



United States
Department of
Agriculture

September 6, 2012

Marketing and
Regulatory Programs

Sonja Meadows
Animal's Angels Incorporation

Animal and
Plant Health
Inspection
Service

P.O. Box 1056
Westminster, MD 21158

Legislative and Public
Affairs

Dear Ms. Meadows:

Freedom of
Information

This is in response your July 28, 2012, Freedom of Information Act (FOIA) request in which you are seeking, "all photographs taken by USDA/APHIS personnel at the Cavel Horse Slaughter Plant in DeKalb, IL between January 1st, 2004 and May 1st, 2007." Your request was received in this office on August 27, 2012, and assigned case number 2012-APHIS-03147-F. We apologize for the delay of this response.

4700 River Road
Unit 50
Riverdale, MD
20737-1232

Veterinary Services employees conducted a thorough search of their files and located 635 pages of photographs which are contained on the enclosed CD-ROM. However, we have determined that portions of these documents are exempt from disclosure under FOIA Exemption 6, 5 U.S.C. § 552(b) (6). This exemption protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy and where such privacy interest outweighs any public interest which would be advanced by the disclosure of the third party individuals. In addition, we withheld the same information under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information collected for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Personal information such as individual names, addresses vehicle tag numbers, and VIN numbers are being withheld under these exemptions.

APHIS balanced these individual(s) privacy interests against the public interest in disclosure. Under the FOIA, the public interest is advanced when disclosing responsive records educates the public about governmental activity. APHIS determined that releasing the redacted information about the private individual(s) would not shed light on the activities of APHIS or USDA.

Finally, we are withholding nine photographs that are part of an open Investigative Enforcement Services (IES) case (IL07179-VS), under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities

Any factual materials in the records not covered by some other exemption are inextricably intertwined with exempt materials or the disclosure of the factual materials would itself expose the deliberative process. We have determined that the disclosure of these certain law enforcement investigatory records responsive to your request would be contrary to the public interest. It would not be in the public interest to disclose these materials because disclosure would (1) impair the frank exchange of views necessary with respect to such matters, (2) prematurely reveal information used in the investigation, thereby interfering with this and other matters by disclosing the government's basis for pursuing this matter, and (3) discourage the public from providing such confidential and preliminary information. Such investigative products are an important source of information for the USDA-APHIS where there are possible violations of federal law and regulations, and the anonymity of the complainants and their information are a vital aspect to this means of information gathering. The IES case may be subject to disclosure once the case is closed. You may want to resubmit your request in a few months.



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

You may appeal our determination. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter. Please send to:

Administrator
Animal and Plant Health Inspection Service
Ag Box 3401
Washington, D.C. 20250-3401

If you choose to appeal, please refer to 2012-APHIS-03147-F in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, please provide specific reasons why you believe modification of the determination is warranted.

Also contained on the CD-ROM are copies of your FOIA request, this response letter, and Adobe® Acrobat® Reader™, which is needed to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After the installation, the Adobe Reader should render the PDF files correctly.

If you have any questions concerning this response to your request, please contact my staff at (301) 851-4102.

Sincerely,



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

Enclosure(s)