

Animal Advocates

Non-profit animal rescue & education
645 W. 9th St. #110-140
Los Angeles, CA 90015
www.AnimalAdvocates.us
(310) 877-4770

February 3, 2017

USDA, APHIS, Animal Care
FOIA REQUEST
FOIA Director foia.officer@aphis.usda.gov
Legislative and Public Affairs
Freedom of Information Act
4700 River Road, Unit 50
Riverdale, MD 20737

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all emails, letters, voicemail and faxes to/from/within the USDA which mention anything related to the February 3, 2017 notice (Exhibit 1, <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/enforcementactions>) specifically paragraph two below.

“Based on our commitment to being transparent, remaining responsive to our stakeholders’ informational needs, and maintaining the privacy rights of individuals, APHIS is implementing actions to remove documents it posts on APHIS’ website involving the Horse Protection Act (HPA) and the Animal Welfare Act (AWA) that contain personal information. These documents include inspection reports, research facility annual reports, regulatory correspondence (such as official warnings), lists of regulated entities, and enforcement records (such as pre-litigation settlement agreements and administrative complaints) that have not received final adjudication. In addition, APHIS will review and redact, as necessary, the lists of licensees and registrants under the AWA, as well as lists of designated qualified persons (DQPs) licensed by USDA-certified horse industry organizations to ensure personal information is not released to the general public.”

Additionally I would like electronic access to all of the items which were removed, hidden from the USDA website so that I may download a copy.

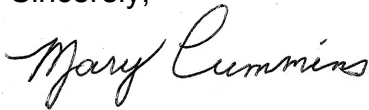
I would like to receive the information directly via access to the data online and/or in electronic format on DVD/CD, external hard drive, thumb drive or email. I do not want the documents in paper format. I agree to pay reasonable fees for the processing of this request.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material.

I of course reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires. Thank you for your assistance.

Sincerely,



Mary Cummins

President

Animal Advocates

www.AnimalAdvocates.us

www.facebook.com/AnimalAdvocatesUSA

CA Dept Fish & Wildlife permitted Wildlife Rehabilitator

Rio Hondo Police Academy

State Humane Association of California

Animal Law Enforcement Academy

HSUS Animal Rescue Team, USDA permit

IWRC, NWRA, CCWR

Rescuing all native wild mammals for release back to the wild

Cc: Dr Robert Gibbens robert.m.gibbens@aphis.usda.gov

Animal Welfare Enforcement Actions

Courts are continuously issuing decisions that provide agencies with guidance on interpreting and applying laws applicable to the release of information to the public by the Federal government, including the Privacy Act and Freedom of Information Act. In addition, the U.S. Department of Justice maintains comprehensive guidance involving the Privacy Act, Freedom of Information Act, and other laws, and updates such guidance based on legal developments. APHIS, with the support from the Office of the General Counsel, continuously monitors these sources of information and makes refinements to APHIS' practices, as needed.

Based on our commitment to being transparent, remaining responsive to our stakeholders' informational needs, and maintaining the privacy rights of individuals, APHIS is implementing actions to remove documents it posts on APHIS' website involving the Horse Protection Act (HPA) and the Animal Welfare Act (AWA) that contain personal information. These documents include inspection reports, research facility annual reports, regulatory correspondence (such as official warnings), lists of regulated entities, and enforcement records (such as pre-litigation settlement agreements and administrative complaints) that have not received final adjudication. In addition, APHIS will review and redact, as necessary, the lists of licensees and registrants under the AWA, as well as lists of designated qualified persons (DQPs) licensed by USDA-certified horse industry organizations to ensure personal information is not released to the general public.

Those seeking information from APHIS regarding inspection reports, research facility annual reports, regulatory correspondence, and enforcement records should submit Freedom of Information Act requests for that information. Records will be released when authorized and in a manner consistent with the FOIA and Privacy Act. If the same records are frequently requested via the Freedom of Information Act process, APHIS may post the appropriately redacted versions to its website. In addition, some enforcement records (such as initial decision and orders, default decisions, and consent decisions) are available on the USDA's Office of Administrative Law Judge's website (<https://www.oaljddecisions.dm.usda.gov>). For more information on preparing and submitting Freedom of Information Act requests, please visit <https://efoia-pal.usda.gov/palMain.aspx>.