Civ. Action No. 06-930 (RMC)

EXHIBIT 50
Ms. Lori Kettler, Counsel
Research & Investigations Department
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, Virginia 23510

Subject: Log No. 06-00021

Dear Ms. Kettler:

This responds to your request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated October 26, 2005, sent by electronic mail. As background on July 7, 2005, you requested “a copy of the OIG’s report of the investigation of AgriProcessors, Inc. (located in Postville, Iowa) for violations of the Humane Methods of Slaughter Act.” On July 21, 2005, we responded by letter that the information you requested concerned an ongoing investigation and all records were therefore exempt pursuant to section (b)(7)(A) of the FOIA.

The investigation has been closed. Enclosed, please find the requested records from file number KC-2417-15. A total of 69 pages are being released. However, pursuant to FOIA, certain information has been redacted as it is exempt from release pursuant to this statute. Specifically, in accordance with 5 U.S.C. § 552(b)(6) and (b)(7)(C), the names, signatures, titles, and identifying information of individuals were withheld because release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Additionally, 13 witness statements have also been withheld according to the Privacy Act, 5 U.S.C. § 552a (j)(2), which permits law enforcement agencies to withhold information compiled for the purpose of a criminal investigation, including reports of information and informants. Subsection (k)(2) permits agencies to withhold investigatory material compiled for law enforcement purposes, other than material with the scope of Exemption (j)(2)

Enclosed, please find a brief explanation of the exemptions.

You have the right to appeal the decision to withhold information by writing to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW, Jamie L. Whitten Building, Suite 441-E, Washington, D.C. 20250-2308, within 45 days of the date of this letter. The outside of the envelope should be clearly marked “FOIA APPEAL.”
Ms. Lori Kettler, Counsel
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For information about OIG, please refer to our Web site at www.usda.gov/oig/home.htm. The FOIA staff may be reached at (202) 720-5677.

Sincerely yours,

Deirdre MacNeil
FOIA/PA Attorney

Enclosure: explanation sheet/documents
PRIVACY ACT EXEMPTIONS

Exemption (b) (5 U.S.C. § 552a(b)): applies to information concerning other individuals which may not be released without their consent.

Exemption (d)(5) (5 U.S.C. § 552a(d)(5)): protects information compiled in reasonable anticipation of a civil action or proceeding.

Exemption (j)(2) (5 U.S.C. § 552a(j)(2)): permits law enforcement agencies to withhold information compiled for the purpose of a criminal investigation, including reports of informants and investigators, which are associated with an identifiable individual.

Exemption (k)(2) (5 U.S.C. § 552a(k)(2)): permits agencies to withhold investigatory material compiled for law enforcement purposes, other than material within the scope of Exemption (j)(2).

Exemption (k)(5) (5 U.S.C. § 552a(k)(5)): applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, or access to classified information, release of which would disclose a confidential source.