



United States Department of Agriculture

August 12, 2019

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River
Road
Unit 50
Riverdale, MD
20737-1232

RE: 2019-APHIS-03323-F



Dear 

This response is in reply to your Freedom of Information Act (FOIA) request received in this office April 10, 2019, and assigned FOIA tracking number 2019-APHIS-03323-F, seeking “. . . all International Health Certificates and Owner-Shipper papers of equines going to slaughter from the US into Canada for the entire month of January, 2019”.

Upon receipt, your request was forwarded to the Veterinary Services (VS) Program to conduct a search of their files for records responsive to your request. VS’s subsequent search of their electronic and paper files revealed one hundred and thirty three (133) pages of records responsive to your request.

The records requested are contained in a Privacy Act system of records. See, [APHIS-8: Veterinary Services - Animal Welfare](#). Generally, under the Privacy Act, an agency shall not disclose information contained in a system of records, except pursuant to the written request by or consent of the individual to whom the record pertains, unless an exception applies. There are twelve exceptions under the Privacy Act to this general prohibition to disclosure. See 5 U.S.C. § 552a (b). One exception authorizes disclosure when the FOIA requires the release of information contained in a system of records. *Id.* at § 552a (b) (2).

As such, APHIS must release all requested records which are not exempt under the FOIA. Therefore, the records at issue have been reviewed under the FOIA. After a review of the records, it has been determined that certain information is exempt from release pursuant to FOIA Exemptions (b) (6) and (b)(7)(c).

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

FOIA Exemption (b) (6)

FOIA Exemption 6 permits the government to withhold from “personnel and medical files and similar files” information about individuals when the disclosure of such information “would



constitute a clearly unwarranted invasion of personal privacy.” As a threshold matter, an inspection report contains information about an individual licensee and is therefore considered a “similar file.”

In order to determine whether a document may be withheld under Exemption 6, an agency must undertake a four-step analysis. First, the agency must determine whether the information at issue is a personnel, medical, or “similar” file; Second, the agency must determine whether there is a significant privacy interest in the requested information; Third, the agency must evaluate the requester’s asserted FOIA public interest in disclosure; and finally, if there is a significant privacy interest in non-disclosure and a FOIA public interest in disclosure, balance those competing interest to determine whether disclosure “would constitute a clearly unwarranted invasion of personal privacy.”

In this matter, we have withheld the names, addresses, and contact information of the shippers, animal identification numbers and brands, signatures, and the name and identifying information for private individuals referenced in these records. Additionally, we have withheld the signature of one APHIS employee whose name is not otherwise being withheld from release.

It has been determined that there is a substantial privacy interest in the withheld information. The individuals identifying and address information is withheld from release because private individuals have a substantial privacy interest in their business activities. Additionally, the animal identification numbers and brands can be used to identify these individuals. Similarly, the private individuals referenced in these records, including private veterinarians retained by the shippers for the purposes of these transactions, have a substantial privacy interest in their private business activities. Releasing individual’s signatures presents a risk of identity theft, as the signature could be copied and used by third parties without the individuals’ knowledge or consent.

Under Exemption 6, the only pertinent public interest is whether release of the information would shed light on the agency's activities and the agency's performance of its statutory duties. We find no identified public interest in the request for this information, therefore, because the harm to personal privacy is greater than a nonexistent public interest that may be served by disclosure, release of this personal information would constitute a clearly unwarranted invasion of the privacy of the individual and is therefore exempt from disclosure.

This is our final response. If you have any additional questions regarding this matter, you may contact Hamilton Kuralt, the analyst who processed your request, at (301) 851-4010 as well as Ms. Bethany Jones, our FOIA Public Liaison, at (301) 851-4048 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; Telephone at 202-741-5770; toll free



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at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to: Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

Sincerely,



For:
Tonya G. Woods
Director
Freedom of Information & Privacy Act
Legislative and Public Affairs

