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*"Rummaging in the government's attic"*

Description of document: Department of Agriculture (USDA) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) for the Rural Development (RD) component of USDA (Some Records Undated)

Requested date: 22-May-2022

Release date: 21-June-2022

Posted date: 28-October-2024

Source of document: USDA Rural Development Business Center  
Records and Information Management Branch  
1400 Independence Avenue, SW, STOP 0706  
Washington, DC 20250-0706  
PAL: <https://efoia-pal.usda.gov>  
Email: [RD.FOIA@usda.gov](mailto:RD.FOIA@usda.gov)

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Rural Development  
Business Center

June 21, 2022

Enterprise Office

Enterprise Services  
Division

Records and  
Information Branch

1400 Independence  
Avenue, SW  
Mail Stop 0706  
Washington, DC  
20250-0706

RE: FOIA 2022-RD-03769-F

SENT VIA EMAIL

Voice (202) 720-2826

This letter serves as our determination of the request for information you submitted to the U.S. Department of Agriculture (USDA), Rural Development (RD) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 on May 22, 2022.

You requested a copy of each (internal) FOIA Standard Operating Procedure (SOP) at the RD office.

RD FOIA office conducted a search of their files for the information requested. A total of 26 pages of records responsive to your request were therefore identified.

Of the above, 14 pages have been withheld in part pursuant to Exemption (b)(5) and (b)(6), the remaining 12 pages are being released to you in their entirety.

The information withheld include personal and internal agency information.

The following information provides justifications and precedent for our withholding of information under the applicable FOIA exemption:

Attorney-Client Privilege, Deliberative Process Privilege, and Attorney Work Product Privilege – Exemption (b)(5)

The information withheld under Exemption 5 is the deliberative process privilege; the general purpose of which is to "prevent injury to the quality of agency decisions." This privilege protects the decision-making processes of Government agencies, and protects "advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated." Specifically, three policy purposes consistently have been held to constitute the basis for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and

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supervisors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency action. The information withheld consists of internal agency links and agency processes pertaining to operating procedures.

Personal Privacy Interests – Exemption (b)(6)

Exemption 6 of the FOIA, protects information about individuals' "personnel and medical and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." A significant privacy interest of an individual would be compromised by that release of information. In addition, this personal information is not relevant to the operations of the Federal Government, and there is no public interest in its release. For these reasons, Exemption 6 protects names and any identifying individuals if public disclosure would be a clearly unwarranted invasion of privacy. Thus, we balanced the privacy interests of those individuals against the public interest in disclosure. You have stated no interest on the part of the public in this information that would override the personal privacy of the individuals. The information withheld consists of the agency's personally identifiable numbers (PIN) telephone codes and names of agency personnel contained in certain links. Release of this information could result in unwanted contact with the individuals concerned and the possibility of identity theft.


This completes the processing of your FOIA request. The FOIA provides you the right to appeal this determination. Any appeal must be made in writing to: Enterprise Office, U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue, S.W., Stop 0706, Washington, DC 20250-0706. The appeal must be received within **90 days** from the date of this letter. The phrase "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

If you require any further assistance, you may contact Dupe Sole, FOIA Analyst, via email at [Dupe.Sole@usda.gov](mailto:Dupe.Sole@usda.gov). As an alternative, you can also contact our FOIA Public Liaison at (202) 720-2826 or by email at [RD.FOIA@usda.gov](mailto:RD.FOIA@usda.gov) for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at: [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at: 1-877-684-6448; or facsimile at (202) 741-5769.

Rural Development appreciates the opportunity to assist you in this matter.

FOIA Case No. 2022-RD-03769-F

CELITA  
RIVERA



Digitally signed by  
CELITA RIVERA  
Date: 2022.06.21  
10:35:40 -04'00'

Sincerely,

Celita Rivera  
FOIA Officer

Enclosure

**Standard Operating Procedure  
How to Process an Administrative FOIA Appeal**

**INSTRUCTIONS FOR USE**

This Standard Operating Procedure (SOP) is used in conjunction with the following SOPs found in the Records and Information Branch's OneDrive:

- How to Conduct Intake on FOIA Requests SOP
- How to Redact Responsive Records SOP

This SOP serves as a reference for Freedom of Information Act (FOIA) staff when an administrative appeal is filed as a result of an adverse FOIA determination. In this SOP, Steps 9-10 must be conducted by the FOIA staff in the National Office in Washington, DC.

***I. PURPOSE – SCOPE – BACKGROUND***

**Purpose:** Guidance on a prescribed method and standardized approach is set forth in this SOP to navigate the initial component of processing administrative appeals for information under the FOIA. According to 7 C.F.R. Subpart A, Section 1.9, all final appeal responses require review by the USDA Office of the General Counsel (OGC) for legal sufficiency.

**Scope:** Rural Development will only withhold records (or any portion thereof) if they are exempt from disclosure. If a request is denied, in whole or in part, or no responsive records were located, we must advise the requester in writing of the reasons for the denial and inform the individual of their right to appeal to a higher decision-making level within the agency. Therefore, if the requester disagrees with an agency decision, the FOIA permits them to file an administrative appeal to the Administrator of the program area whose responsive records are at issue. The administrative appeal must be filed within 90 days of the agency's initial decision. If the requester is still dissatisfied with the agency's final decision of the administrative appeal, the individual may seek a review of the agency's determinations in a U.S. District Court.

**Background:** There are no previous SOPs for this process. In October 2018, RD reorganized their Administrative staff into the new RD Business Center. As a result, there is a need for a SOP that outlines the process for how to process an administrative FOIA appeal.

***II. JOB AIDS (LINKS TO REGULATIONS, GOVERNING AUTHORITIES, PROCEDURES, WEBSITES, MANUALS, FORMS, AND RELATED DOCUMENTS)***

| Document Title           | Website and Supporting Information |
|--------------------------|------------------------------------|
| Appeal Table of Contents | (b) (5)                            |

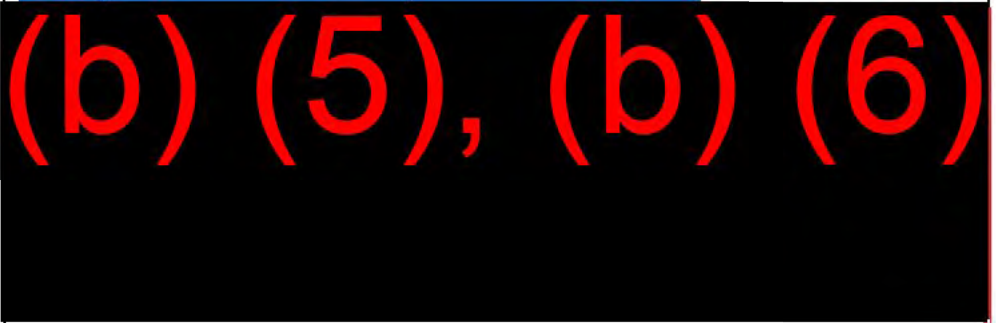
The Freedom of Information Act 5, U.S.C. § 552

<https://www.foia.gov/foia-statute.html>

7 CFR Subpart A § 1.9 (a)-(f)

[https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=158c0aaf13f675cfd80cc507cb30b2bb&n=7y1.1.1.1.1&r=PART&ty=HTML#se7.1.1\\_19](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=158c0aaf13f675cfd80cc507cb30b2bb&n=7y1.1.1.1.1&r=PART&ty=HTML#se7.1.1_19)

How to Conduct Intake on FOIA Requests SOP



How to Redact Responsive Records SOP

RD Instruction 2018-F Availability of Information

<https://www.rd.usda.gov/sites/default/files/2018f.pdf>

USDA FOIA Regulation

<https://www.dm.usda.gov/foia/>

**III. GLOSSARY – TERMS – ACRONYMS**

| Term/Acronym          | Definition   |
|-----------------------|--|
| <b>AED</b>            | Associate Enterprise Director is the individual assigned to an RD agency or State Office.  |
| <b>ESD</b>            | Enterprise Services Division.  |
| <b>FOIA</b>           | The Freedom of Information Act, Title 5 of the United States Code, § 552, was enacted in 1966. It provides that any person has the right to request access to Federal agency records or information. All Federal agencies are required to disclose records upon receiving a written request for them, except for those records (or portions of them) that are protected from disclosure by the nine exemptions and three exclusions of the FOIA. |
| <b>FOIA Assistant</b> | The individual(s) responsible for the intake of new FOIA requests.   |
| <b>FOIA Officer</b>   | The individual responsible for the agency FOIA program and requests with decision-making authority on releases of information.   |
| <b>FX</b>             | FOIAXpress is a USDA enterprise system used to track and administer FOIA requests.   |
| <b>GIS</b>            | Government Information Specialist is the individual who processes FOIA requests.   |
| <b>MPA</b>            | Management Program Analyst is the individual who serves as the AED's back-up.  |

|                           |  |
|---------------------------|--|
| <b>PAL</b>                | Public Access Link is a link for FOIAXpress that allows requesters to create their own profile and automatically submit their request electronically.    |
| <b>Program Staff</b>      | The point of contacts in the housing, business, and utility programs at the National Office.   |
| <b>RD</b>                 | Rural Development is one of the eight Mission Areas that comprises the U.S. Department of Agriculture.   |
| <b>Responsive Records</b> | Any and all information (documents, data, correspondence, emails, etc.) in connection to what's been requested.  |
| <b>RIB</b>                | Records and Information Branch.  |
| <b>SOP</b>                | A Standard Operating Procedure is an established or prescribed method routinely followed when performing designated operations in designated situations. |

**IV. STANDARD OPERATING PROCEDURE**

| Steps | Responsible Party     | Task  | Estimated Timeframe |
|-------|-----------------------|---|---------------------|
| 1     | <b>FOIA Assistant</b> | Receives Administrative FOIA Appeal:<br>a) The appeal is typically sent to the FOIA email inbox. However, at times, they are sent directly by email or mail to the Specialist who processed the initial request or to the Rural Development Administrator who is responsible for the program area that maintains the responsive records. If received by an Administrator's office, someone will contact the FOIA Officer for pick up.<br>b) Refers to "How to Conduct Intake on FOIA Requests" SOP, Step 2. |                     |
| 2     | <b>FOIA Assistant</b> | Manually Enters Administrative Appeal Into FX:<br>a) Refers to "How to Conduct Intake on FOIA Requests" SOP, Step 3.  |                     |
| 3     | <b>FOIA Assistant</b> | Prepares and Sends Administrative Appeal Acknowledgment Letter Template:<br>a) Refers to "How to Conduct Intake on FOIA Requests" SOP, Step 5.<br>b) If appeal pertains to redactions and/or withholdings in full, proceeds to Step 5.  |                     |
| 4     | <b>FOIA Assistant</b> | If Appeal Challenges Adequacy of Search:<br>a) Contacts AED and MPA or program staff to conduct a second search for responsive records. Refers to "How to Conduct Intake on FOIA Requests" SOP, Steps 6-17, and then proceeds to Step 5.  |                     |

b) If appeal does not challenge adequacy of  
the search, proceeds to Step 5.

Refers Case to FOIA Officer for Assignment:

5 FOIA Assistant

(b) (5)

6 GIS

7 GIS/FOIA  
Officer

8 FOIA  
Officer/GIS

(b) (5)



(b) (5)

9 FOIA  
Officer/GIS

10 FOIA  
Officer/GIS

b) Sends original signed copy to requester through  
UPS delivery.

#### ***V. ATTACHMENT/EXHIBIT (FLOW CHART, DOCUMENTS OR FORMS)***

#### **POINT OF CONTACT**

If you have any questions, please contact the Enterprise Services Division, Records and Information Branch at: (202) 720-2826 or [RD.FOIA@usda.gov](mailto:RD.FOIA@usda.gov).

#### **ANNUAL REVIEW PROCESS**

At the end of the first quarter of each fiscal year (October 1 through December 30), each Division must review, update, and submit their revised SOPs for reposting. You can also review and update your SOP's on a more frequent basis if needed.

The EO staff will post the SOP review dates to the EO Resource Library and notify each DD when SOP reviews are due. Once the division makes their SOP revisions, the MSO overseeing that division will upload the revised SOP to the Enterprise Office Resource Center.

**RECORD OF CHANGE**

| Change No. | Description     | Change Date | Reviewed By   |
|------------|-----------------|-------------|---|
| 1          | Approval of SOP |             | JULIE HENDERSON<br><small>Digitally signed by JULIE HENDERSON<br/>Date: 2021.04.27 10:46:54 -0400</small> |

**Standard Operating Procedure  
Authenticating Federal Records**

**INSTRUCTIONS FOR USE**

This Standard Operating Procedure (SOP) is for internal use by the Freedom of Information Act (FOIA) staff and outlines the process that the staff will undertake if a Request for Authentication is received. Authentication is also a process wherein the coordination steps must be conducted by the National Office in Washington, DC.

**I. PURPOSE – SCOPE – BACKGROUND**

**Purpose:** This type of request is often submitted by private attorneys or law firms when an official copy of a Federal record is required for a litigation case. The request may be submitted directly to the FOIA staff or to a state office. If the request is submitted to a state office, the Regional Office of the General Counsel will advise that authentications must be initiated by the agency FOIA office.

**Scope:** Guidance on a prescribed method and standardized approach is set forth in this SOP in order to navigate the coordination of authenticating records.

**Background:** The FOIA, Title 5 of the United States Code, § 552, was enacted in 1966. It provides that any person has the right to request access to Federal agency records or information. All Federal agencies are required to disclose records upon receiving a written request for them, except for those records (or portions of them) that are protected from disclosure by the nine exemptions and three exclusions of the FOIA.

**II. JOB AIDS (LINKS TO REGULATIONS, GOVERNING AUTHORITIES, PROCEDURES, WEBSITES, MANUALS, FORMS, AND RELATED DOCUMENTS)**

| Document Title | Website and Supporting Information |
|----------------|------------------------------------|
|----------------|------------------------------------|

**III. GLOSSARY – TERMS – ACRONYMS**

| Term/Acronym              | Definition   |
|---------------------------|--|
| <b>Authentication</b>     | The process of certifying documents to be true, valid, and genuine.  |
| <b>FOIA Officer</b>       | The individual responsible for the agency's FOIA requests with decision-making authority on releases of information. |
| <b>Responsive Records</b> | Any and all information (documents, data, correspondence, emails, etc.) in connection to what's been requested.      |

**IV. STANDARD OPERATING PROCEDURE**

| Steps | Responsible Party  | Task   | Estimated Timeframe |
|-------|--------------------|--|---------------------|
| 1     | FOIA Assistant/GIS | <p><u>A request for authentication:</u><br/>If a request is received from a law firm or any outside party for records to be authenticated, immediately notifies the FOIA Officer.</p> <p><u>Prepare the authentication file:</u></p> <ul style="list-style-type: none"> <li>A. Obtains a copy of the responsive records to be authenticated.</li> <li>B. Obtains a declaration or other signed statement from a person within the agency, with both knowledge and custodial responsibility of the records to be authenticated. It should be a subject matter expert who provided the responsive records. The person must accurately describe the records and attest that the records are a true and correct copy of the record within his/her official custody.</li> <li>C. Forwards the above documents to the FOIA Officer.</li> </ul> |                     |
| 2     | FOIA Officer/GIS   | <ul style="list-style-type: none"> <li>A. Obtains a copy of the responsive records to be authenticated.</li> <li>B. Obtains a declaration or other signed statement from a person within the agency, with both knowledge and custodial responsibility of the records to be authenticated. It should be a subject matter expert who provided the responsive records. The person must accurately describe the records and attest that the records are a true and correct copy of the record within his/her official custody.</li> <li>C. Forwards the above documents to the FOIA Officer.</li> </ul>  |                     |
| 3     | FOIA Officer       | <p><u>Prepare the hard-copy file:</u></p> <ul style="list-style-type: none"> <li>A. Prints all documents outlined in Step 2, along with the request for authenticated records, and places in a file.</li> <li>B. Prepares a cover memorandum that contains a summary of file.</li> </ul>   |                     |
| 4     | FOIA Officer       | <p><u>Coordinate with the Office of the General Counsel (OGC)</u></p> <ul style="list-style-type: none"> <li>A. Notifies the appropriate program attorney in the OGC-International Affairs, Food Assistance, and Farm and Rural Programs Division.</li> <li>B. Hand-carries the hard-copy file to the program attorney.</li> <li>C. The program attorney coordinates with the OGC-General Law and Research Division, who will then arrange with the Office of the Executive Secretariat to have the responsive records wrapped in a ribbon and stamped with the embossed USDA official seal.</li> <li>D. OGC will notify the FOIA Officer when the file containing the authenticated records is ready for pick-up.</li> </ul>  |                     |

Prepare for delivery to the requester:

5 FOIA Officer

- A. Places the authenticated records in a USDA large envelope. Ensures the envelope is wrapped tightly to ensure the documents don't shuffle during transport.
- B. Places the envelope in a UPS padded package or box and arranges for delivery to the requester.

**V. ATTACHMENT/EXHIBIT (FLOW CHART, DOCUMENTS OR FORMS)**

**POINT OF CONTACT**

If you have any questions, please contact the Enterprise Services Division, Records and Information Branch at: (202) 720-2826 or [RD.FOIA@usda.gov](mailto:RD.FOIA@usda.gov).

**ANNUAL REVIEW PROCESS**

At the end of the first quarter of each fiscal year (October 1 through December 30), each Division will review, revise, and submit their revised SOPs for reposting. You can also review and update your SOP's on a more frequent basis if needed.

The EO staff will post the SOP review dates to the EO Resource Library and notify each Division Director when SOP reviews are due. Once the division makes their SOP revisions, the Management Support Officer overseeing that division will upload the revised SOP to the Enterprise Office Resource Center.

**RECORD OF CHANGE**

| Change No. | Description     | Change Date | Reviewed by     |
|------------|-----------------|-------------|-----------------|
| Revision 1 | Approval of SOP |             | JULIE HENDERSON |

Digitally signed by JULIE HENDERSON  
Date: 2021.05.20 00:12:02 -0400

**Standard Operating Procedure  
Administering the FOIA Voicemail**

**INSTRUCTIONS FOR USE**

The dedicated phone line for the Freedom of Information Act (FOIA) staff is located in the Washington, DC office. However, voicemails can be retrieved remotely and shall be checked twice a day, in the morning and afternoon. The FOIA Assistants shall rotate this duty by alternating weeks.

This SOP is for internal use by the Records and Information Branch only.

**I. PURPOSE – SCOPE – BACKGROUND**

**Purpose:** The SOP describes the procedures FOIA Assistants will utilize to retrieve new and saved voicemail messages from individuals inquiring about the status of their FOIA request, to obtain procedures on how to submit a FOIA request, or for general information.

**Scope:** Guidance on a prescribed method and standardized approach is set forth in this SOP in order to administer the FOIA voicemail.

**Background:** The FOIA, Title 5 of the United States Code, § 552, was enacted in 1966. It provides that any person has the right to request access to Federal agency records or information. All Federal agencies are required to disclose records upon receiving a written request for them, except for those records (or portions of them) that are protected from disclosure by the nine exemptions and three exclusions of the FOIA.

**II. JOB AIDS (LINKS TO REGULATIONS, GOVERNING AUTHORITIES, PROCEDURES, WEBSITES, MANUALS, FORMS, AND RELATED DOCUMENTS)**

| Document Title | Website and Supporting Information |
|----------------|------------------------------------|
|                |                                    |

**III. GLOSSARY – TERMS – ACRONYMS**

| Term/Acronym          | Definition   |
|-----------------------|--|
| <b>FOIA Assistant</b> | The individual(s) responsible for the intake of new FOIA requests.   |
| <b>FOIA Officer</b>   | The individual responsible for the agency's FOIA requests with decision-making authority on releases of information. |

- FOIA Xpress (FX)** A USDA enterprise system used to track and administer FOIA requests.
- Government Information Specialist (GIS)** The individual who processes FOIA requests.
- Public Access Link (PAL)** A link for FOIA Xpress that allows requesters to create their own profile and automatically submit their request electronically.

**IV. STANDARD OPERATING PROCEDURE**

| Steps | Responsible Party | Task   | Estimated Timeframe |
|-------|-------------------|--|---------------------|
| 1     | FOIA Assistant    | <p><u>Check the FOIA voicemail:</u></p> <p>A. From any phone, dial (202) 720-2826.</p> <p>(b) (5)</p> <p>C. When prompted, enter (202) 720-2826 (b) (5)</p> <p>(b) (5), (b) (6)</p> <p>E. Follow the prompts to listen to the voicemail messages.</p> <p>F. Notate the message details into the appropriate FX case file.</p>  | 2 times per day     |
| 2     | FOIA Assistant    | <p><u>Respond to a message:</u></p> <p>A. For callers who seek information on how or where to submit a FOIA request, provide the office email address (<a href="mailto:RD.FOIA@usda.gov">RD.FOIA@usda.gov</a>) and the FX PAL link (<a href="https://efoia-pal.usda.gov/">https://efoia-pal.usda.gov/</a>).</p> <p>B. For callers seeking information about a USDA agency or program, refer the individual to the USDA Customer Service Office at: (202) 720-2791 or <a href="mailto:askusda@usda.gov">askusda@usda.gov</a>.</p> | Upon receipt        |
| 3     | FOIA Assistant    | <p><u>Forward the message:</u></p> <p>A. If the caller left a case number, forward the message by using the telephone prompts or provide a written summary of the message to the assigned specialist.</p> <p>B. If the message is complicated or cannot be easily determined, forward the message to the FOIA Officer.</p>   | Upon receipt        |

**V. ATTACHMENT/EXHIBIT (FLOW CHART, DOCUMENTS OR FORMS)**

**POINT OF CONTACT**

If you have any questions, please contact the Enterprise Services Division, Records and Information Branch at: (202) 720-2826 or [RD.FOIA@usda.gov](mailto:RD.FOIA@usda.gov).

**ANNUAL REVIEW PROCESS**

At the end of the first quarter of each fiscal year (October 1 through December 30), each Division will review, revise, and submit their revised SOPs for reposting.

The Enterprise Office Content Management Branch will notify your Division’s POC about review dates and procedures. The Content Management Branch will also post updated SOPs to SharePoint.

**RECORD OF CHANGE**

| Change No. | Description     | Change Date | Reviewed by   |
|------------|-----------------|-------------|---|
| Version 1  | Approval of SOP |             | JULIE HENDERSON<br><small>Digitally signed by JULIE HENDERSON<br/>Date: 2021.05.20 00:00:03 -0400</small> |



**Standard Operating Procedure**  
**How to Conduct Intake on FOIA Requests**

**INSTRUCTIONS FOR USE**

This Standard Operating Procedure (SOP) is to be used in conjunction with the Freedom of Information Act (FOIA) Xpress Basic Training Guide. Detailed screen shots of FOIAXpress tasks are available for instruction in the guide. Enterprise Office (EO) employees will also use this SOP as guidance to retrieve and submit responsive records requested under the FOIA and/or Privacy Act (PA).

**I. PURPOSE – SCOPE – BACKGROUND**

**Purpose:** The SOP describes the procedures FOIA Assistants will utilize to process new requests for information submitted under the FOIA, and to obtain responsive records from the Rural Development (RD) National Office and State Offices. This SOP also describes the process Associate Enterprise Directors (AED), Management and Program Analysts (MPA), and program staff will use to retrieve and submit responsive records to the National Office FOIA Unit.

**Scope:** Guidance on a prescribed method and standardized approach is set forth in this SOP in order to navigate the initial component of processing requests for information under the FOIA. This SOP addresses requests that are received from a variety of sources, e.g. RD’s FOIA mailbox, FOIA Xpress Public Access link, subpoenas, OIG Hotline Complaints, and U.S. Department of Justice FOIA Portal.

**Background:** There are no previous SOPs for this process. In October 2018, RD reorganized their Administrative staff into the new RD Business Center. As a result, there is a need for a SOP that outlines the process for the intake of FOIA/PA requests and transmittal of responsive records to the National Office FOIA Unit.

**II. JOB AIDS (LINKS TO REGULATIONS, GOVERNING AUTHORITIES, PROCEDURES, WEBSITES, MANUALS, FORMS, AND RELATED DOCUMENTS)**

| Document Title  | Website and Supporting Information  |
|---|---|
| Certificate of Identity and Authorization to Release to Third Party | (b) (5)   |
| Federal FOIA Statute  | <a href="https://www.foia.gov/goia-statute.html">https://www.foia.gov/goia-statute.html</a> |
| FOIA Email  | <a href="mailto:RD.FOIA@usda.gov">RD.FOIA@usda.gov</a>                                      |

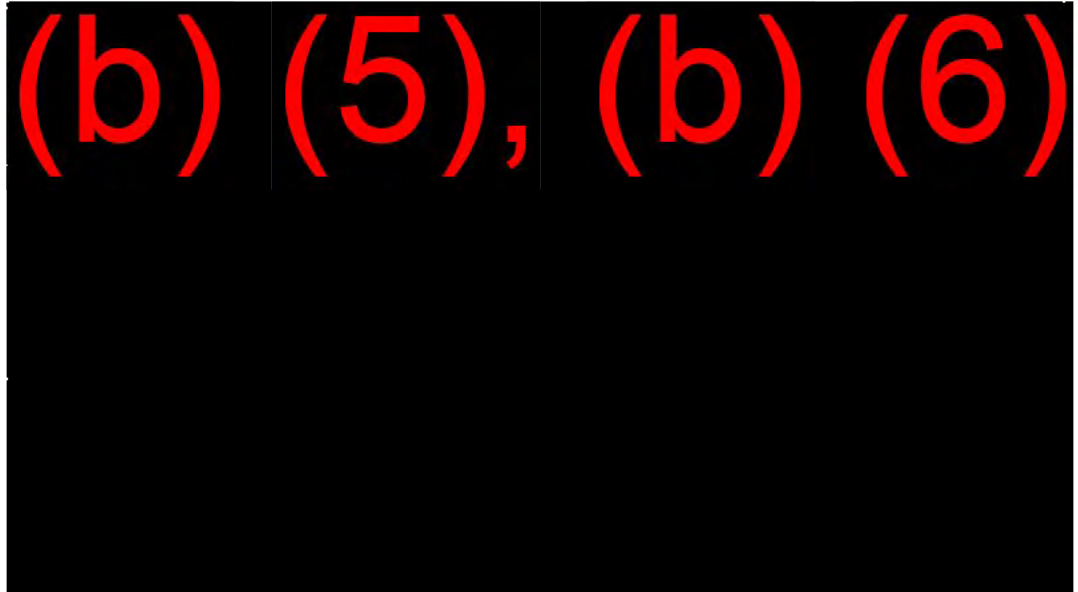
FOIA Xpress

<https://efoia.usda.gov/FOIAXpress/OfficerHome.aspx>

FOIA Xpress Training Guide

List of AEDs and MPAs in Enterprise Office Contact Directory

List of Program FOIA POCs



Public Access Link

<https://efoia-pal.usda.gov>

USDA FOIA Regulation

<https://www.dm.usda.gov/foia/>

**III. GLOSSARY – TERMS – ACRONYMS**

| Term/Acronym  | Definition  |
|---|---|
| <b>AED</b>  | Associate Enterprise Director   |
| <b>Agency Response</b>  | The memorandum from the agency to OIG that addresses the allegations contained in the OIG Hotline Complaint.  |
| <b>Authentication</b>   | The process of certifying documents to be true, valid, and genuine.   |
| <b>Business Submitter</b>   | The borrower of a Federal loan and/or grant or anyone who has submitted information to the Federal Government for financial assistance.   |
| <b>Certificate of Identity and Authorization to Release to a Third-Party Form</b> | Completion of this form is required to verify the identity of a Single-Family Housing (SFH) loan borrower or employee for requests involving SFH loans, mortgage servicing details, or personnel-related information. Completion of this form is also required to authorize the release of said information to a third-party requester (e.g. an attorney, relative, or foreclosure organization) on behalf of the SFH borrower or employee. |
| <b>EO</b>   | Enterprise Office   |

## How to Conduct Intake on FOIA Requests Rev: 1.0

## ESD

Enterprise Services Division

When a request is taken out of the order in which it was received and prioritized over other FOIA requests. However, a requester must demonstrate a compelling need for expedited processing by meeting one of the following criteria:

## Expedited Processing

- A. An imminent threat to life or physical safety.
- B. Primarily engaged in disseminating information. A requester classified as the news media will typically meet the criteria.

The category that a requester is placed in to determine how they will be assessed for fees.

- **Commercial** – A requester who requests information for a use or a purpose that furthers commercial, trade or profit interests, which can include furthering those interests through litigation. This type of requester is charged for search, review and duplication.
- **Representatives of the News Media** – A requester who requests information for the purpose of informing the public through news outlets and/or articles. This type of requester is not charged for search or review time but will be charged for duplication with the first 100 pages free.
- **Noncommercial, Scientific or Educational** - Requester who is affiliated with a school or non-commercial institution for the purpose of scholarly or scientific research. This type of requester is charged for search time with the first two hours free and duplication with the first 100 pages free.
- **All Others** - Requester who does not fall under the other categories and are requesting information for personal or public use. This type of requester is charged for search time with the first two hours free and duplication with the first 100 pages free.

## Fee Category

**Note:** In accordance with the USDA FOIA Regulation, requesters are no longer charged for duplication. However, any costs associated with the production of hard copies into an electronic version shall be assessed as search time.

## FOIA

Freedom of Information Act

## FOIA Email

RD's designated email address for FOIA communications.

## FOIA Assistant

The individual(s) responsible for the intake of new FOIA requests.


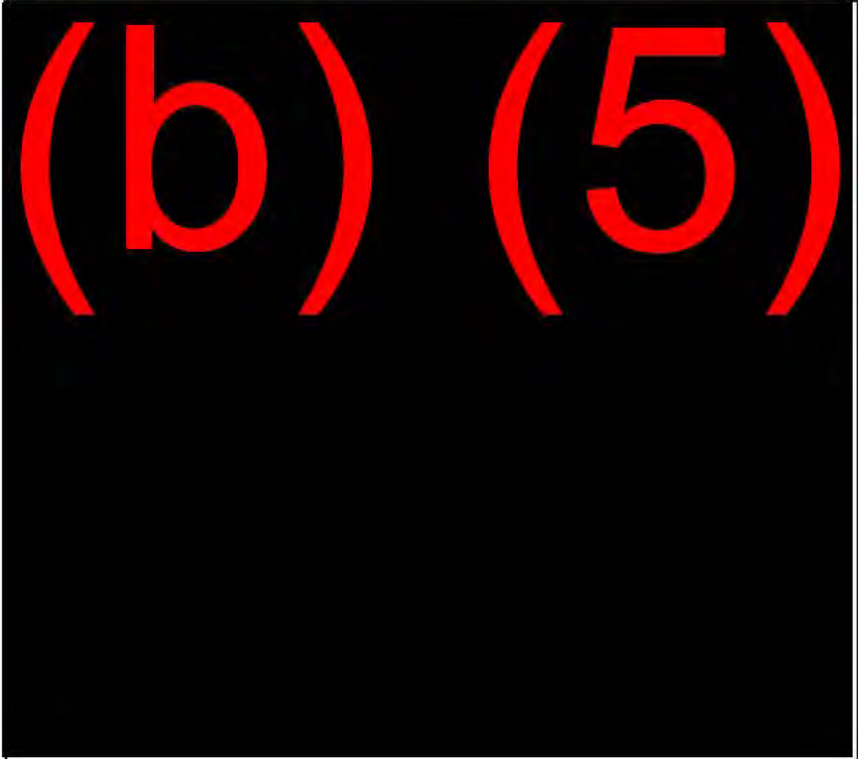
## FOIA Officer

The individual responsible for the agency FOIA program and requests with decision-making authority on releases of information.

How to Conduct Intake on FOIA Requests Rev: 1.0

|                               |  |
|-------------------------------|--|
| <b>FX</b>                     | FOIAXpress is a USDA enterprise system used to track and administer FOIA requests.   |
| <b>GIS</b>                    | Government Information Specialist  |
| <b>MPA</b>                    | Management and Program Analyst   |
| <b>Multi-Track Processing</b> | <p>Three tracks are used to process FOIA requests. These requests are processed fairly by treating similarly situated requests in a like manner. Placement into one of three tracks is based on the amount of time needed to process the request:</p> <ul style="list-style-type: none"><li>A. Simple: 1-5 workdays.</li><li>B. Normal: 20 workdays.</li><li>C. Complex: Over 20 workdays.</li></ul> |
| <b>OIG Hotline Complaint</b>  | A report filed with OIG alleging a violation of laws and regulations relating to a USDA program or employee.   |
| <b>PAL</b>                    | Public Access Link   |
| <b>PDF</b>                    | Portable Document Format   |
| <b>Perfected Request</b>      | A perfected request is one wherein all issues involving both the scope of the request and willingness to pay fees are resolved.  |
| <b>Program Staff</b>          | The point of contacts in the housing, business, and utility programs at the National Office.   |
| <b>RD</b>                     | Rural Development.   |
| <b>Responsive Records</b>     | Any and all information (documents, data, correspondence, emails, etc.) in connection to what's been requested.  |
| <b>RIB</b>                    | Records and Information Branch.  |
| <b>SOP</b>                    | Standard Operating Procedure   |
| <b>Subpoena</b>               | <p>A subpoena is a request for the production of documents, or a request to appear in court or other legal proceeding. It is court-ordered command that requires a person to do something, such as testify or present information that may help support the facts that are at issue in a pending case.</p> <p><b>Note:</b> The Federal Government is not subject to state and local authorities.</p> |
| <b>USDA</b>                   | United States Department of Agriculture  |

**IV. STANDARD OPERATING PROCEDURE**

| Steps | Responsible Party | Task  | Estimated Timeframes |
|-------|-------------------|---|----------------------|
| 1     | AED/MPA           | If a FOIA/PA request is received:<br>a. Directs the requester to submit their request through PAL.<br>b. Forwards the request to <a href="mailto:RD.FOIA@usda.gov">RD.FOIA@usda.gov</a> .                                   | Upon Receipt         |
| 2     | FOIA Assistant    | Administers FOIA Email Inbox:<br>   | Daily                |
| 3     | FOIA Assistant    |    | 5 Business Days      |
| 4     | FOIA Assistant    | Determines Whether Proper FOIA Request:<br><br>If you need assistance, please contact FOIA Officer or Records and Information Branch (RIB) Chief. Until request is perfected, the 20-business day timeframe does not begin. |                      |

How to Conduct Intake on FOIA Requests Rev: 1.0

- a. If requested information isn't clear or if requester seeks an answer to a specific question or asks for an explanation of RD policies, procedures or actions, analyze data, or to create records in order to respond to a request, asks requester to accurately describe the records they seek in order to perfect scope of the request. The described records being requested must be searchable by RD staff.

Upon Review

(b) (5)

Prepares and Sends Acknowledgment Letter:

(b) (5)

5 FOIA Assistant

1 Business Day

**Note:** Acknowledgment letters must be issued within ten (10) business days of receipt of FOIA request. Requests

|         |  |        |
|---------|--|--------|
| BC – EO | <b>BC - Enterprise Office<br/>Standard Operating Procedure</b> | Page 7 |
|         | <b>How to Conduct Intake on FOIA Requests</b> <b>Rev: 1.0</b>  |        |

|   |                                    |  |                |
|---|------------------------------------|--|----------------|
|   |                                    | received after 5:00 pm, on weekends and Federal holidays are calculated as received the next business day.   |                |
| 6 | <b>FOIA Assistant</b>              | <p>Requests Responsive Records:</p> <ul style="list-style-type: none"> <li>a. Utilizes <a href="#">Enterprise Office Contact Directory</a> and emails <i>Request for Responsive Records</i> template to assigned AED and MPA (“cc” program staff on the <a href="#">List of FOIA Program Contacts</a> or State Office). If the state does not have an AED or MPA, sends records request to Branch Chief who supervises that AED/MPA. The email should be sent from FX.</li> <li>b. Ensures subject line contains assigned FOIA Case Number, requester’s name, and clearly states Request for Responsive Records. For example: Request for Responsive Records – FOIA Case No. 2020-RD-0XXXX-F (Jane Doe).</li> <li>c. Includes in your email, a copy of the FOIA request and <i>Documentation of FOIA Search</i> form (refer to Exhibit 1- Upload Responsive Records to OneDrive Job Aid).</li> <li>d. Adds copy of <i>Request for Responsive Records</i> to <i>Correspondence</i> section in FX case file.</li> </ul> <p><b>Note:</b> Often times, records may need to be requested from multiple program areas and State Offices.</p> | 1 Business Day |
| 7 | <b>AED/MPA</b>                     | <p>Reviews Request:</p> <ul style="list-style-type: none"> <li>a. Determines if the request needs further clarification or does not apply to the addressed office (i.e. responsive records exist in another State Office or program area).</li> <li>b. If clarification is needed or if the request should be handled by another office, contacts <a href="mailto:RD.FOIA@usda.gov">RD.FOIA@usda.gov</a>.</li> <li>c. If no clarification is needed, goes to Step 10.</li> </ul>   | 1 Business Day |
| 8 | <b>FOIA Assistant/FOIA Officer</b> | <p>Clarifies Requests:</p> <ul style="list-style-type: none"> <li>a. If AED, MPA or program staff requires additional information concerning the request, notifies FOIA Officer for further instructions.</li> <li>b. Ensures state office or program staff provides specific details of what requester needs to clarify.</li> <li>c. Goes back to Step 4.</li> </ul>  | 1 Business Day |
| 9 | <b>AED/MPA</b>                     | <p>Determines if an Extension is Needed:</p> <ul style="list-style-type: none"> <li>a. If additional time is needed to provide the responsive records, sends a request for an</li> </ul>   |                |

|    |                |  |  |
|----|----------------|--|--|
|    |                | <p>extension of time to <a href="mailto:RD.FOIA@usda.gov">RD.FOIA@usda.gov</a>. The case number should be in the email subject line.</p> <p>b. If no extension is needed, go to Step 11.</p> <p><b>Note:</b> A request for an extension will only be granted if:</p> <ol style="list-style-type: none"> <li>1. An extensive search must be conducted.</li> <li>2. A large volume of records will be produced.</li> <li>3. There is an extenuating circumstance.</li> </ol> | 2 Business Days  |
| 10 | FOIA Assistant | <p>Extension of Due Date to Provide Responsive Records:</p> <p>a. If AED, MPA or program staff requests additional time to provide responsive records, you may grant up to an additional five (5) business days.</p> <div style="background-color: black; color: red; text-align: center; padding: 20px; font-size: 2em; font-weight: bold;">(b) (5)</div>   | Upon Receipt   |
| 11 | AED/MPA        | <p>Coordinates the Search:</p> <p>a. Emails the appropriate individual(s) in the State Office or program area to search for records that are responsive to the request.</p>  | Upon Receipt   |
| 12 | Staff          | <p>Conducts a Comprehensive Search:</p> <p>a. Search all sources where responsive records are located. The search should extend to all documents and/or data in any form or format, including but not limited to paper and electronic records, email messages, handwritten notes, drafts, and databases.</p> <p>b. If the responsive records exist in a paper format, these documents must be scanned into an electronic format.</p>                                       | 3 Business Days or 8 Business Days if an extension was granted |
| 13 | Staff          | <div style="background-color: black; color: red; text-align: center; padding: 10px; font-size: 1.5em; font-weight: bold;">(b) (5)</div>  |  |
| 14 | Staff          | <p>Emails the responsive records and the completed <i>Documentation of Search Form</i> to the AED.</p>   |  |



|         |  |                 |        |
|---------|--|-----------------|--------|
| BC – EO | <b>BC - Enterprise Office</b><br><b>Standard Operating Procedure</b> |                 | Page 9 |
|         | <b>How to Conduct Intake on FOIA Requests</b>                        | <b>Rev: 1.0</b> |        |

|    |                |   |                |
|----|----------------|---|----------------|
| 15 | AED            | <p>Prepares the Responsive Records for Transmittal:</p> <ol style="list-style-type: none"> <li>a. Ensures that the records received from the staff are responsive and complete (especially if the request contained multiple items), and the <i>Documentation of Search Form</i> is accurately completed.</li> <li>b. Uploads the responsive records and <i>Documentation of Search Form</i> to the OneDrive link that was provided in the Request for Responsive Records email from the FOIA Unit.</li> <li>c. Notifies <a href="mailto:RD.FOIA@usda.gov">RD.FOIA@usda.gov</a> that documents have been uploaded to the OneDrive link.</li> </ol> <p><b>Note:</b> Documents that contain any combination of names, addresses, social security numbers, bank account information, and/or other types of personally identifiable information must be encrypted</p> | 1 Business Day |
| 16 | FOIA Assistant | <p>Receives Responsive Records:</p> <ol style="list-style-type: none"> <li>a. Responsive records are received through OneDrive.</li> <li>b. Once received, adds responsive records to <i>Correspondence</i> section in FX case file.</li> </ol>   | 1 Business Day |
| 17 | FOIA Assistant | <p>Refers Case to FOIA Officer for Assignment:</p> <ol style="list-style-type: none"> <li>a. Notifies FOIA Officer once all responsive records including “no records” response or fee estimate are received for assignment to a specialist.</li> </ol>  | 1 Business Day |
| 18 | FOIA Officer   | <p>Assigns Case to a GIS:</p> <ol style="list-style-type: none"> <li>a. Notification received from FOIA Assistant to assign case to a specialist.</li> </ol>  | 1 Business Day |

**V. ATTACHMENT/EXHIBIT (FLOW CHART, DOCUMENTS OR FORMS)**

Exhibit 1- Upload Responsive Records to OneDrive Job Aid  
Exhibit 2- Documentation of Search Form

**POINT OF CONTACT**

If you have any questions, please contact the Enterprise Services Division, Records and Information Branch at: (202) 720-2826 or [RD.FOIA@usda.gov](mailto:RD.FOIA@usda.gov).

**ANNUAL REVIEW PROCESS**

At the end of the first quarter of each fiscal year (October 1 through December 31), each Division must review, update, and submit their revised SOPs for reposting. You can also review and update your SOP's on a more frequent basis if needed.

The EO staff will post the SOP review dates to the EO Resource Library and notify each Division Director when SOP reviews are due. Once the division makes their SOP revisions, the Management Support Officer overseeing that division will upload the revised SOP to the Enterprise Office Resource Center.

| Change No. | Description           | Change Date     | Reviewed By  |
|------------|-----------------------|-----------------|--|
| 1          | Initial Review of SOP | JULIE HENDERSON | Digitally signed by JULIE HENDERSON<br>Date: 2021.05.18 16:34:32 -0400 |
|            |                       |                 |  |
|            |                       |                 |  |
|            |                       |                 |  |
|            |                       |                 |  |

|  |  |                 |               |
|--|--|-----------------|---------------|
| <b>BC – ESD – Records and Information Branch</b> | <b>BC-ESD-RIB<br/>Standard Operating Procedure</b> |                 | <b>Page 1</b> |
|  | <b>How to Redact Responsive Records</b>            | <b>Rev: 1.0</b> |               |

**Standard Operating Procedure  
How to Redact Responsive Records**

**INSTRUCTIONS FOR USE**

This Standard Operating Procedure (SOP) is used in conjunction with Adobe Acrobat DC Pro for Redactions and Freedom of Information Act (FOIA)Xpress Basic Training Guide. The Guides provide detailed instructions and screen shots for both tools. This SOP is for internal use by the Enterprise Services Division, Records and Information Branch (RIB) who is responsible for redacting responsive records.

**I. PURPOSE – SCOPE – BACKGROUND**

**Purpose:** The SOP describes the procedures Government Information Specialists (GIS) utilize to redact applicable information and prepare responsive records for release.

**Scope:** Guidance on a prescribed method and standardized approach is set forth in this SOP in order to prepare responsive records for release and ensure FOIAXpress is well documented.

**Background:** There are no previous SOPs for this process. In October 2018, RD reorganized their Administrative staff into the new RD Business Center. As a result, there is a need for a SOP that outlines the process for how to redact responsive records within the newly organized Business Center structure.

**II. JOB AIDS (LINKS TO REGULATIONS, GOVERNING AUTHORITIES, PROCEDURES, WEBSITES, MANUALS, FORMS, AND RELATED DOCUMENTS)**

| Document Title                             | Website and Supporting Information  |
|--|---|
| <b>Adobe Acrobat DC Pro for Redactions</b> | <b>(b) (5), (b) (6)</b>   |
| <b>Federal FOIA Statute</b>                | <a href="https://www.foia.gov/foia-statute.html">https://www.foia.gov/foia-statute.html</a> |
| <b>FOIAXpress</b>                          | <b>(b) (5)</b>  |
| <b>FOIAXpress Basic Training Guide</b>     | <b>(b) (5), (b) (6)</b>   |

|  |   |
|--|---|
| <b>RD Instruction 2018-F<br/>Availability of Information</b> | <a href="https://www.rd.usda.gov/files/2018f.pdf">https://www.rd.usda.gov/files/2018f.pdf</a> |
| <b>USDA FOIA Regulation</b>                                  | <a href="https://www.dm.usda.gov/foia/">https://www.dm.usda.gov/foia/</a>                     |

### **III. GLOSSARY – TERMS – ACRONYMS**

| <b>Term/Acronym</b>       | <b>Definition</b>  |
|---------------------------|--|
| <b>Business Submitter</b> | The borrower of a Federal loan and/or grant or anyone who has submitted information to the Federal Government for financial assistance |
| <b>ESD</b>                | Enterprise Services Division   |
| <b>FOIA</b>               | Freedom of Information Act   |
| <b>FX</b>                 | FOIAXpress is a USDA enterprise system used to track and administer FOIA requests.   |
| <b>GIS</b>                | Government Information Specialist  |
| <b>PDF</b>                | Portable Document Format   |
| <b>RD</b>                 | Rural Development  |
| <b>Responsive Records</b> | Any and all information (documents, data, correspondence, emails, etc.) in connection to what's been requested.                        |
| <b>RIB</b>                | Records and Information Branch   |
| <b>SOP</b>                | Standard Operating Procedure   |
| <b>USDA</b>               | United States Department of Agriculture  |

### **IV. STANDARD OPERATING PROCEDURE**

| <b>Steps</b> | <b>Responsible Party</b> | <b>Task</b> | <b>Estimated Timeframes</b> |
|--------------|--------------------------|-------------|-----------------------------|
| 1            | GIS                      | (b) (5)     |                             |

|   |     |         |  |
|---|-----|---------|--|
|   |     | (b) (5) |  |
| 2 | GIS |         |  |
| 3 | GIS |         |  |
| 4 | GIS |         | <p><b>Note:</b> Records are redacted, in accordance with the FOIA exemptions and law.</p> <p>Incorporates Business Submitter Requested Redactions</p> <p style="padding-left: 20px;">a. If responsive records involve a business submitter review, and objections along with justifications from business submitter are filed and accepted, then redacts these portions in the proposed release copy.</p> <div style="background-color: black; color: red; text-align: center; padding: 5px; font-weight: bold;">(b) (5)</div> |
| 5 | GIS |         | Finalizes Redacted Copy  |

|  |   |  |
|--|---|--|
|  | <p>a. Conducts final review to ensure that all information that is not to be released has been redacted.</p> <div style="background-color: black; color: red; text-align: center; padding: 50px; font-size: 48px; font-weight: bold;">(b) (5)</div> |  |
|--|---|--|

**V. ATTACHMENT/EXHIBIT (FLOW CHART, DOCUMENTS OR FORMS)**

**POINT OF CONTACT**

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**RECORD OF CHANGE**

| <b>Change No.</b> | <b>Description</b>      | <b>Change Date</b> | <b>Reviewed By</b>  |
|-------------------|-------------------------|--------------------|---|
| 1                 | Initial Approval of SOP |                    | JULIE HENDERSON<br><small>Digitally signed by JULIE HENDERSON<br/>Date: 2021.04.09 08:57:00 -04'00'</small> |
|                   |                         |                    |   |