subpart A, § 1.14, we are filing this appeal because it appears that additional information should have been included in the response. Following are specific requests for additional information that we believe should have been included: 1. An email from	2014-OSEC-00098-A	Closed	Appeal	03/12/2014	Horwitt, Dusty

<p>Robert Bonnie to Riley G. Nelson sent February 11, 2013 at 5:01p.m. says in part "good to meet with you" while a previous email from Riley G. Nelson to Robert Bonnie sent February 11, 2013 at 3:57p.m. says in part "thanks again for meeting with us this afternoon." We did not receive meeting minutes, notes or a sign-in sheet from the meeting. Please provide these records if they exist; and 2. An email from Robert Bonnie to Susan E. Carter sent September 24, 2013 at 4:56 p.m. says in part "it was a very useful discussion for me" while a previous email from Susan E. Carter to Robert Bonnie sent September 24, 2013 at 4:44p.m. says in part "thank you very much for the great discussion today." We did not receive meeting minutes, notes or a sign-in sheet from the meeting/phone call. Please provide these records if they exist.</p>					
<p>1. Page 131 of the PDF (marked control number 7243719) is a letter from USDA with the signature of Lori Ross, but no other information released in the body of the letter. No FOIA exemption is marked on the page. First, as the page is not marked with an exemption (as required by the FOIA), CREW appeals this withholding. Furthermore, CREW appeals the failure of USDA to segregate non-exempt material for release. Please review this document, release the segregable information with the proper exemption markings on this page. Note that without any further information, CREW appeals the use of any FOIA exemptions on this page. 2. Page 354 of the PDF (e-mail from Sheryl Kunickis dated April 14, 2014). Certain information on this page is withheld pursuant to Exemption 5. Because this email appears to have been sent to individuals that are neither USDA nor federal government employees, it fails to meet the threshold of Exemption 5 and must be released. 3. Page 418 of the PDF (e-mail from Christi Palmer dated April 8, 2014). Certain material on this page is withheld pursuant to Exemption 5. Ms. Palmer appears to be an employee of Rutgers and therefore the threshold of Exemption 5 has not been met and the withholding of this information is not appropriate. 4. Page 423 of the PDF (e-mail from Jean Reimers dated February 3, 2014). Certain material on this page is withheld pursuant to Exemption 5. Ms. Reimers is the Bayer government relations director and therefore the threshold of the exemption has not been met and the withholding of this information is not appropriate. 5. Pages 425-426 of the PDF (e-mail thread dated January 15, 2013). Certain material on this page is withheld pursuant to Exemption 5. Ms. Reimers is the Bayer government relations director and therefore the threshold of the exemption has not been met and the withholding of this information is not appropriate. 6. Page 430 of the PDF (e-mail thread dated December 19, 2011). This email from Laura Phelps of Bayer states there is a draft letter attached to the email, which has not been released or otherwise accounted for. CREW appeals the search USDA conducted as inadequate as it failed to uncover the attachment to this letter. CREW also appeals withholding this letter pursuant to exemption 5, given that it is from Bayer, and therefore, not</p>	<p>2015-OCIO-00012-A</p>	<p>Closed</p>	<p>Appeal</p>	<p>09/11/2014</p>	<p>Hodes, Scott</p>

<p>within the threshold of Exemption 5. 7. Page 485 of the PDF (e-mail dated April 16, 2014). This email is from Charles Allen of Texas A & M University. Portions of the text of the e-mail were withheld pursuant to Exemption Mr. Allen is not employed by the federal government and therefore the document does not meet the threshold of Exemption 5 and should be released. 8. Page 487 of the PDF (e-mail dated April 14 2014). This email is from Mark Matocha of Texas A & M University. Portions of the text of the e-mail were withheld pursuant to Exemption 5. Mr. Matocha is not employed by the federal government, and therefore the document does not meet the threshold of Exemption 5 and should be released. 9. Page 500-513 of the PDF. These pages are withheld in full pursuant to Exemption 5. CREW appeals this withholding, based on USDA's failure to segregate and release all non-exempt information. Please review this document and release the segregable information. 10. Page 514 of the PDF (e-mail dated March 29, 2012). This email is from Erik Johanson from the State of Washington. Portions of the text of the e-mail were withheld pursuant to Exemption 5. Mr. Johnson is not employed by the federal government and therefore t</p>					
<p>Natural Resources Defense Council fee waiver appeal for FOIA Request 2015-OCIO-00213-F.</p>	<p>2015-OCIO-00046-A</p>	<p>Closed</p>	<p>Appeal</p>	<p>11/21/2014</p>	<p>DeMarco, Pater</p>
<p>Heimlich appeal challenging withholdings because the information, according to requester, is unquestionably a matter of significant public interest, and therefore should be provided without redactions.</p>	<p>2016-OSEC-00257-A</p>	<p>Assigned</p>	<p>Appeal</p>	<p>07/18/2016</p>	<p>Heimlich, Peter</p>
<p>Appeal challenging the adequacy of a search which resulted in an initial "no records" response. Initial request was for a background check report used by USDA OCIO CTS as the basis for discontinuing requester's USDA elevated privilege account and terminating his contract position with the agency.</p>	<p>2017-OCIO-00009-A</p>	<p>Assigned</p>	<p>Appeal</p>	<p>10/04/2016</p>	<p>Leonov, Viktor</p>

Total No of Requests : 20

USDA
 Whitten Bldg.
 Room 428W
 Washington, DC 20250
Report Date: 11/10/2016
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Requests Report
Received between 01/01/2009 and 11/10/2016

Request Description	Request ID	Request Status	Request Type	Requested Date	Requester Name
Appeal based upon two requests. 1.) 2012-OCIO-01913-F "Access to and copies of all records related in any way to the USDA's contract or potential contract with the Southwest Georgia Project for Community Education and/or Shirley Sherrod, including contracts, requests for proposals." 2.)2012-OCIO-0191 4-F "Access to and copies of all records related in any way to the attached FOIA request (identified as 11-232) filed with the USDA Office of the Secretary and remanded to the Rural Development FOIA Office." No responsive records were found for both requests.	2013-OSEC-00004-A	Assigned	Appeal	03/23/2012	Carollo, Russell
Earthjustice hereby appeals two aspects of the USDA Response. First, there is a strong basis for concluding that USDA has not conducted a search that is reasonably calculated to uncover all relevant documents, and then produced those documents. Second, there is no justification for USDA's invocation of FOIA Exemptions 5 and 6. For that reason, EJ is seeking a Vaughn Index.	2013-OSEC-00092-A	Closed	Appeal	02/28/2013	Gartner, Eve
Appeal the adequacy of the search	2014-OSEC-00095-A	Closed	Appeal	03/10/2014	Richelson, Jeffrey
Appeal of denial of expedited processing. Ms. Debenedetti appeals the denial of her request for expedited processing. She is a member of news media, who needs to shed light on government spending in a time of increased focus on the federal budget. Ms. Debenedetti is requesting records relating to Secretary Tom Vilsack's trip to Beijing, China for the 24th session of the U.S. - China Joint Commission on Commerce and Trade in December 2013, including the total expense of the trip to the Department of Agriculture, the total expense of Secretary Tom Vilsack's travel and lodging while traveling to and from, and staying in, China, the total size and identity of the Department of Agriculture delegation to Beijing, and the itinerary for Secretary Tom Vilsack while traveling to and from, and staying in, China	2014-OSEC-00102-A	Closed	Appeal	03/25/2014	Debenedetti, Gabriel

2015-OSEC-00289-F	2015-OSEC-00028-A	Closed	Appeal	10/21/2014	Debenedetti, Gabriel
<p>I. USDA Improperly Withheld Records Under Exemption 5. USDA has relied exclusively upon the deliberative process privilege, in conjunction with Exemption 5, to withhold substantial amounts of information responsive to CoA's FOIA request. USDA's application of the deliberative process privilege is inappropriately broad. For example, on page 54 of the production, the agency withheld portions of an email chain between a lobbyist, Marshall Matz, and multiple USDA employees. For an agency to invoke Exemption 5, however, there is a threshold requirement for the record at issue to be an "inter-agency or intra-agency" communication.⁷ Therefore, unless the agency can establish that Mr. Martz was acting as a consultant for USDA, his communications with USDA cannot be withheld under Exemption 5.⁸ Along the same lines, a redacted communication on the same page between Mr. Matz and Chris Adamo, a congressional staffer, does not meet Exemption 5's threshold requirement.⁹ Given these two blatant errors, USDA should carefully re-review all of its Exemption 5 withholdings in CoA's request. Accordingly, CoA appeals all of USDA's Exemption 5 withholdings. Moreover, such withholdings violate 5 U.S.C. § 706(2)(A). Indeed, as the Attorney General has exhorted, agencies "should always be mindful that the FOIA requires them to take reasonable steps to segregate and release nonexempt information. Even if some parts of a record must be withheld, other parts either may not be covered by a statutory exemption, or may be covered only in a technical sense unrelated to the actual impact of disclosure."¹⁰ Under the Attorney General's Guideline, agencies also are encouraged to make discretionary releases. ¹¹ "There is no doubt," the Department of Justice has advised, "that records protected by Exemption 5 hold the greatest promise for increased discretionary release under the Attorney General's Guidelines ... Records covered by the deliberative process privilege in particular have significant release potential."¹² In light of the foregoing, a line-by-line review of USDA's Exemption 5 withholdings is appropriate and necessary.</p> <p>II. USDA Improperly Withheld Records Under Exemption 6. CoA disputes USDA's invocation of Exemption 6. USDA's response letter asserts the agency has invoked Exemption 6 to withhold only "information regarding a personal email addresses [sic] and personal cell phone numbers. ¹³ However, in at least once instance, USDA appears to have withheld the office email address and office telephone number of a government employee, namely Victoria Collins at the Office of Management and Budget (see p.4 of production). The disclosure of this business information is unlikely to result in a "clearly unwarranted invasion of personal privacy," as Exemption 6 requires. Further, where USDA has purportedly withheld the private email addresses of other individuals pursuant to Exemption 6</p>	2015-OSEC-00031-A	Closed	Appeal	11/14/2014	Massari, Patrick

(see, e.g., pp.53, 56, 63, 66-68, 73-74, 77), the agency should disclose at least some identifying information because these individuals are the authors and recipients of communications pertaining to agency business. Accordingly, CoA appeals all of USDA's Exemption 6 withholdings. Moreover, such withholdings violate 5 U.S.C. § 706(2)(A).					
Here, USDA's response falls short of satisfying its burden of establishing an adequate search. While USDA identified WCTS as the entity that performed the search, it has not explained what process was used to determine where responsive records were likely to be found, whether its own employees performed a search, or what systems were searched by WCTS. By way of example, other agencies responding to similar FOIA requests have indicated who was involved and/or what was searched. Indeed, it seems implausible that there was not a single "text message[], Blackberry messenger chat[], and/or SMS message[]" by or to the identified individuals during the requested time period, particularly given the wide-scale approach by federal officials of using such communication tools for business. 6 (Date Range for Record Search: From 11/02/2014 To 11/08/2014)	2015-OSEC-00088-A	Assigned	Appeal	01/30/2015	Schmidt, Kevin
Appeal of the fee category determination of "commercial " requester	2015-OSEC-00202-A	Closed	Appeal	07/07/2015	Blutstein, Allan

Total No of Requests : 8