

January 30, 2023

Department of Agriculture
Office of the Secretary
1400 Independence Avenue SW
South Building, Room 4104
Washington, DC, DC 20250-0706

Dear Records Custodian,

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552 et seq., I request copies of the following records:

1) Records fulfilling 44 U.S. Code § 3511(a)'s requirement to "develop and maintain a comprehensive data inventory"

As you are aware, 44 U.S. Code § 3511(a) mandates that "the head of each agency shall, to the maximum extent practicable, develop and maintain a comprehensive data inventory that accounts for all data assets created by, collected by, under the control or direction of, or maintained by the agency."¹ These comprehensive data inventories have specific requirements (see 44 U.S. Code § 3511(a)(2)(A)), are distinct from "data catalogs,"² and are not restricted to public datasets.

I request all records produced by the Department of Agriculture that contribute to the fulfillment of 44 U.S. Code § 3511(a)'s requirement to "develop and maintain a comprehensive data inventory[.]"

These records should include any and all (full or partial) data inventories, regardless of the degree to which they meet 44 U.S. Code § 3511(a)'s specific requirements.

I request all such records produced or in use between January 1, 2000, and the date that the search for such records is conducted.

Please note that I do not consider the file published at <https://www.usda.gov/data.json> / <https://www.usda.gov/sites/default/files/documents/data.json> as fully satisfying this request, for several reasons. Among them: Only three agencies of the USDA (Natural Resources Conservation Service, the Farm Service Agency, and Rural Development) appear to have listed more than one non-public dataset; several agencies (such as the Rural Utilities Service and Rural Housing Service) appear not to be represented even in the public datasets; and some agencies are represented by far fewer datasets than seem to be realistic (for example, the Animal and Plant Health Inspection Service, which appears to have contributed only 3 entries to the file).

¹ 44 U.S. Code § 3511, accessed December 29, 2022. <https://www.law.cornell.edu/uscode/text/44/3511>.

² Chief Data Officer Council's Data Inventory Working Group, "Enterprise Data Inventories," April 2022, p. 2. https://resources.data.gov/assets/documents/CDOC_Data_Inventory_Report_Final.pdf.

I request that the responsive records be provided by email or digital file transfer, rather than by postal mail. If it helps, I can supply the digital transfer folder.

2) Records fulfilling 44 U.S. Code § 3505(c)'s requirement to "develop and maintain an inventory of major information systems"

As you are aware, 44 U.S. Code § 3505(c) mandates that "[t]he head of each agency shall develop and maintain an inventory of major information systems (including major national security systems) operated by or under the control of such agency."³

I request all records produced by the Department of Agriculture that contribute to the fulfillment of 44 U.S. Code § 3505(c)'s requirement to "develop and maintain an inventory of major information systems[.]"

These records should include any and all (full or partial) information systems inventories, regardless of the degree to which they meet 44 U.S. Code § 3505(a)'s specific requirements.

I request all such records produced or in use between January 1, 2000, and the date that the search for such records is conducted.

I request that the responsive records be provided by email or digital file transfer, rather than by postal mail. If it helps, I can supply the digital transfer folder.

Production of Responsive Records on a Rolling Basis

In the event that a portion of the present request is completed before the full request is completed, I ask that the records be produced on a rolling basis.

Fee Waiver Request

A waiver of search and review fees is appropriate here because disclosure of the requested information is in the public interest under 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.54(a), (b)(1)-(2), and because the request is not primarily in my commercial interest, 45 C.F.R. §§ 5.45(a), (b)(3)(ii).

Disclosure Is in the Public Interest

The disclosure of these records is firmly in the public interest. The federal government has broadly acknowledged the utility and necessity of such inventories, not the least of which is informing the

³ 44 U.S. Code § 3505, accessed December 29, 2022. <https://www.law.cornell.edu/uscode/text/44/3505>.

public about the government's data assets. See, for instance, the Office of Management and Budget's Memo M-13-13, "Open Data Policy-Managing Information as an Asset," published in 2013.⁴ ("Making information resources accessible, discoverable, and usable by the public can help fuel entrepreneurship, innovation, and scientific discovery- all of which improve Americans' lives and contribute significantly to job creation.") See too, more recently, the Chief Data Officer Council's Data Inventory Working Group's "Enterprise Data Inventories" report.⁵ ("The purpose of the comprehensive data inventory is to ensure that agency staff and the public have a clear comprehensive understanding of the data assets in the possession of the agency.") Notably, the Department of Agriculture is listed as one of that report's "contributing agencies".

Disclosing the requested records would help increase the public's understanding of the Department's data assets. This is essential information in and of itself, but also serves additional goals. For instance, disclosure would enable the public to construct productive, efficient Freedom of Information Act requests for narrow slices of non-exempt database material in the future. Disclosure would also help to inform the public about the degree to which the Department is fulfilling the relevant statutory obligations cited above.

This Request is Not Primarily in My Commercial Interest

The requested information is *not* being sought for commercial purposes. 45 C.F.R. § 5.54(a). I am a news media requester that can and will "effectively convey information to the public." 45 C.F.R. § 5.54(b)(2)(ii). I am doing so on behalf of the Data Liberation Project, a new initiative to bring more datasets of public value into the public domain, especially for journalistic purposes.⁶ My "past publication record[,] 5 U.S.C. § 552(a)(4)(A)(ii), includes serv[ing] from 2014 to early 2022 as the data editor for BuzzFeed News, where I helped to make many datasets available to the public;⁷ before that, I worked as a reporter and computer programmer at The Wall Street Journal, where I was named a Pulitzer Prize co-finalist for National Reporting.⁸

Because I have demonstrated that the information will shed light on the operations or activities of the government in relation to the Department's implementation of two significant statutory obligations, 45 C.F.R. § 5.54(b)(1), and this information is not already in the public domain, 45 C.F.R. § 5.54(b)(2)(i), this request is "not primarily in the commercial interest of the requester." 45 C.F.R. § 5.54(b)(3)(ii).

⁴ <https://obamawhitehouse.archives.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf>

⁵ https://resources.data.gov/assets/documents/CDOC_Data_Inventory_Report_Final.pdf

⁶ The Data Liberation Project. <https://www.data-liberation-project.org/>.

⁷ BuzzFeed News, "An index of all our open-source data, analysis, libraries, tools, and guides." <https://github.com/BuzzFeedNews/everything>.

⁸ The Pulitzer Prizes, "Finalist: John Emshwiller and Jeremy Singer-Vine of The Wall Street Journal." <https://www.pulitzer.org/finalists/john-emshwiller-and-jeremy-singer-vine>.

As such, and because disclosure “is likely to contribute significantly to public understanding of the operations or activities of the government” (5 U.S.C. § 552(a)(4)(A)(iii)), I respectfully request that you waive all applicable fees.

Limitation of Fees

I am also entitled to a limitation of fees because I am a member of the news media. 45 C.F.R. § 5.53(b); 5 U.S.C. § 552(a)(4)(A)(ii)(II). Accordingly, even if my application for a waiver of all fees is denied, I am entitled to a limitation of fees. As a news media requester, I am “entitled to search time, review time, and up to 100 pages of duplication” and can be charged only duplication fees after the first 100 pages or its cost equivalent. 45 C.F.R. § 5.53(b). I request that the information be provided in its native electronic format, and thus there should be no duplication fees.

Request for Explanation of Withholdings and Redactions

If this request is denied in whole or in part, please provide a reasonable description of any withheld materials and a justification for all such withholdings that includes reference to the specific FOIA exemptions authorizing withholding and specific reasons why such exemptions apply. 45 C.F.R. § 5.31. An agency shall withhold information only if “the agency reasonably foresees that disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” 5 U.S.C. § 552(a)(8)(A)(i). (Per Attorney General Garland’s March 15, 2022 memorandum, “In case of doubt [regarding foreseeable harm or legal bar to disclosure], openness should prevail.”⁹) I therefore request that if the agency determines that an exemption applies, specific reasons be provided as to why disclosure would harm any interest protected by such exemption. An agency shall also “consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible” and “take reasonable steps necessary to segregate and release nonexempt information.” *Id.* at § 552(a)(8)(A)(ii). I therefore request that the agency release all segregable portions of otherwise exempt material.

I look forward to your reply within the FOIA-specified timeframe of 20 working days. Please let me know if there are any clarifications I can make to make this request easier and/or quicker to complete.

Sincerely,
Jeremy Singer-Vine
The Data Liberation Project
Email: jvine@gmail.com
Phone / mailing address: Available upon request

⁹ Merrick Garland, “Memorandum for Heads of Executive Departments and Agencies” (Subject: “Freedom of Information Act Guidelines”), March 15, 2022. <https://www.justice.gov/ag/page/file/1483516/download>.