



UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL

Washington D.C. 20250



AUG 29 2014

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Subject: Log No. 14-00062

[REDACTED]

This letter partially responds to your April 3, 2014, Freedom of Information Act (FOIA)¹ request to the Office of Inspector General (OIG) at the Department of Agriculture (USDA). You requested copies of all documents or other materials prepared, used, or distributed by USDA's Animal and Plant Health Inspection Service (APHIS) regarding any complaints about veterinary medical officers (VMOs) during the last twelve years relating to the Horse Protection Act (HPA). On the same date, APHIS referred 27 responsive pages to OIG for review and direct response to you from an identical request you submitted to APHIS.

Regarding the referred pages, we are releasing 27 pages of investigative records. Pursuant to FOIA, certain information has been redacted as it is exempt from release. Specifically, in accordance with 5 U.S.C. § 552(b)(6) and (b)(7)(C), the names, signatures, initials, and other identifying information of individuals were withheld because release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Additionally, three pages of duplicate records were withheld.

You have the right to appeal the decision by OIG to withhold information by writing to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW., Whitten Building, Suite 441-E, Washington DC 20250-2308. Your appeal must be received within 45 days of the date of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

¹ 5 U.S.C. § 552.

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For information about OIG, please refer to our Web site at www.oig.usda.gov. Should you have any questions, please feel free to contact our office at (202) 720-5677.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Decker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alison Decker
Assistant Counsel

Enclosures: Exemptions sheet/documents

FOIA EXEMPTIONS

Exemption 2 (5 U.S.C. § 552(b)(2)): permits agencies to withhold documents which relate “solely to the internal personnel rules and practices of an agency.”

Exemption 3 (5 U.S.C. § 552(b)(3)): incorporates the disclosure prohibitions that are contained in various other federal statutes. Broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.”

Exemption 4 (5 U.S.C. § 552(b)(4)): allows Federal agencies the discretion to withhold “... trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential...” the release of which could be competitively harmful to the submitter of the information; which could impair the government’s ability to obtain similar necessary information in a purely voluntary manner in the future; and, which could affect other governmental interests, such as program effectiveness and compliance.

Exemption 5 (5 U.S.C. § 552(b)(5)): allows the agency the discretion to withhold “...inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” The purpose of this exemption is to protect the deliberative process by encouraging a frank exchange of views. In addition, this exemption protects from disclosure attorney-work product and attorney-client materials.

Exemption 6 (5 U.S.C. § 552(b)(6)): allows Federal agencies the discretion to withhold information the disclosure of which would “...constitute a clearly unwarranted invasion...” of individual privacy and might adversely affect the individual and his/her family.

Exemption 7 (5 U.S.C. § 552(b)(7)): protects from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

- (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, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, would disclose techniques and procedures for law enforcement investigations or prosecutions, or
- (E) would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
- (F) could reasonably be expected to endanger the life or physical safety of any individual.”

Exemption 8 (5 U.S.C. § 552(b)(8)): protects matters that are “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

Exemption 9 (5 U.S.C. § 552(b)(9)): covers geological and geophysical information and data, including maps, concerning wells.