UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
HARRISBURG, PENNSYLVANIA

TO: State Office Area Office	STATE PROCEDURE NOTICE	ISSUE NO. 318 DATE: 8/26/10

RURAL DEVELOPMENT MANUAL CHANGE

RD Instruction 2018-F para. 2018.261 (a) (1 – 8)

GENERAL: The purpose of this PA PN is to provide a uniform method of logging Freedom of Information Act (FOIA) and Privacy Act (PA) requests. Individual Office logs will be compiled to create one combined state annual report, which satisfies the requirements of RD Instruction 2018-F paragraph 2018.261.

INSERT:
PA PN 318, dated 8/26/2010, "Process for Cataloging Freedom of Information Act Requests (FOIA) and Privacy Act (PA) Requests."
PA PN 318, Exhibit A, Freedom of Information Act and Privacy Act Log : with completion instructions.
PA PN 318, Exhibit B, Freedom of Information Act and Privacy Act Log Example

§ 2018.261 Annual Report.

The purpose of this PA PN is to provide a uniform method of logging FOIA/PA requests. The log contains the necessary blocks which will develop and maintain a record of all written FOIA/PA requests for all offices. The various blocks contain the same data requested by the National Office for the FOIA/PA Annual Reports. Individual Office logs will be compiled to create one combined state annual report, which satisfies the requirements of RD Instruction 2018-F paragraph 2018.261.

    (a)   Prepare Freedom of Information Act Log

        1.   FOIA/PA log number assigned. After you have date-stamped receipt date and read the FOIA/PA request, you will assign a log number. The log number for FOIA requests will be "fiscal year-request number – state office code – area office code/program code. Each PA request will follow the same format and be followed by a "P" to indicate a PA request (e.g., the first FOIA and PA requests in 2010 for the Lehigh Office would be 10-01-44-39, 10-01-44-39P).

            a. Crawford: FY-##-44-20
            b. Clinton: FY-##-44-18
            c. Lycoming: FY-##-44-41
            d. Wyoming: FY-##-44-66
            e. Lehigh: FY-##-44-39
            f. Lebanon: FY-##-44-38
            g. Cumberland: FY-##-44-21
            h. Juniata: FY-##-44-34
            i. Westmoreland: FY-##-44-65
            j. Butler: FY-##-44-10
            k. State Director: FY-##-44-SD
            l. Administrative Staff: FY-##-44-ADM
            m. Rural Housing: FY-##-44-RHS
            n. Program Support: FY-##-44-PS
            o. Rural Business: FY-##-44-RBS
            p. Community Programs: FY-##-44-CP

        2.   The actual date of the requestor's letter.
        3.   The date you received the FOIA/PA request letter in your office. (This should have been date stamped upon receipt.)
        4.   Due date – The request should be completed within 20 working days after receipt.
        5.   The date the acknowledgement letter is sent to the requestor.
        6.   The requestor's state abbreviation.
        7.   The initials of the person processing the request.
        8.   The name of the requestor and their address.
        9.   The subject of the request or exactly what the requestor is asking for.
        10.   The number of pages released to the requestor.

      a. Duplication costs are determined by taking the number of released pages times $.20 per page for duplication. This is the cost for any enclosures you may release with your letter to the requestor.

      b. Postage costs are the total postage amount on reply letters or the cost to mail a package.

      c. Unlike the FOIA, search and review costs are never chargeable under the Privacy Act.

      d. There are no fee waivers or fee reductions allowed under the Privacy Act.

      e. No charge will be made for the first 100 pages of duplicated information, unless they have already received copies of this information.

      f. If the total amount of the fee comes to $25.00 or less, the requestor will not be charged.

      g. If there are 225 duplicated pages, we will not charge the requestor. However, if there are 226 duplicated pages, we will charge the requestor $25.20.

11. The action blocks contain the codes for granting a request or withholding fully or partially, including the exemptions used.

      a. The fees are composed of search services, review services or computer services charged to the requestor to produce the pages released.

      b. The exempt codes are the FOIA exemptions from your letter denying the information to the requestor.

12. The date the final letter is mailed.

13. The last block of the form is for comments. Use this block to make notations on the particular file. (The National Office places a "red check mark" beside a closed case file.)

(b) <u>Maintaining Freedom of Information Act File.</u> Establish a file folder to hold each request and all accompanying case information. Place a label on each file folder. The labels should read "2018-F, FOIA REQUEST RECORD, or 2015-E, PA REQUEST RECORD," and an assigned log number.

(c) <u>Submitting Freedom of Information Act Log.</u> The completed log should be submitted along with any necessary documentation when the final monthly Media Backlog and Freedom of Information Act report is submitted. However, if the office's representative is finishing a request at the end of the fiscal year, the Freedom of Information Act Log is due to the State Office no later than 5 October of each fiscal year.

Freedom of Information Act & Privacy Act Log

1	2 3	4	5	6	7	8	9	10		11						12	13
Log #	Date of Request / Date Received	Date Due	Ack. Ltr.	Requestor's State	Initials-Person Processing Request	Requestor, Company & Address	Subject of Request	# of Pages		Action						Final Sent	Comments
								Dupl. $	Post. $	Grant	Deny	Full	Part	Fees	Exempt		

Freedom of Information Act & Privacy Act Log

<u>Instructions to Complete the FOIA & PA Log</u>

1. FOIA/PA log number assigned. After you have date-stamped receipt date and read the FOIA/PA request, you will assign a log number. The log number for FOIA requests will be "fiscal year- request number – state office code – area office code/program code. Each PA request will follow the same format and be followed by a "P" to indicate a PA request (e.g., the first FOIA and PA requests in 2010 for the Lehigh Office would be 10-01-44-39, 10-01-44-39P).
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    m. Rural Housing: FY-##-44-RHS
    n. Program Support: FY-##-44-PS
    o. Rural Business: FY-##-44-RBS
    p. Community Programs: FY-##-44-CP
2. The actual date of the requestor's letter.
3. The date you received the FOIA/PA request letter in your office.
   (This should have been date stamped upon receipt.)
4. Due date – The request should be completed within 20 working days after receipt.
5. The date the acknowledgement letter is sent to the requestor.
6. The requestor's state abbreviation.
7. The initials of the person processing the request.
8. The name of the requestor and their address.
9. The subject of the request or exactly what the requestor is asking for.
10. The number of pages released to the requestor.
    a. Duplication costs are determined by taking the number of released pages times $.20 per page for duplication. This is the cost for any enclosures you may release with your letter to the requestor.
    b. Postage costs are the total postage amount on reply letters or the cost to mail a package.
    c. Unlike the FOIA, search and review costs are never chargeable under the Privacy Act.
    d. There are no fee waivers or fee reductions allowed under the Privacy Act.
    e. No charge will be made for the first 100 pages of duplicated information, unless they have already received copies of this information.
    f. If the total amount of the fee comes to $25.00 or less, the requestor will not be charged.
    g. If there are 225 duplicated pages, we will not charge the requestor. However, if there are 226 duplicated pages, we will charge the requestor $25.20.
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    a. The fees are composed of search services, review services or computer services charged to the requestor to produce the pages released.
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12. The date the final letter is mailed.
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Freedom of Information Act & Privacy Act Log

<u>IT IS IMPORTANT TO LOG A RECORD OF THE DATE THE REQUEST CAME IN AND THE DATE THE COMPLETED REQUEST LETTER WENT OUT IN CASE THERE IS A LAWSUIT FILED AGAINST RD.</u>

You must establish a file folder to hold the request and all accompanying case information.

Place a label on the file folder. The request labels should read "2018-F, FOIA REQUEST RECORD, or 2015-E, PA REQUEST RECORD," and an assigned log number (See No. 1 above).

<u>A GOOD FILE SHOULD CONTAIN THE FOLLOWING:</u>
1. A running record on the left side of the folder describing the discussions you had by telephone and/or in person, including the dates.
2. On the right side of the file, place the initial request, the response letter(s), and copies of the documents that have been released or withheld. These records are maintained so you can provide copies to National Office if the requestor should appeal or the case results in litigation.

Example Freedom of Information Act & Privacy Act Log

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								Dupl. $	Post. $	Grant	Deny	Full	Part	Fees	Exempt		
10-01-44-RBS	7/26/10 / 7/26/10	8/23/10	8/4/10	PA	GJG	Mollie Mateson Center for Biological Diversity P.O. Box 188 Richmond VA 05477	Gulf Trading and Transport LLC			X						8/4/10	
10-01-44-RBSP	8/13/10 / 8/13/10	9/13/10	8/15/10	PA	GJG	Joseph Snuffy	Loan Application Request			X						8/15/10	