

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

2620.5

9/25/18

SHARING INFORMATION WITH STATE OR LOCAL AGENCIES, FOREIGN GOVERNMENT OFFICIALS, AND INTERNATIONAL ORGANIZATIONS

I. PURPOSE

This directive provides the Office of Public Health Science (OPHS) with procedures needed to share information concerning FSIS regulated products with State or local agencies, foreign government officials, and international organizations responsible for food inspection programs and laboratories. The Agency's openness to sharing information on FSIS-regulated products must be balanced with the public's interest in preserving the privacy and confidentiality of sensitive, personal, and certain commercial information and the integrity of the Government's decision-making and law-enforcement proceedings. This directive describes a process that will promote transparency and strengthen information sharing while preventing disclosure of proprietary information that may result in an unwarranted invasion of personal privacy, or compromise the integrity of governmental decision-making processes. Using this process, OPHS employees can share information with State or local agencies, foreign government officials, and international organizations without requiring these agencies, officials, and organizations to submit written requests for the information under the Freedom of Information Act (FOIA). This directive will not affect any existing [information sharing agreements](#) that the Agency has made with other agencies.

II. BACKGROUND

- A. The Agency has become increasingly aware of the benefits to consumers in the United States, as well as in other countries, of sharing the results of FSIS's scientific evaluations and its investigative activities related to meat, poultry, and egg products that have been or are intended to be produced and sold throughout the world with State or local agencies, foreign government officials, and international organizations.
- B. FSIS regulations governing public information (9 CFR part 390) are governed by the FOIA (5 U.S.C. 552). The FOIA provides access to Federal agency records or portions of them, except for those that are protected from disclosure by legal exemptions. Examples of categories of information protected from disclosure by legal exemptions include confidential commercial information (5 U.S.C. 552(b)(4) (Exemption 4) and pre-decisional documents (5 U.S.C. 552(b)(5) (Exemption 5).
- C. While confidential commercial information and pre-decisional documents are protected from mandatory public disclosure under the FOIA, the disclosure of such information to State or local agencies, foreign government officials, and international organizations may constitute a waiver of these FOIA exemptions (5 U.S.C. 552(b)(4)-(5)). Under FOIA, the States or local and foreign regulatory officials are considered members of "the public." Because disclosure to one member of the public means disclosure to the general public, FSIS may be required to disclose information shared with State or local and foreign regulatory officials to anyone who requests the same information under FOIA.

III. PROCEDURES FOR SHARING INFORMATION

A. Before sharing information with State or local agencies, foreign government officials, or international organizations responsible for food inspection programs and laboratories, OPHS employees are to request permission from their Assistant Administrator to share the information. Information involving an FSIS inspected establishment is to be approved for release by the Office of Field Operations (OFO) Recall Management and Technical Analysis Division (RMTAD) Director or designee. Additionally, information to be shared with foreign government officials and international organizations is to be approved for release by the Office of International Coordination. After receiving permission, OPHS employees are to:

1. E-mail all records and information to the FSIS FOIA Office at fsis.foia@usda.gov. The FSIS FOIA Office will determine if the information requires any redaction;
2. Type "Information Sharing: Request for Review" in the email's subject line;
3. Explain who will receive the records (e.g., a State (specify which one) Department of Agriculture and Consumer Services, an Agency or organization in a foreign country (specify the agency and country), or the Codex Alimentarius Commission);
4. Explain why the records need to be shared (e.g., foodborne illness outbreak);
5. Note the urgency of the request (e.g., please respond by Friday, March 11th); and
6. Attach a copy of all records.

B. In accordance with [FSIS Directive 2620.1](#), *FSIS Records Management Program*, FSIS employees are to keep a record of all information disclosed as set forth by the appropriate records retention and disposition schedules. Additional information, guidance, and training materials are available on the records management [FSIS Intranet site](#) (level 2 e-authentication is required to access this site). FSIS record retention and disposition schedules are available in the [Records Management Handbook](#) section.

IV. QUESTIONS

Refer questions regarding this directive to the FSIS FOIA Office at (202) 720-2109 or fsis.foia@usda.gov.



Assistant Administrator
Office of Policy and Program Development