



# Department of the Treasury

2015 Chief Freedom of Information Act Officer Report  
to the Attorney General of the United States

## Message from the Deputy Assistant Secretary for Privacy, Transparency, and Records



On behalf of the Chief Freedom of Information Act Officer, I am pleased to present the Department of the Treasury's (Treasury or Department<sup>1</sup>) 2015 Chief Freedom of Information Act Officer Report to the Attorney General of the United States. This report summarizes Treasury initiatives to comply with the Freedom of Information Act<sup>2</sup> (FOIA) and to promote transparency and openness in its operations. This report covers the period of March 2014 through March 2015 (the reporting period).

Inquiries about this report may be directed to the Office of Privacy, Transparency, and Records at (202) 622-0930 or [FOIA Link: \(TreasFOIA@Treasury.gov\)](mailto:TreasFOIA@Treasury.gov). This report, as well as previous reports, can be found on the Department's FOIA website: [Treasury's FOIA website link: \(www.treasury.gov/foia\)](http://www.treasury.gov/foia)

A handwritten signature in black ink that reads "Helen Goff Foster". The signature is written in a cursive, flowing style.

Helen Goff Foster  
Deputy Assistant Secretary  
For Privacy, Transparency, and Records  
U.S. Department of the Treasury

---

<sup>1</sup> In this report, the "Department" or "Treasury" means the entire agency, including all bureaus (components) and offices.

<sup>2</sup> 5 U.S.C. §552



## **2015 Chief Freedom of Information Act Officer Report to the Attorney General of the United States**

### **Table of Contents**

|   |    |
|---|----|
| Message from the Chief Freedom of Information Act Officer .....   | 2  |
| FOIA at the Department of the Treasury .....  | 4  |
| Section I: Steps Taken to Apply the Presumption of Openness .....   | 6  |
| Section II: Steps Taken to Ensure that Treasury has an Efficient and Effective System in Place<br>for Responding to Requests .....  | 13 |
| Section III: Steps Taken to Increase Proactive Disclosure .....   | 16 |
| Section IV: Steps Taken to Improve the Use of Technology .....  | 20 |
| Section V: Steps Taken to Reduce any Backlogs of Pending FOIA requests and to Improve<br>Timeliness in Responding to Requests. .... | 25 |
| Spotlight on Success .....  | 30 |

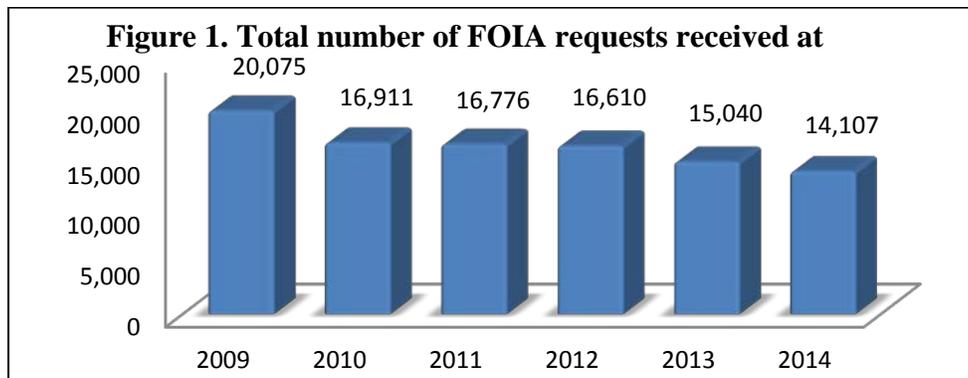
## FOIA at the Department of the Treasury

FOIA administration is decentralized at the Department of the Treasury. Nine Treasury Bureaus separately receive and respond to FOIA requests:

1. Alcohol, Tobacco Tax and Trade Bureau (TTB)
2. Bureau of Engraving and Printing (BEP)
3. Bureau of the Fiscal Service (Fiscal Service<sup>3</sup>)
4. Departmental Offices (DO)
5. Financial Crimes Enforcement Network (FinCEN)
6. Internal Revenue Service (IRS)
7. Office of the Comptroller of the Currency (OCC)
8. Treasury Inspector General for Tax Administration (TIGTA)
9. United States Mint (Mint)

Departmental Offices (DO) encompasses Treasury program offices that are not otherwise assigned to another Bureau.<sup>4</sup> This includes, for example, the Office of Foreign Assets Control (OFAC). The Office of Privacy, Transparency, and Records (OPTR), situated within DO, functions as the centralized DO resource for FOIA administration. OPTR is also responsible for Treasury-wide policy, guidance, and compliance with the FOIA. The Deputy Assistant Secretary for Privacy, Transparency, and Records leads OPTR, and reports directly to the Treasury Chief FOIA Officer.

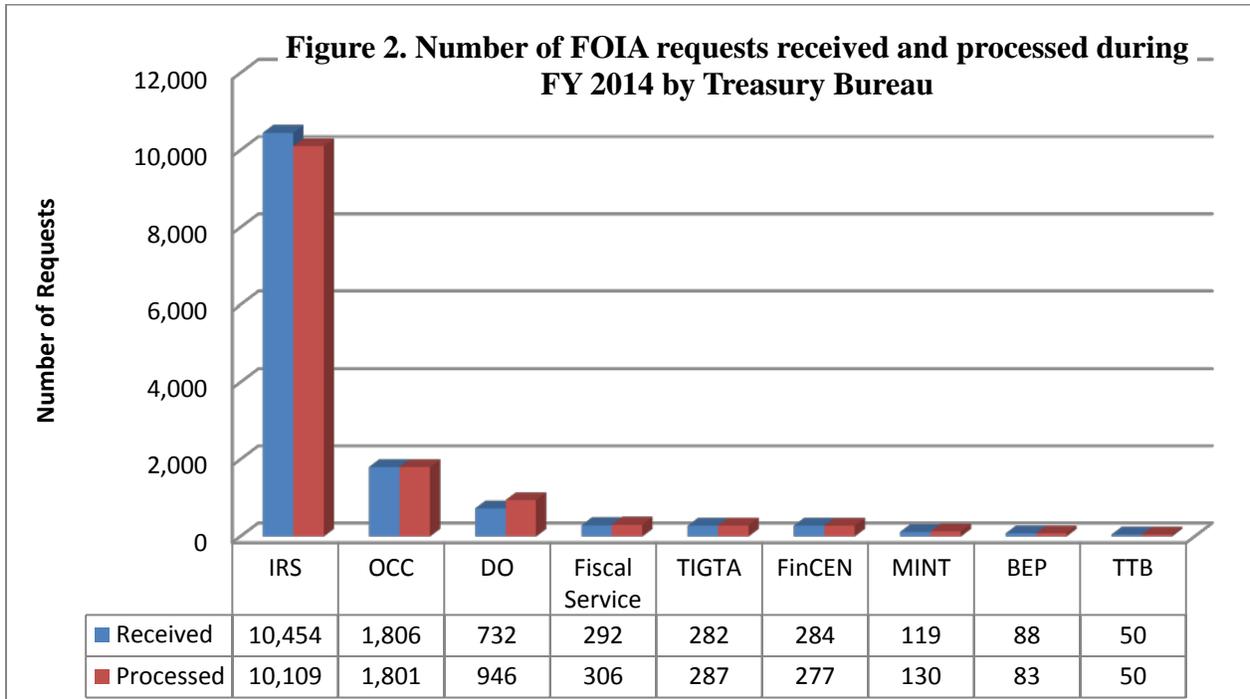
Treasury received 14,107 FOIA requests during Fiscal Year (FY) 2014. This figure represents a 6 percent decrease from FY2013 and continues a downward trend in recent years. From FY 2009 through the present, Treasury received an average of 16,567 requests per fiscal year (See Figure 1).



<sup>3</sup> In 2013, the Bureau of the Public Debt and the Financial Management Service were consolidated to create the Bureau of the Fiscal Service.

<sup>4</sup> DO includes the Offices of Domestic Finance, Economic Policy, the Office of Financial Research, General Counsel, International Affairs, Legislative Affairs, Management, Public Affairs, Tax Policy, Terrorism and Financial Intelligence, and the Treasurer of the United States. DO statistics in this report also include requests made to the Financial Stability Oversight Council (FSOC), an entity chaired by the Secretary of the Treasury. For more information see Treasury Organizational Structure: ([Treasury's Organizational Structure: \(http://www.treasury.gov/about/organizational-structure/Pages/default.aspx\)](http://www.treasury.gov/about/organizational-structure/Pages/default.aspx)).

In FY 2014, there was a wide disparity in the number of FOIA requests directed to individual Treasury Bureaus. For example, IRS received 10,454 requests in FY 2014 or 74% of Treasury’s total FOIA requests. On the other hand, TTB, BEP, and MINT each received fewer than 150 requests during the same period (See Figure 2).



The Department closed 13,991 requests in FY 2014 or 99.2% of the number of requests received in FY 2014. DO, Fiscal Service, TIGTA, Mint, and TTB closed more requests than they received in FY 2014.

## Section I: Steps Taken to Apply the Presumption of Openness

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

As described below, the Department conducted a number of FOIA training sessions during the reporting period.

2. If yes, provide a brief description of the type of training conducted and the topics covered.

Treasury held its first FOIA Summit on December 3, 2014. More than 60 FOIA professionals attended. The FOIA Summit consisted of the following topics:

- FOIA Exemptions 4, 5, and 8
- FOIA Roundtable Discussion – FOIA Best Practices
- Best Practices for Communicating with FOIA Requesters
- FOIA Websites, Libraries, Proactive Disclosure, and Discretionary Releases

IRS conducted the following training for its FOIA professionals during the reporting period:

- IRS held two virtual training sessions for IRS disclosure employees located outside of the National Capital Region in June 2014 and January 2015. More than 145 IRS employees attended each session. The training covered a variety of FOIA topics including improving FOIA responses and improving redactions made to transcripts requested under the FOIA.
- IRS provided a basic two-week FOIA training course to all new FOIA caseworkers and managers during the reporting period. The training consisted of 8 hours of FOIA legal and procedural requirements. The training was conducted in two phases: Phase I was held March 17 – 28, 2014, with 16 participants. Phase II was held August 18 – 29, 2014, with 10 participants.
- IRS conducted bureau-wide FOIA training for disclosure employees during 2015, which included virtual sessions on FOIA obligations, proactive disclosures, and discretionary releases. The training was held on February 25, 2015, with 165 participants.

OCC conducted the following FOIA training during the reporting period:

- Basic FOIA training and teleconferences for OCC's Licensing Staff in May 2014, with 10 participants.
- Basic FOIA briefings for the OCC Enforcement and Compliance Division of the OCC's Law department in April 2014, with five participants to discuss disclosure of certain enforcement records.
- Basic training for FOIA Professionals on processing bank corporate applications every Thursday during the reporting period, with eight participants.

3. Did your FOIA professionals attend any FOIA training or conferences during the reporting period such as that provided by the Department of Justice (DOJ)? If yes, list the name of the training.

Yes, the Department's FOIA professionals attended a number of training sessions and conferences during the reporting period, including those provided by DOJ.

BEP's FOIA professionals attended the following training during the reporting period:

- DOJ's FOIA for Attorneys and Access Professionals on July 15-16, 2014, four attended.
- DOJ's Best Practices Workshop on Proactive Disclosures and Making Online Information more Useful on July 17, 2014, one attended.
- Treasury's FOIA Summit on December 3, 2014, six attended.

DO's FOIA professionals attended the following training during the reporting period:

- DOJ's FOIA for Attorneys and Access Professionals on February 25 – 26, 2014, one attended.
- DOJ's Freedom of Information Act Administrative Forum on June 11, 2014, five attended.
- DOJ's Requester's Roundtable on June 17, 2014, four attended.
- DOJ's Annual Report and Chief FOIA Officer Report Refresher on October 7, 2014, three attended.
- American Society for Access Professionals (ASAP) 508 Compliance Training on October 20 – 23, 2014, three attended.
- DOJ's Best Practices from the Requester's Perspective Workshop on October 28, 2014, five attended.
- Treasury's FOIA Summit on December 3, 2014, eight attended.
- DOJ's Best Practices Workshop: Implementing Technology to Improve FOIA Processing on December 9, 2014, four attended.

FinCEN's FOIA professionals attended the following training during the reporting period:

- DOJ's FOIA for Attorneys and Access Professionals on February 25 – 26, 2014, one attended.
- Treasury's FOIA Summit training on December 3, 2014, three attended.

IRS' FOIA professionals attended the following training during the reporting period:

- ASAP FOIA/Privacy Act training during September 2014, three attended.
- ASAP webinars covering FOIA, FOIA Exemptions Overview, Exemption 4, Fees and Waivers and FOIA-Privacy Act Interface, 23 attended.
- ASAP FOIA training in December 2014, three attended.
- Treasury's FOIA Summit on December 3, 2014, four attended.

- DOJ's Proactive Disclosures Best Practices Workshop on July 17, 2014, one attended.

MINT's FOIA professionals attended the following training during the reporting period:

- ASAP 2014 National FOIA Training Conference on May 12-14, 2014, two attended.
- DOJ's Proactive Disclosures and Making Online Information More Useful in July 2014, two attended.
- DOJ's Reducing Backlogs and Improving Timeliness in May 2014, two attended.
- Treasury's FOIA Summit on December 3, 2014, two attended.

OCC's FOIA professionals attended the following training during the reporting period:

- AINS, Inc. FOIA Overview on October 28 – 29, 2014, two attended.
- AINS, Inc. User's Group in August 2014, eight attended.
- DOJ's Reducing Backlogs and Improving Timeliness in May 2014, two attended.
- ASAP Training in May, 2014, two attended.
- DOJ's Best Practices from the Requester's Perspective on October 28, 2014, three attended.
- Treasury's FOIA Summit on December 3, 2014, nine attended.

TIGTA's FOIA professionals attended the following training during the reporting period:

- Office of the Inspector General's FOIA Working Group on July 22, 2014, two attended.
- DOJ's Best Practices Workshop: Proactive Disclosures & Making Online Information More Useful on July 17, 2014, two attended.
- DOJ's Best Practices Workshop - Implementing Technology to Improve FOIA Processing on December 9, 2014, two attended.
- ASAP Annual Symposium and Training Conference in December 2014, two attended.
- ASAP 2014 National FOIA Training Conference on May 12-14, 2014, two attended.
- Treasury's FOIA Summit on December 3, 2014, five attended.
- IRS' Web Conferencing System: Workshop on FOIA Exemption (b)(5) and Discretionary Disclosure on February 25, 2015, one attended.

TTB's FOIA professionals attended the following training during the reporting period:

- IAPP Global Privacy Summit 2014 on March 5-7, 2014, one attended.
- DOJ's Proactive Disclosures & Making Online Information More Useful on July 17, 2014, one attended.
- Treasury's FOIA Summit on December 3, 2014, one attended.

4. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

During the reporting period, 100% of Treasury's full-time FOIA professionals attended substantive FOIA training.

5. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of that plan.

In its 2014 Chief FOIA Officer report, Treasury reported that Department FOIA professionals planned to participate in Department of Justice and ASAP sponsored training events. During the reporting period, as described above, Treasury's FOIA professionals sought out and actively participated in training opportunities. Significantly, Treasury held its first FOIA summit for Department FOIA professionals. As a result of these efforts, 100% of Treasury's full-time FOIA professionals attended training during the reporting period. Treasury has already begun planning its second FOIA summit, which will take place in December 2015.

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss the outreach and dialogue.

As outlined below, Treasury met and collaborated with the requester community during the reporting period.

- Treasury's FOIA Staff met and engaged with civil society groups as part of the Open Government working group sessions. Topics discussed at the quarterly meetings included the proactive disclosure of information, the open data initiative, and digital government strategy requirements.
- IRS met with a team that is part of the Open Government Partnership on June 30, 2014, to discuss modernization of FOIA administration, including the launch of a consolidated online FOIA service. In addition, a discussion was held on the IRS's unique needs with respect to the FOIA and participation in an online web portal. IRS provided the team with an overview of FOIA processing and the interplay with the IRC § 6103.

All Treasury Bureaus routinely engage with FOIA requesters who contact the public liaison for assistance. For example, BEP, FinCEN, Mint, OCC, TIGTA, and TTB provided one-on-one assistance to requesters through emails, letters, and the FOIA Helpline and Resource Center. Bureau FOIA professionals assist by explaining the process for submitting a FOIA request, the FOIA fee structure, FOIA exemptions and the need for proper consent from the record holder before any information can be released as well as other best practices.

7. If you did not conduct any outreach during the reporting period, please describe why?

N/A

8. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place.

The Department of the Treasury's administration of FOIA is decentralized. All Bureaus make discretionary release determinations on a case-by-case basis. All Bureaus follow the Attorney General's FOIA Guidelines in making discretionary release determinations to ensure that information is released unless the disclosure creates a reasonable expectation of foreseeable harm. The Bureaus have embedded reviews for discretionary releases in standard operating procedures. For example, within DO - as part of its normal review processes - a supervisory FOIA analyst in collaboration with the Program Office will consider whether a document, or portions of that document, may be released as a matter of discretion. Additionally, FinCEN established a management group to review FOIA requests involving certain topics for discretionary release considerations.

9. During the reporting period, did your agency make any discretionary releases of information?

Yes.

10. What exemption(s) would have covered the material released as a matter of discretion?

FOIA Exemptions 2, 5, and 7(E).

11. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

The Department of the Treasury released the following types of information as a matter of discretion during the reporting period:

DO released draft documents that contained the deliberative opinions and recommendations of agency employees in situations where it was determined that the release of the information would not cause harm. Such information qualified for protection under Exemption 5 of the FOIA.

FinCEN released 31 memoranda of understanding between FinCEN and other law enforcement, regulatory, and intelligence agencies after consultation with those agencies and determining that the release of the information would not cause harm. Such documents were previously withheld pursuant to Exemption 7(E) of the FOIA.

Fiscal Service released two memoranda of understanding that had been previously withheld under Exemption 5 of the FOIA.

IRS released certain pre-decisional documents that could have been withheld under Exemption 5 of the FOIA. Additionally, IRS released information related to the hiring of Estate and Gift Tax Attorneys. Certain information was determined to be exempt pursuant to Exemption 2 of the FOIA as “internal personnel rules and practices”; however, it was released as a matter of discretion.

MINT released internal deliberative communications that contained the recommendations and opinions of agency employees related to the replacement of the Mint's Order Management System. Such records qualified for protection under Exemption 5 of the FOIA.

TIGTA released case notes regarding various processing actions, special agent notes pertaining to an investigative action plan, Counsel Guidance to staff pertaining to redacted tax return information, drafts of proposed response letters/search memos, and other information that qualified for protection under Exemption 5 of the FOIA. In each case, TIGTA determined that release of the exempt information would not cause harm.

TTB released certain draft memoranda, letters, and other pre-decisional documents and information that qualified for protection under Exemption 5 of the FOIA.

12. If your agency was not able to make any discretionary releases of information, please explain why.

Due to the nature of the records being requested, BEP was not able to make any discretionary releases during the reporting period. The majority of the FOIA requests submitted to BEP pertained to personnel matters and involved records that if publicly disclosed would cause an unwarranted invasion of personal privacy.

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

During the reporting period, Treasury's FOIA professionals conducted internal outreach and awareness training sessions that focused on each Treasury employee's responsibility in ensuring compliance with the FOIA.

During March and April of 2014, Treasury held a FOIA awareness campaign named “FOIA is Everyone's Responsibility”. The campaign involved a broadcast message to all Treasury employees from the Department's Chief FOIA Officer, as well as electronic and paper posters that were posted at Headquarters entryways, on Treasury's intranet page, and were distributed electronically to the Bureaus. Additionally, DO's FOIA Staff conducted one-on-one and group training sessions for program points of contact and held an appreciation event for Bureau FOIA Staff.

Additionally, during the reporting period, Treasury employees were encouraged to register for two online training resources entitled “FOIA Essentials” and “Transparency and Open Government Awareness.” These courses are available to all Treasury employees on the online Treasury Learning Management System (TLMS).

IRS maintains and regularly updates an internal website for IRS employees that contains FOIA training, guidance, and awareness materials. Additionally, IRS distributes the “IRS Disclosure Awareness Guide” to all newly hired IRS employees during their orientation. The guide outlines the requirements of the FOIA and describes each employee’s role and responsibility in the FOIA process at IRS.

During the reporting period, OCC published a Policies and Procedures Issuance that describes in detail their internal process for processing requests and the importance of every staff member’s cooperation in the processing of FOIA requests. This issuance was also transmitted by a memorandum to all employees by OCC’s Chief of Staff emphasizing each employee’s responsibilities under the FOIA. In addition, OCC developed a number of information slides that appear periodically on their digital signage boards throughout the OCC building that reminds employees of their responsibilities under the FOIA and have published a number of articles for the employee bi-monthly newsletter. Finally, OCC has instituted an ongoing educational program for maintaining employee awareness of the importance of FOIA.

TTB’s FOIA Officer circulated the President’s FOIA memorandum and the Attorney General’s FOIA Guidelines to all TTB staff. Additionally, TTB developed and published TTB-specific FOIA training for employees and has made that training available via TLMS. Such training is mandatory for all TTB employees.

BEP provided an internal memorandum to all Associate Directors and Office Chiefs with basic FOIA and Privacy Act tips to help offices efficiently process requests. The memorandum outlines the requirements of the FOIA and describes each employee’s role and responsibility in the FOIA process.

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

Treasury strongly supports increased transparency in government. For this reason, the Department is amending its FOIA regulations to incorporate provisions of the OPEN Government Act and related policy memoranda. These revisions also are expected to institute systemic reviews of the business submitter process and ensure all new FOIA staff complete relevant training on their roles and responsibilities for FOIA processing.

## **Section II: Steps Taken to Ensure that Treasury has an Efficient and Effective System in Place for Responding to Requests**

1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government Information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been converted?

In the 2014 Chief FOIA Officer Report, Treasury reported that 30% of eligible full-time FOIA positions had been converted to the new Government Information Series. During FY14, additional positions were successfully converted. Currently, 51% of Treasury's eligible full-time FOIA professionals have been converted to the Government Information Series.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

Several Treasury Bureaus have experienced challenges in converting eligible full-time FOIA professionals to the Government Information Series. For example, IRS's conversion has been delayed due to the requirement to negotiate the change with the National Treasury Employees Union. Other Bureaus, including Fiscal Service and Mint, are currently working with human resources professionals to initiate the conversion.

In Treasury's 2014 Chief FOIA Officer Report, OCC reported that they had declined to convert to the new series because they had recently converted their FOIA professionals to FOIA Specialists from Public Affairs Specialists. During the reporting period, OCC's FOIA staff began discussing and planning for the future conversion of its full-time FOIA professionals to the Government Information Series.

3. For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?

During FY2014, Treasury's adjudicated requests for expedited processing within an average of 2.3 days.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

During the reporting period, the Department has taken steps to make the routing of misdirected requests more efficient. For example, misdirected requests received at DO are immediately forwarded to the correct Bureau electronically, either via email or Treasury's FOIA request online tracking system known as goFOIA. Additionally, DO's FOIA professionals notify the FOIA requester of the transfer via phone or email. Previously, such requests were often entered into the tracking system twice – once by the receiving Bureau and again by the Bureau to which the request was directed. This process resulted in a duplication of effort.

6. If your agency is handling the routing of mishandled requests in an efficient manner, please note that here and describe your process for these requests.

As described above, Treasury has made process changes to the FOIA intake process to improve timeliness and customer service in cases where a request is misdirected.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration? If yes, in what circumstances do you do so?

Yes, the Department notifies requesters of the mediation services offered by OGIS.

DO and Mint notify requesters of the mediation services offered by OGIS in their final response letter.

BEP, FinCEN, Fiscal Service, IRS, TIGTA, and TTB notify requesters of the mediation services offered by OGIS in their appeal response letters.

8. When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?

Yes, the Department provides a detailed breakdown of how FOIA fees were calculated and assessed and also explains the amount of fees attributable to search, review, and duplication in a fee letter to the requester.

9. If estimated fees are particularly high, does your agency provide an explanation for the estimate to the requester?

Yes, as described above, the Department provides a detailed explanation in each fee letter.

10. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

The Department has consistently invested in process and technology improvement efforts to ensure that the FOIA systems operate efficiently and effectively. Some of these improvements are described below:

BEP's FOIA staff collaborates on a regular basis with the respective BEP directorates during the search, review, and response period to ensure that the FOIA system operates efficiently and effectively. As a result of the collaboration, the FOIA staff is able to respond to requests in a timely manner.

DO's FOIA staff continue to work with the Department's Information Technology professionals and goFOIA users to identify and implement improvements and enhancements to goFOIA, Treasury's FOIA request tracking system. During the reporting period, DO began planning the next release of the goFOIA system which will include enhancements to FOIA reporting, correspondence automation, an online status check feature, and streamlining of online submissions of FOIA requests.

FinCEN implemented a Bank Secrecy Act (BSA) IT Modernization program, which among other things, has resulted in expanded search capabilities for records in their electronic systems. This enhancement has resulted in faster search times and increased efficiency in searching for electronic records.

IRS continues to evaluate and monitor its caseload. During the reporting period, IRS made process improvements based on staff availability that resulted in a more effective management of their FOIA inventory nationwide. As a result of their FOIA inventory control efforts and collaboration with the different business units, search times improved in the gathering of responsive records. In addition, IRS made use of its e-discovery system which is used on a limited basis to process requests where the responsive documents are voluminous.

OCC continues to ensure that their FOIAXpress system is current, with the latest version in place within a Cloud-based service maintained by its vendor. OCC's IT professionals review the system annually or more, if necessary, to make sure all facets of security are met. They have also received dedicated space on their network to maintain documents that are gathered in the search process, particularly when they have requests involving voluminous quantities of documents. This dedicated space is on the OCC network and is routinely backed up. They also continue to use tools that help in the de-duplication of emails.

TIGTA implemented new technology that expanded search functionality and added de-duplication features to the FOIAXpress system.

### Section III: Steps Taken to Increase Proactive Disclosure

1. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.

All Treasury FOIA Offices have systems in place that provide for proactive disclosure. Treasury FOIA Offices make records available proactively on their websites or FOIA Libraries when a request is made for the same records three or more times. In addition, records are made available when the topics are of significant interest to the general public that will likely lead to a subsequent request for substantially the same information.

2. Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Department FOIA professionals routinely collaborate with program office staff to identify records for proactive disclosure. For example, during the reporting period, DO's FOIA Staff collaborated with the Treasury Library to identify historical documents appropriate for proactive posting.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

FOIA professionals at BEP, DO, FINCEN, Fiscal Service, Mint, OCC, TIGTA, and TTB review incoming requests on a daily basis to identify frequently requested records. IRS has a cross-functional team of individuals representing major IRS functional offices that assist with FOIA searches and identify frequently requested documents that can be proactively disclosed, where applicable.

4. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

During the reporting period, the Department has proactively disclosed the following types of records and information:

BEP has made the following documents proactively available on its website:

- Chief Financial Officer Performance and Accountability reports: [BEP's CFO Reports: \(http://www.moneyfactory.gov/aboutthebep/cforeport.html\)](http://www.moneyfactory.gov/aboutthebep/cforeport.html)
- Monthly Production Reports: [BEP's Monthly Production Reports: \(http://www.moneyfactory.gov/uscurrency/monthlyproductionreport.html\)](http://www.moneyfactory.gov/uscurrency/monthlyproductionreport.html)
- Annual Production Figures: [BEP's Annual Production Figures: \(http://www.moneyfactory.gov/uscurrency/annualproductionfigures.html\)](http://www.moneyfactory.gov/uscurrency/annualproductionfigures.html)

DO has made the following documents and information proactively available on its website:

- Interest Rate Statistics: [Interest Rate Statistics: \(http://www.treasury.gov/resource-center/data-chart-center/interest-rates/Pages/default.aspx\)](http://www.treasury.gov/resource-center/data-chart-center/interest-rates/Pages/default.aspx)
- Treasury Recovery Act Data: [Treasury's Recovery Act Data: \(http://www.treasury.gov/resource-center/data-chart-center/recovery-act/Pages/Recovery-Act-Data-Visualization.aspx\)](http://www.treasury.gov/resource-center/data-chart-center/recovery-act/Pages/Recovery-Act-Data-Visualization.aspx)
- Wall Street Reform: [Wall Street Reform Link: \(http://www.treasury.gov/initiatives/wsr/Pages/wall-street-reform.aspx\)](http://www.treasury.gov/initiatives/wsr/Pages/wall-street-reform.aspx)

FinCEN has made the following documents and information proactively available on its website:

- FinCEN Open Government Initiative: [FinCEN' Open Government Initiative: \(http://www.fincen.gov/fromHome/openGov.html\)](http://www.fincen.gov/fromHome/openGov.html)

Fiscal Service has made the following documents and information proactively available on its website:

- Fiscal Service Electronic Reading Room: [Fiscal Service's Electronic Reading Room: \(http://www.treasurydirect.gov/foia/foia\\_readroom.htm\)](http://www.treasurydirect.gov/foia/foia_readroom.htm)

IRS has made the following documents and information proactively available on its website:

- Large Business & International Division: International Practice Units have been identified and were evaluated for publication on the IRS.gov website. Practice Units are developed through internal collaboration and serve as both job aids and training materials on international tax issues. For example, Practice Units provide IRS staff with explanations of general international tax concepts as well as information about a specific type of transaction. IRS will only publish to its website Practice Units verified to have no sensitive information protected by FOIA exemptions in the initial phase. Remaining Practice Units will undergo review and clearance to identify and remove sensitive information prior to publication. IRS Electronic Reading Room [IRS' Electronic Reading Room: \(http://www.irs.gov\)](http://www.irs.gov)
- In January 2015, the IRS' Return Preparer Office launched a database of credentialed return preparers and preparers without credentials who have met the requirements for certification under the Annual Filing Season Program. This program's goals are to recognize the efforts of non-credentialed return preparers to reach a higher level of professionalism through continuing professional education. The database will provide taxpayers useful information to help them make informed decisions when selecting a tax preparer. Filing Program: [IRS' Tax Filing Program: \(http://www.irs.gov/Tax-Professionals/Annual-Filing-Season-Program\)](http://www.irs.gov/Tax-Professionals/Annual-Filing-Season-Program)

Mint has made the following documents and information proactively available on its website:

- Mint’s Newsroom, [Mint's Newsroom Link: \(http://www.usmint.gov/pressroom/\)](http://www.usmint.gov/pressroom/)
  - Press Releases
  - Image Library
  - Coins Online Newsletter
  - Consumer Alerts
  - Product Schedule
  - Special Reports
- Mint Annual Reports, [Mint's Annual Reports: \(http://www.usmint.gov/about\\_the\\_mint/?action=annual\\_report\)](http://www.usmint.gov/about_the_mint/?action=annual_report)
- 2014 Biennial Report to Congress on the Research and Development of Alternative Metals for the Nation’s Circulating Coins, [Mint's Biennial Report on Coins: \(http://www.usmint.gov/about\\_the\\_mint/?action=biennialreport2014\)](http://www.usmint.gov/about_the_mint/?action=biennialreport2014)
- Mint Production and Sales Figures, [Mint's Production and Sales Figures: \(http://www.usmint.gov/about\\_the\\_mint/?action=coin\\_production\)](http://www.usmint.gov/about_the_mint/?action=coin_production)
  - Cumulative Sales of Numismatic Products, updated weekly.
  - Sales of Numismatic Precious Metal Products, updated annually.
  - Sales and Mintage of Bullion, sales data updated weekly, mintage data updated annually.
  - Production of Circulating Coins, updated monthly.

OCC has made the following documents and information proactively available on its website:

- OCC bank license website: [OCC's Bank license website: \(http://www.occ.gov/topics/licensing/national-bank-lists/index-active-bank-lists.html\)](http://www.occ.gov/topics/licensing/national-bank-lists/index-active-bank-lists.html)

TIGTA has made the following documents and information proactively available on its website:

- Press releases: [TIGTA's Press releases: \(http://www.treasury.gov/tigta/publications\\_press.shtml\)](http://www.treasury.gov/tigta/publications_press.shtml)
- Congressional testimony: [TIGTA's Congressional Testimony: \(http://www.treasury.gov/tigta/publications\\_congress.shtml\)](http://www.treasury.gov/tigta/publications_congress.shtml)
- TIGTA semiannual report to Congress: [TIGTA's Semiannual Report: \(http://www.treasury.gov/tigta/semiannual/semiannual\\_mar2014.pdf\)](http://www.treasury.gov/tigta/semiannual/semiannual_mar2014.pdf)
- TIGTA I&E report website [TIGTA's I&E Reports: \(http://www.treasury.gov/tigta/oie\\_iereports\\_fy14.shtml\)](http://www.treasury.gov/tigta/oie_iereports_fy14.shtml)
- TIGTA 2014 audit reports website [TIGTA's Audit Reports: \(http://www.treasury.gov/tigta/oa\\_auditreports\\_fy14.shtml\)](http://www.treasury.gov/tigta/oa_auditreports_fy14.shtml)
- TIGTA challenges for IRS [TIGTA's challenges for IRS: \(http://www.treasury.gov/tigta/management/management\\_fy2015.pdf\)](http://www.treasury.gov/tigta/management/management_fy2015.pdf)
- TIGTA highlights: [TIGTA's Highlights: \(http://www.treasury.gov/tigta/oi\\_highlights.shtml\)](http://www.treasury.gov/tigta/oi_highlights.shtml)

- TIGTA phone scam report: [TIGTA's Phone Scam Report: \(http://www.treasury.gov/tigta/press/press\\_tigta-2014-03.htm\)](http://www.treasury.gov/tigta/press/press_tigta-2014-03.htm)

TTB has made the following documents and information proactively available on its website:

- [TTB's FOIA website: \(www.ttb.gov/foia/frl.shtml\)](http://www.ttb.gov/foia/frl.shtml)
- TTB Reading Room: [TTB's Reading Room: \(www.ttb.gov/foia/err.shtml\)](http://www.ttb.gov/foia/err.shtml)
- Compromise Actions: [TTB's Compromise Actions: \(www.ttb.gov/fo/compromise.shtml#offers\)](http://www.ttb.gov/fo/compromise.shtml#offers)

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

BEP, DO, Fiscal Service, Mint, OCC, TIGTA, and TTB monitor their FOIA request inventories frequently to determine if they received three or more of the same request for records and immediately post them to their website or FOIA library.

DO's FOIA professionals are currently working with the Treasury Library to identify and make publicly available certain historical documents that are currently only available in hard copy.

## Section IV: Steps Taken to Improve the Use of Technology

1. Can a member of the public track the status of his or her request or appeal electronically?

Currently, only requests and appeals submitted to OCC can be tracked electronically. OCC has provided this service since January 2009 through their online Public Access Link Portal that is connected to FOIAXpress.

Although requesters cannot electronically track the status of requests submitted to Bureaus other than OCC, individual requesters can check the status of a request or appeal by contacting the Bureau FOIA Public Liaison via phone or email to obtain the status of his/her request.

2. If yes, is this tracking feature provided to the public? For example, is it being done through the regular posting of status logs, an online portal, or through another medium?

As described above, OCC's online portal is available to the public.

3. If your agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details throughout the course of the processing, such as "search commenced" or documents currently in review."

OCC's status portal provides FOIA requesters with (1) the date the request was received, (2) the in-process status, and (3) the date closed.

4. If your agency does provide online tracking for requesters, does this feature also provide an estimated date of completion?

OCC's Public Access Link Portal does not currently provide an estimated date of completion. OCC does provide each requester with an estimated date of completion in each acknowledgement letter.

5. If your agency does not provide online tracking of requests or appeals is your agency taking steps to establish this capability? If not, please explain why?

During the reporting period, Treasury FOIA and Information Technology professionals began planning the next update of goFOIA, Treasury's FOIA request tracking system. Planned features include an online status check. At this time, Treasury expects to implement the next update of goFOIA during FY2016.

TIGTA plans to research this capability using the FOIAXpress Public Access Link in FY2015.

6. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes, the Department is taking steps to make posted information more useful to the public.

7. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

DO is partnering with the Department Information Technology staff to update the Treasury's FOIA website and FOIA Library, and to provide records in different accessible formats. For example, this report and Treasury's 2014 Annual FOIA Report will be made available in EPUB format.

FinCEN is partnering with their Information Technology staff to revise their section 508 compliance process to prevent posting non-compliant records. In addition, FinCEN FOIA staff, the Information Technology staff, and others worked as an Integrated Product Team to create 3 designs for a possible FinCEN.gov redesign. A Web Development blanket purchase agreement was awarded that will provide several options for improving FinCEN's internal and external web sites.

Fiscal Service has partnered with Treasury Information Technology staff to post records in the most useful format for the public and other agencies. Currently, Excel spreadsheets are posted so that the public can manipulate the information as needed.

IRS is partnering with their Information Technology staff to improve the usability of their Electronic Reading Room website by revising the names of content category headings where they are unclear or not descriptive, removing the content from a single web page to category pages, revising link names, and providing explanatory content where needed.

OCC's Web site is designed to ensure records are posted in the most useful format. Some of their improvements include posting of corporate merger applications which are highly popular among community-based organizations in order to solicit public comments. In addition, they post securities filings and other banking information that is of particular interest to the financial industry. OCC encourages the public and others that access their webpage to submit suggestions for improvement.

TIGTA ensures all posted material is section 508 compliant and searchable. TIGTA restructured their FOIA website to improve customers' ability to find and access specific information from their FOIA library. This site has links to many records from different components of TIGTA that are now available in one location for one stop accessibility.

TTB's improvements include an update to the Permits Online database so that if an industry member submits an Alcohol Permit application via Permits Online or a Certificate of Label Approval (COLA) application via COLA's Online. Once the application is approved, the approved COLA is not only available to the submitter but also available to the public in

viewable and printable electronic format at [TTB's COLA Registry \(https://www.ttbonline.gov/colasonline/publicSearchColasBasic.do\)](https://www.ttbonline.gov/colasonline/publicSearchColasBasic.do).

8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

The Department's FOIA professionals consistently partner with Treasury Information Technology specialists, the Office of Public Affairs, Office of the General Counsel, and program office staff to identify documents that can be made available proactively.

9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

Yes, the Department used the various means to publicize or highlight important proactive disclosures for public awareness.

Treasury and its Bureaus routinely utilize their websites to publicize or highlight important proactive disclosures for public awareness. For example, the "Treasury Notes Blog" routinely highlights reports, press releases, op-eds, and other documents that are made publicly available on Treasury's website. Often, such blog posts and related material are broadcast on Treasury's Twitter, Facebook, Flickr, and YouTube pages.

IRS's Large Business and International (LB&I) Division has publicized their transition to the use of International Practice Networks (IPNs) for employee training and knowledge management through a variety of methods, including IRS Commissioner and executive manager outreach to tax professional organizations, the Internal Revenue Service Advisory Council annual reports, publication of guidance in the Internal Revenue Manual, the publicly available compendium instructions to staff, and external publication of internal memorandums announcing the adoption of IPNs to replace the tiered issues and coordinated issues programs. IRS executives have announced their intent to make the IPN units publicly available through outreach effort with the tax professional community. IRS intends to launch a public education campaign in 2015 publicizing the database and encouraging taxpayers to use it as an aid in carefully selecting return preparers and in seeking out those with professional credentials or other select qualifications.

TIGTA's Office of Investigations created a link to highlight IRS telephone scams that are affecting many people across the U.S., and for the public to report these scams. TIGTA also utilizes a list serve to send out immediate email notifications of press releases, audit report postings, and announcements to interested stakeholders and the public. TIGTA issues press releases to publicize its most significant, high-profile activities, investigation highlights, audit reports, and inspections and evaluations reports.

10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes, Treasury has encountered challenges that make it difficult to post certain categories of records.

11. If so, please briefly explain what those challenges are.

BEP, DO, FinCEN, IRS, and TTB have categories of records that contain uniquely sensitive financial and law enforcement information. Often, such records are not appropriate for proactive disclosure.

For example, IRS primarily handles records controlled by the IRC §6103 (which prohibits the disclosure of non-public tax information); therefore publically disclosing this confidential information is prohibited. Many of the records requested from the IRS are tax records. The confidentiality statute precludes the posting of records, even in redacted form, that implicate or contain tax information. Therefore, IRS's efforts in posting records are limited to non-tax materials such as written advice, guidance or similar documents.

12. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.

Yes, the Department is taking steps to utilize more advanced technology to facilitate overall FOIA efficiency as described below:

As described above, FinCEN's BSA IT Modernization Program, among other things, has greatly improved electronic search capabilities and reduced FOIA search times.

IRS is working to increase the efficiency of their electronic work platform by improving search functionality, which will allow them to provide better customer service to requesters. In addition, they are updating reporting processes that will allow them to better identify types of documents requested and eliminate time spent on duplicate requests.

Mint has expanded and improved search functions for email and electronic files, which has improved search timeliness and efficiency. Mint's system also contains sorting and de-duplicating capabilities.

OCC is exploring options to improve searches of OCC e-mail. OCC has dedicated space on the network in a secure area where it can receive documents located in searches by their business units.

TIGTA purchased an add-on module to its FOIAXpress software called *Advanced Document Review* that will provide the capability to sort, compare, and de-duplicate documents. They will also compare and contrast similar documents and the redactions on those documents.

TIGTA will use FOIAXpress to send documents internally for review consultations (to legal staff, supervisors, subject matter experts, and/or the records holding office). In addition, they have created additional correspondence and email templates to increase efficiency. In FY 2015, TIGTA plans to research the capability for using the FOIAXpress Public Access Link for requesters to submit requests and check the status of their requests electronically.

TTB is in the planning stages of selecting a new records management application that will allow end users to quickly locate duplicate records, particularly emails, sort the records, and export the records as PDFs. These include SharePoint 2013 and other records management applications.

13. Are there additional tools that could be utilized by your agency to create further efficiencies?

IRS continues to update their electronic platform to ensure that they can process FOIA requests as efficiently as possible. IRS plans to move to a Linux server, which will further improve the functionality of their work platform. They have begun to explore updated Web-based inventory management systems that will significantly improve their work processes.

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

Treasury posted all four quarterly reports to Treasury's FOIA website; however, technical issues prevented the information from appearing on [FOIA.gov website: \(www.FOIA.gov\)](http://www.FOIA.gov) during the reporting period. As of the date of this report, the technical issue has been resolved.

15. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

N/A

16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means utilized by your agency to communicate with requesters?

Yes, Department FOIA professionals routinely communicate with FOIA requesters via email. In addition to email, OCC utilizes their Public Access Link Portal to communicate electronically with requesters. FOIA requesters can log into their account and directly download FOIA responses, submit an inquiry, or check on the status of their FOIA request.

17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

IRS's security policy prohibits the emailing of certain personally identifiable and tax information beyond the IRS firewall. This limits IRS FOIA professionals' ability to transmit

documents via email. If the requester asks that these types of records be provided electronically, IRS notifies the FOIA requester of this limitation in the final response letter.

## **Section V: Steps Taken to Reduce any Backlogs of Pending FOIA requests and to Improve Timeliness in Responding to Requests.**

1. Does your agency utilize a separate track for simple requests?

All Treasury Bureaus, except IRS, have multi-track processing and a separate track for simple requests.

2. If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

No. During Fiscal Year 2014, the average processing time for simple requests was 22.81 working days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.

For those Bureaus that utilize a simple track, 73% of all FOIA requests were categorized as “simple” cases.<sup>5</sup>

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

At IRS, the average processing time for non-expedited requests was 23.1 working days.

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013? If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

As described below, Treasury’s backlog of FOIA requests decreased by 56 cases during FY2014. As of September 30, 2014, there were 601 backlogged FOIA requests at Treasury.

At the end of FY2013, Treasury reported that there were 417 backlogged FOIA requests. During FY2014, Departmental Offices (DO) FOIA staff undertook an effort to review and clean-up DO data in Treasury’s FOIA request tracking system. This effort identified FOIA requests directed to DO that were not entered correctly, or that were missing information. This resulted in an increase in the number of backlogged FOIA requests that were pending within DO at the end of FY2013.<sup>6</sup> As a result, in the FY2014 annual report, Treasury

---

<sup>5</sup> Including IRS (which does not utilize a simple track), 21% of all requests were categorized as “simple” cases.

<sup>6</sup> DO reported 197 backlogged FOIA requests in FY2013, that number was adjusted to 437 backlogged FOIA requests in the FY2014 FOIA annual report.

increased the reported number of backlogged FOIA requests in FY2013 to 657 from 417; an increase of 240 cases.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014.

The percentage of requests that make up the backlog out of the total number of requests received by Treasury during FY2014 is 4.27%

7. If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013? If not, explain why and describe the causes that contributed to your agency not being able to reduce the backlog.

During FY2014, Treasury's reported backlog of pending appeals increased 100%. The appeal backlog increased, in part, due to the reorganization and realignment of FOIA resources within DO. Additionally, during the reporting period, Treasury FOIA staff undertook an effort to review and clean up data in Treasury's FOIA request tracking system. This effort identified FOIA requests and appeals that were not entered correctly, or that were missing information. This resulted in an increase in the number of pending appeals.

8. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014.

The percentage of appeals that make up the backlog out of the total number of appeal received by Treasury in FY2014 is 25%.

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2014?

Treasury's backlog was less than 1,000 requests at the end of FY2013.

10. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015?

Treasury's backlog was less than 1,000 requests at the end of FY2014.

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report? If no, please provide the number of these requests your agency was able to close by the end of the fiscal year.

During FY2014, Treasury's FOIA professionals closed six of the ten oldest pending FOIA requests.

12. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester.

Of those six oldest cases closed, none were considered withdrawn.

13. In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report? If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year.

During FY2014, Treasury's FOIA professionals closed one of the ten oldest pending FOIA appeals.

14. In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?

During FY2014, Treasury's FOIA professionals closed all ten of the oldest pending consultations.

15. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

With respect to the ten oldest pending requests, appeals, and consultations, there are two main challenges: (1) the complexity and/or classification of the requested records; and (2) the frequent need to invoke the submitter notice process.

For example, OFAC records are extremely complex; they involve classified, national security, law enforcement sensitive, and confidential business information, as well as information that originated from other federal agencies. Each such type of records requires special handling to ensure release determinations are made properly. Many of the classified records OFAC maintains were obtained from other federal agencies. These records must be referred back to the originating agencies, not only for a concurrent disclosure review, but also for a declassification review before a final release determination is made. This adds significant time to the processing of these cases. More than sixty percent of records maintained by OFAC to support the designation process are obtained from the intelligence community.

Additionally, OFAC's mission requires financial institutions and other entities to provide or "submit" confidential business information to OFAC. The inappropriate release of such information has the potential to cause submitters substantial competitive harm. The law requires that these records be subjected to additional review under the "submitter notice process" (*See* 31 C.F.R §1.6). The submitter notice process requires OFAC to notify the submitters that a public request for their records has been made through the FOIA; allow the submitter the opportunity to provide OFAC with written objections to release; conduct an independent review of the objections; notify the submitters in the event that OFAC overrules any of the submitter's objections; and allow the submitters the opportunity to seek judicial review of OFAC determination. This process adds substantial time to the processing of a

request. At least thirty percent of OFAC's records are subject to this submitter notice process prior to disclosure. OFAC averages 25 submitter notices per request involving confidential business information. Responsive records processed through the submitter notice process often vary in size, and can constitute several hundred pages per notice. The submitter responses also add additional documents to the review process, increasing the administrative burden of processing the request even more. OFAC's determinations with regard to the submitter response require additional time to draft, review, and complete. Failure to capture OFAC's reasoning for denying submitters objections can lead to increased litigation.

16. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, and the date when you last contacted the agency where the consultation was pending.

N/A

17. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.

During the reporting period, each of the ten oldest requests, appeals, and consultations was assigned to a case manager within Treasury's Office of Privacy, Transparency, and Records. Each case manager is responsible for monitoring the day-to-day status of the case, updating goFOIA, Treasury's FOIA request tracking system, identifying and removing any barriers or obstacles that are preventing the closure of the case, and elevating issues to FOIA leadership. During FY2014, this change in process had significant results – Treasury closed six of the ten oldest pending requests and all ten of the ten oldest pending consultations. During FY2015, Treasury will continue this process and expand this effort to include the 10 oldest pending FOIA requests.

Additionally, during the reporting period, a list of the ten oldest pending requests, appeals, and consultations was added to Treasury's monthly FOIA reports and quarterly performance reports. The reports are distributed widely to Treasury's FOIA staff and Department leadership.

18. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes, Department FOIA professionals provide interim responses on a case-by-case basis. For example, in FY2013, TTB sent more interim responses than in the past. Given the complex nature and scope of some of their requests, interim responses allow TTB to focus on portions of large requests and provide timely information to the public. TTB has received positive feedback from this strategy.

19. If your agency had a backlog in Fiscal year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

The Department estimates that 60% of the cases in backlog agency-wide had a substantive interim response. Significantly, BEP, FinCEN, Fiscal Service, and OCC all reported that they had provided interim responses in 100% of pending backlogged cases. IRS provided an interim response in 5% of its backlog requests.

20. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3) during Fiscal Year 2014? If so please provide the total number of times exclusions were invoked.

The Department did not invoke a statutory exclusion during FY2014.

## Spotlight on Success

- In December 2014, Treasury held its first FOIA Summit. More than 60 FOIA professionals from Treasury attended. The FOIA Summit consisted of the following topics:
  - FOIA Exemptions 4, 5, and 8
  - FOIA Roundtable Discussion – FOIA Best Practices
  - Best Practices for Communicating with FOIA Requesters
  - FOIA Websites, Libraries, Proactive Disclosure, and Discretionary Releases
- During the reporting period, 100% of Treasury’s full-time FOIA professionals attended substantive training.
- During the reporting period, Treasury’s FOIA professionals closed six of the ten oldest pending FOIA requests and all ten of the oldest pending FOIA consultations. The oldest request closed was originally received in 2003.
- During the reporting period, OCC tested and implemented de-duplication features in its FOIA case tracking system/document management system, FOIAXpress. This de-duplication feature has greatly improved processing efficiency; in one case, the de-duplication feature identified and removed more than 90,000 pages of documents.
- In November 2014, OCC issued an update to its agency Policies and Procedures Manual (PPM) with regard to “Processing Requests under the Freedom of Information Act”. The PPM clearly defines each employee’s role in the FOIA process and instructs them to work quickly and cooperatively with OCC FOIA Professionals to complete searches for records. The PPM was distributed by email to all OCC employees and was accompanied by a message from the OCC’s Chief of Staff which highlighted the importance of the FOIA. OCC further advertised the PPM issuance using OCC’s electronic signage throughout its headquarters building.
- During the reporting period, TTB proactively disclosed more than 2,500 pages of documents on its website. Additionally, TTB published its second machine-readable dataset - [Processing Times for Alcohol Beverage Formulation Applications](http://ttb.gov/data/index.shtml) (<http://ttb.gov/data/index.shtml>).