



U.S. DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT

ANNUAL REPORT TO THE ATTORNEY GENERAL

FOR FISCAL YEAR 2006

Disclosure Services

February 1, 2007

DEPARTMENT OF THE TREASURY

The Departmental Offices (DO)

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Office of the Comptroller of the Currency (OCC)

Bureau of Engraving and Printing (BEP)

Financial Management Service (FMS)

Internal Revenue Service (IRS)

United States Mint (MINT)

Bureau of the Public Debt (BPD)

Office of Thrift Supervision (OTS)

Treasury Inspector General for Tax Administration (TIGTA)

Financial Crimes Enforcement Network (FinCEN)



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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2006 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 10 bureaus. Each bureau is responsible for those records under its control, and each bureau will post its report on its own web site. Disclosure Services prepared the report in collaboration with the bureau FOIA Officers.

Questions about the report may be directed to:

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Disclosure Services

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FOIA Request

Disclosure Services

Department of the Treasury

Washington, DC 20220

Treasury Department FOIA Home Page: www.treas.gov/foia/

Paper copies of this report may be obtained by contacting Disclosure Services

or by downloading from the Treasury FOIA website at:

<http://www.treas.gov/foia/reports/index.html>, “FY 2006 FOIA Report to the Attorney General.”

II. How to Make A FOIA Request for Treasury Department records.

The Department of the Treasury’s Guide to Accessing Treasury Records is available at www.treas.gov/foia/, or by contacting Disclosure Services, as described above.

II.A. Names, addresses, and numbers of Treasury bureau FOIA officers.

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*Treasury Inspector General for
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II.B. Brief description of Treasury Department's response-time ranges.

For a breakdown of each bureau's response times, see Section VII of this report, "Compliance with Time Limits/Status of Pending Requests."

II.C. Brief description of why some requests are not granted.

The most common reasons reported by the bureaus regarding why requests for records could not be granted were: (1) protecting personal privacy; (2) deliberative process privilege; (3) the records reflected the internal practices involved in investigations or inspections; (4) the records contained confidential taxpayer information and other statutorily protected information; and (5) the records contained contractor confidential and proprietary commercial information. Others: records did not exist; procedural requirements were not followed.

III. Definition of Terms.

A. Agency-specific:

BEP	Bureau of Engraving and Printing
BPD	Bureau of the Public Debt
DO	Departmental Offices
FinCEN	Financial Crimes Enforcement Network
FMS	Financial Management Service
IRS	Internal Revenue Service
MINT	United States Mint
OCC	Office of the Comptroller of the Currency
OTS	Office of Thrift Supervision
TIGTA	Treasury Inspector General (Tax Administration)
TTB	Alcohol and Tobacco Tax and Trade Bureau

B. Basic Terms Used in This Report

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.

3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection b)(3).

15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes Relied on by the Department During Current Fiscal Year.

STATUTE	TYPE OF INFORMATION	UPHELD BY COURTS
5 U.S.C. 7114	Delineates the rights and duties of a labor organization which is the exclusive representative of the employees in the unit it represents.	<i>Dublin v. Dept. of the Treasury</i> , 555 F. Supp. 408, 412 (N.D. Ga. 1981), <i>aff'd</i> , 697 F.2d 1093 (unpublished table decision); <i>NTEU v. OPM</i> , No. 76-695, slip op at 49 (D.D.C. July 9, 1979)
41 U.S.C. 253(b)	Protects the solicitations of unsuccessful bidders in a competitive proposal. This provision is used to withhold the unsuccessful bidder's contract proposal as well as information in the winning solicitation that was not incorporated into the contract.	<i>Hornbostel v. U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21 (D.D.C. 2003)
18 U.S.C. 701	Official Badges, identification cards. Prohibits the reproduction of official identification media. Used to withhold copies of the IRS employee identification badges and pocket commissions.	Not litigated
26 U.S.C. 6103	Confidentiality of Returns and Return Information: Prohibits the disclosure of (1) tax returns and return information of 3 rd party taxpayers (section 6103(a)); (2) the standards used for selection of returns for examination (section 6103(b)(2)) ; and (3) a requester's own return information if the release would seriously impair federal tax administration (section 6103(e)(7)).	<i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987); <i>Aronson v. IRS</i> , 973 F.2d 962 (1 st Cir. 1992); <i>Stebbins v. Sullivan</i> , No. 90-5361, slip op. at 1 (D.C. Cir. July 22, 1992); <i>Wishart v. Commissioner</i> , C-97-20614-SW (N.D. Cal., decided August 6, 1998); <i>Gillin v. IRS</i> , No. 90-31 (D.N.H. Apr. 15, 1991), <i>aff'd</i> , 980 F.2d 819 (1 st Cir. 1992); <i>Casa Investors, Ltd. V. Gibbs</i> , No. 88-2485, 1990 WL 180703 (D.D.C. Oct. 11, 1990); <i>Chamberlain v. Kurtz</i> , 589 F.2d at 827 (5 th Cir).
26 U.S.C. 6105	Confidentiality of information arising under treaty obligations.	<i>Tax Analysts v. IRS</i> , No. 99-0372, 2002 WL 1791162 (D.D.C. Aug. 6, 2002)

31 U.S.C. 5319	Bank Secrecy Act Records: Prohibits the disclosure of records. Generally used to withhold Currency Transaction Reports.	<i>Small v. IRS</i> , 820 F. Supp. 163 (D.N.J. 1992)
Rule 6(e)	Part of the Federal Rules of Criminal Procedure X Grand Jury Secrecy: regulates matters occurring before the Grand Jury. Used to withhold records used in Grand Jury proceedings.	<i>Fund for Constitutional Gov't v. National Archives & Records Service</i> , 656 F. 2 nd 856, 867 (D.C. Cir. 1981); <i>Walston v. U.S. Department of Justice</i> , 799 F. Supp. 193, 195 (D.D.C. 1992)
31 U.S.C. § 5218(g)(3)	Information withheld under the Bank Secrecy Act statute would include Currency Transaction Reports, Foreign Bank Account Reports, Currency and Monetary Instrument Reports, Suspicious Activity Reports, and Registration of Money Services Businesses.	None

V. Initial FOIA/PA Access Requests.

A. Number of initial requests.

Bureau	Number of Requests Pending as of End of Preceding Year	Number of Requests Received in Current Year	Number of Requests Processed in Current Year	Number of Requests Pending as of End of Current Year
DO	1,717	832	976	1,573
TTB	28	100	122	6
OCC	5	7,469	7,454	20
BEP	3	76	75	4
FMS	12	209	213	8
IRS	2913	24,561	25,404	2,070
MINT	9	272	273	8
BPD	0	125	122	3
OTS	94	4,517	4,508	103
TIGTA	24	277	273	28
FinCEN	78	121	98	101
TOTAL	4,883	38,559	39,518	3,924

B. Disposition of initial requests (continued on next page)

Bureau	Total Grants	Total Partial Grants	Total Denials	No Records	Referrals	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described
DO	121	333	8	49	292	60	2	31
TTB	24	41	18	26	4	3	1	0
OCC	7,148	33	11	121	81	18	3	10
BEP	27	32	2	7	4	3	0	0
FMS	55	39	6	65	13	1	0	0
IRS	11,071	2,257	232	5,372	382	251	827	0
MINT	196	4	1	40	0	1	1	0
BPD	21	11	2	20	19	0	0	11
OTS	4,274	76	27	15	6	76	0	2
TIGTA	15	131	4	51	7	2	2	5
FinCEN	14	2	60	1	4	1	0	1
TOTAL	22,966	2,959	371	5,767	812	416	836	60

B. Disposition of Initial Requests (continued from previous page)

Bureau	Not a Proper FOIA Request	Not an Agency Record	Duplicate	Lack of ID or 3rd Party Authorization	No Response from Requester	Mail Returned
DO	2	0	0	0	48	30
TTB	3	2	0	0	0	0
OCC	6	12	1	0	10	0
BEP	0	0	0	0	0	0
FMS	6	0	0	28	0	0
IRS	4,185	0	827	0	0	0
MINT	1	0	0	29	0	0
BPD	0	38	0	0	0	0
OTS	11	14	7	0	0	0
TIGTA	47	3	6	0	0	0
FinCEN	0	0	0	0	15	0
TOTAL	4,261	69	841	57	73	30

a. Number of times each FOIA exemption used:

Bureau	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)
DO	5	15	143	69	94	235	1	0	27	0	0	0	3	0
TTB	0	5	42	31	14	39	0	0	0	0	0	0	0	0
OCC	0	2	0	18	17	12	10	0	0	0	0	0	27	0
BEP	0	1	0	12	6	9	1	0	1	0	0	0	0	0
FMS	0	2	36	2	2	13	0	0	0	0	0	0	0	0
IRS	0	115	2,005	34	445	541	487	3	855	52	819	9	0	0
MINT	0	0	0	1	1	3	0	0	0	0	0	0	0	0
BPD	0	3	0	1	2	4	1	0	0	0	0	0	0	0
OTS	0	1	0	82	42	62	0	0	8	1	6	0	54	0
TIGTA	0	28	51	0	35	12	0	0	113	8	18	1	0	0
FinCEN	0	1	57	0	4	2	0	0	22	0	24	0	0	0
TOTAL	5	173	2,334	250	662	932	500	3	1,026	61	867	10	84	0

VI. Appeals of initial denials of FOIA/PA requests (continued on next page)

<u>Bureau</u>	<u>Number of Appeals Received in Current Year</u>	<u>Number of Appeals Processed in Current Year</u>	<u>Number of Appeals Completely Upheld in Current Year</u>	<u>Number of Appeals Partially Reversed in Current Year</u>	<u>Number of Appeals Completely Reversed</u>
DO	10	7	6	1	0
TTB	5	5	2	3	0
OCC	12	5	3	2	0
BEP	6	6	2	4	0
FMS	7	7	0	1	2
IRS	239	289	257	24	4
MINT	2	0	0	0	0
BPD	6	6	1	1	0
OTS	3	2	2	0	0
TIGTA	32	29	19	10	0
FinCEN	6	4	4	0	0
TOTAL	328	360	296	46	6

4. Other reasons for non-disclosure on appeals (Continued from previous page)

<u>Bureau</u>	<u>No Records</u>	<u>Referrals</u>	<u>With- drawn</u>	<u>Fee- Related</u>	<u>Records Not reasonably Described</u>	<u>Not a Proper FOIA or Appeal</u>	<u>Not an Agency Record</u>	<u>Duplicate Request</u>
DO	0	0	0	0	0	0	0	0
TTB	0	0	0	0	0	0	0	0
OCC	0	0	0	0	0	0	0	0
BEP	0	0	0	0	0	0	0	0
FMS	4	0	0	0	0	0	0	0
IRS	0	0	4	0	0	0	0	0
Mint	0	0	0	0	0	0	0	0
BPD	4	0	0	0	0	0	0	0
OTS	0	0	0	0	0	0	0	0
TIGTA	0	0	0	0	0	0	0	0
FinCEN	0	0	0	0	0	0	0	0
TOTAL	8	0	4	0	0	0	0	0

a. Number of times each FOIA exemption was used in an appeal

Bureau	(1)	(2)	(3)	(4)	(5)	(6)	(7)(A)	(7)(B)	(7)(C)	(7)(D)	(7)(E)	(7)(F)	(8)	(9)
DO	0	0	1	1	3	1	0	0	0	0	0	0	0	0
TTB	0	1	1	1	3	3	1	0	1	0	0	0	0	0
OCC	0	0	0	2	0	2	0	0	0	0	0	0	2	0
BEP	0	0	0	0	1	5	0	0	0	0	0	0	0	0
FMS	0	1	0	0	0	0	0	0	0	0	0	0	0	0
IRS	0	6	117	2	47	21	48	1	33	9	40	4	0	0
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BPD	0	0	0	0	0	1	0	0	0	0	0	0	0	0
OTS	0	0	0	1	0	0	0	0	0	0	0	0	2	0
TIGTA	0	3	12	0	4	1	1	0	24	1	2	0	0	0
FinCEN	0	0	4	0	0	0	0	0	1	0	1	0	0	0
TOTAL	0	11	135	7	58	34	50	1	59	10	43	4	4	0

VII. Compliance with time limits/status of pending requests

A. Median Time for Processing Requests

* Simple request limited to the Office of Tax Policy

Bureau	<u>Simple Requests</u>		<u>Complex Requests</u>		<u>Requests Accorded Expedited Processing</u>	
	Number of Requests Processed	Median Number of Days to Process	Number of Requests Processed	Median Number of Days to Process	Number of Requests Processed	Median Number of Days to Process
DO*	302	2	674	224	0	0
TTB	98	23	21	71	3	3
OCC	7,374	2	80	24	0	0
BEP	64	24	11	13	0	0
FMS	0	0	213	8	0	0
IRS	0	0	25,404	26	0	0
MINT	0	0	272	15	1	9
BPD	0	0	122	3	0	0
OTS	0	0	4,508	8	0	0
TIGTA	238	11	31	40	4	1
FinCEN	0	0	98	62	0	0
TOTAL	8,076	n/a	31,434	n/a	8	n/a

B. Status of pending requests

Bureaus	Number of Requests Pending as of End of Fiscal Year	Median Number of Days Pending
DO	1,573	96
TTB	6	29
OCC	20	124
BEP	4	5
FMS	8	113
IRS	2,070	25
Mint	8	29.5
BPD	3	15
OTS	103	145
TIGTA	28	20
FinCEN	101	200
TOTAL	3,924	n/a

VIII. Additional Information/Explanation.

The Department of the Treasury/DO received four (4) requests for expedited processing and granted one (1) request on an expedited basis. The median number of days to process this request was six (6) days.

The Treasury Bureaus granted a total of eight (8) requests for expedited processing.

IX. Costs/FOIA Staffing

Bureaus	Staffing Levels			Total Costs (staff and resources combined)		
	Number of Full Time Personnel	Number of Personnel with Part Time or Occasional FOIA Duties (in Total Work-Years)	Total Number of Personnel (in Work-Years)	FOIA Processing (including appeals)	Litigation-related activities	Total Costs
DO	4	15.93	19.93	313,399.24	60,095.86	373,495.10
TTB	1	.54	1.54	119,098.38	0	119,098.38
OCC	6	2	8	733,675.70	0	733,675.70
BEP	1	.40	1.40	165,800.00	0	165,800.00
FMS	0	.50	.50	62,771.86	0	62,771.86
IRS	6	66	72	9,686,572.00	445,476.00	10,132,048.00
MINT	1	0	1	97,967.00	0	97,967.00
BPD	1	.20	1.20	130,000.00	0	130,000.00
OTS	2	1.55	3.55	270,650.00	0	270,650.00
TIGTA	5	.27	5.27	531,512.00	2,437.00	533,949.00
FinCEN	1	.3	1.3	119,728.00	0	119,728.00
TOTAL	28	87.69	115.69	12,231,174.18	508,008.86	12,739,183.04

X. FOIA Fees

	FOIA Fees	
	Total Fees collected	Percentage of Total Costs
TOTAL	\$619,242.09	4.86 %

XI. Treasury Department FOIA Implementing Regulations.

The Department's FOIA regulations can be found at 31 CFR Part 1, Subpart A. The regulations can be accessed at: www.treas.gov/foia/foiaregs.pdf.

XII. Report on FOIA Executive Order Implementation

A. Description of supplement/modification of agency improvement plan if applicable.

TTB	No modifications.
BPD	No modifications
BEP	No modifications
TIGTA	No modifications
FinCEN	No modifications
IRS	No modifications
OTS	No modifications
OCC	No modifications
FMS	No modifications

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

DO	<ol style="list-style-type: none"> 1. Implemented FOIA Service Center and FOIA liaison. Contact information is posted on FOIA web site. Requesters are assisted in FOIA case tracking status; questions as well as general FOIA questions of where and how to file a request. 2. Obtained proven leadership- hired FOIA Director in May 2006. 3. Implemented FOIA Council. Held monthly meetings to discuss issues and resolutions on FOIA and Privacy Act administration. 4. Implemented 10 oldest request blitz on revolving basis. 5. Implemented fast track template blitz. 6. Report on monthly backlog metrics to Chief FOIA Officer 7. Currently backlog requests as of November 30, 2006 total 847 requests which are 6.4% of snapshot goal of 5% by December 31, 2006 for Departmental Offices. On December 31, 2006, DO backlog held at 5.9% reduction at 851 requests.
TTB	<p>In response to the President's Executive Order 13392 of December 14, 2005, (Improving Agency Disclosure of Information), and the Department of the Treasury, TTB recognizes the Assistant Secretary for Management as the Chief Freedom of Information Act (FOIA) Officer. Additionally, TTB recognizes Hugh Gilmore as its public liaison to serve as the supervisory official with whom a FOIA requester can raise concerns about service the FOIA requester receives from the TTB's FOIA Requester Service Center following an initial response from the center staff.</p> <p>TTB is represented at the at the Treasury Department's FOIA Council meetings. The council meetings, initiated to establish governance and sponsorship within Treasury, sets goals and objectives through the Treasury FOIA Council. Representatives suggest ways for improving the FOIA process. This tool enables us to monitor and report through the Treasury Council to the Chief FOIA Officer.</p>

	<p>TTB is improving its process by establishing its FOIA Requester Service Center. The FOIA Requester Service Center enables FOIA requesters to seek information concerning the status of their FOIA requests and appropriate information about the TTB's FOIA responses.</p> <p>Where information is readily available, TTB is improving its backlog by reviewing and quickly responding to requests. Request placed on fast-track reduces or eliminates backlog by more than 10 percent.</p>
BEP	In 2005, BEP processed 90 FOIA requests with median days to process requests at 14 days. In 2006, BEP received 79 FOIA requests and completed processing of 75. In 2007, BEP will continue to track and monitor requests to alleviate backlogs.
FMS	Conducted FOIA training with every division in FMS that responds to FOIA inquiries; created and instituted the position of backup Disclosure Officer to respond to FOIA requests and inquiries in the absence of the Disclosure Officer; raised awareness of the importance of responding to FOIA inquiries within the required timeframe and, when deadlines were not being met, raised the issue with senior level staff.
IRS	<ol style="list-style-type: none"> 1. The IRS is an active participant at FOIA Council meetings. 2. The IRS has submitted monthly FOIA Performance Measures Reports. 3. The IRS has provided the results of its reviews of its oldest FOIA cases. 4. Since the adoption of the Department of the Treasury FOIA Improvement Plan in June, the IRS has emphasized processing of backlog cases with the result that the backlog inventory was reduced from 1054 at August 30, 2006, the first month in which the results of the emphasis can be seen, to 941 at December 31, a decrease of 113 cases or 11% in the total backlog inventory, exceeding the 5% goal which is set for December 31, 2006.
MINT	Mint normally does not maintain a large backlog, and currently does not have a large backlog. The backlog has been reduced to eight and is on track to meet the milestone for September 2007.
BPD	<p>Due to the small volume of requests in relationship to other Bureaus, BPD has never had a backlog. We have one FOIA Officer who handles the FOIA process from beginning to end along-side subject matter experts (SME's) from each area and OCC's assistance when needed. Our requests are received and responded to within the 20-workday requirement by our FOIA Officer.</p> <p>The requests pending as of September 30 have all been processed within the 20-day requirement.</p>
OTS	As provided in the FOIA Improvement Plan, OTS has established a FOIA Liaison and FOIA Service Center and participates in the Department-wide FOIA Council. See Section C for backlog information.

TIGTA	<p>TIGTA continues to exceed its performance measures pertaining to timeliness of FOIA processing. The number of requests pending at the end of the current reporting period was 28 and the median number of days that requests were pending as of September 30, 2006 was 20 business days.</p> <p>Last year TIGTA purchased FOIAXpress, a software program for FOIA processing and document management. The program has helped us considerably in managing some of the labor-intensive administrative steps like preparing and sending search memos to TIGTA function(s) that may have records responsive to particular requests. We also purchased a high speed scanner to help with returned records, allowing us to edit the scanned documents electronically. TIGTA analysts attend yearly training on FOIAXpress updates, to learn of new improvements and efficiencies. TIGTA Disclosure prepares monthly reports to Chief Counsel and weekly reports to Treasury on caseload progress (including the number of FOIA requests closed in 60 or fewer work days and status of our 10 oldest pending requests). TIGTA's performance goal is to close 65% of its FOIA requests in 60 days or less; for FY 06, TIGTA closed 98% of its FOIA cases in 60 days or less. TIGTA is also exploiting its use of FOIAXpress in connection with the review and posting of TIGTA's audit reports on its website, and collaborate closely with the Office of Audit in this practice. We utilize the document management feature of FOIAXpress to store and manage all types of documents routed through TIGTA Disclosure for review, from testimony authorizations to Privacy Act referrals. We're using the gamut of FOIAXpress features to improve efficiencies and processing times.</p> <p>We've already taken aggressive steps to improve our processing (as our stats reflect) but we're always on the lookout for additional opportunities.</p>
FinCEN	<p>FinCEN has amended its FOIA tracking process to increase the workflow and ensure timely processing of requests.</p> <p>In keeping with Treasury's Plan, FinCEN established a FOIA Requester Service Center and is a regular participant at the Department-wide FOIA Council meetings.</p> <p>In accordance with FOIA subsection (a)(6)(D) and Department of Treasury regulations for processing requests of various sizes on different tracks based on the amount of work or time (or both), FinCEN has established a multi-tracking process to assist the bureau in complying with the 20 workday time limit.</p> <p>As an added effort to further reduce our backlog and satisfy any milestones identified in Treasury's Plan, including Treasury's 10% backlog reduction goal by September 30, 2007, FinCEN has temporarily assigned support personnel to assist with processing simple requests placed on a fast track for responding to the requester. The milestones in our plan call for closure of all FY 2004 and 2005 open requests (the oldest requests) and closure of FY 2006 simple requests. FinCEN anticipates completing these milestones prior to the end of the 2nd quarter of FY 2007.</p>

C. Identification and discussion of any deficiency in meeting plan milestones, if applicable.

DO	No deficiency found at this time.
IRS	No deficiency found at this time.
OTS	Did not meet the 5% reduction in backlog as of 12/31/06. The Reassignment of FOIA staff to other duties contributed to a 4.6% increase in backlog from September 2005 to December 2006 are reasons. Shifting primary duties back to FOIA of those reassigned personnel should alleviate this problem with an option to hire an additional full-time employee assigned to FOIA processing if necessary given the increasing trends of incoming and backlog requests continues. The 5% reduction should be met by March 31, 2007.
OCC	No deficiency found at this time.
BEP	No deficiency found at this time.
FinCEN	Did not meet the 5% milestone for reduction in backlog as of 12/31/06. Instead, a 1.1 increase was noted. FOIA is tasked to one full-time employee who was out of the office for 3 weeks in the first quarter of this fiscal year. Additionally, there was an increase in the incoming FOIA requests. Revising the tracking system and reassigning one temporary full-time support staff to fast track requests are measures to resolve this increase by March 31, 2007.

D. Additional narrative statement regarding other executive order related activities – optional

DO	<ol style="list-style-type: none"> 1. Through the FOIA Council, the members have explored online redaction software vendors to increase efficiency with the administration of the FOIA process. Vendors were invited to participate in the demonstration sessions and received Q&A from the members. This was a valuable brainstorming session to receive feedback from the varied Departmental Offices and Bureaus as to what issues we could foresee as a group to such a technological solution. 2. The brainstorming session produced a statement of work which was forwarded to the Treasury Chief Information Office to develop into a Treasury-wide Enterprise Content Management project. 3. The invitation by the Department of Justice to participate in the FOIA/IT forum for technology discussion was disseminated to the FOIA Council members for further follow-up on research and development of a Treasury-wide solution for investigation on pitfalls, what works, and lessons learned. 4. The Chief FOIA Officer has designated the Departmental Disclosure officer as the FOIA Public Liaison responsible for eight of Treasury's bureaus.
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BEP	BEP's increased sharing of popular information through use of its website, and links to other websites has contributed to the reduction of FOIA cases. BEP is also looking into the viability of accepting FOIA requests electronically and providing responsive records electronically in return.
IRS	<ol style="list-style-type: none"> 1. The FOIA ending inventory was reduced by 29% during FY 2006. 2. The IRS is piloting an automated FOIA system in 2 Disclosure Offices. This pilot will convert the current labor-intensive, paper based case processing operation to an automated environment, utilizing centralized receipt of all FOIA/PA requests, fully electronic case files, online redaction and review of documents. The test was started on October 17, 2006 and will run through March 16, 2007 after which it will be evaluated.

E. Concise descriptions of FOIA exemptions.

(1) Protects matters "(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order."

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7)(A) Authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with enforcement proceedings."

(7)(B) Protects "records or information compiled for law enforcement purposes (the disclosure of which) would deprive a person of a right to a fair trial or an impartial adjudication."

(7)(C) Provides protection for personal information in law enforcement records the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy.

(7)(D) Provides protection for "records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source and information furnished by a confidential source.

(7)(E) Provides protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcements investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

(7)(F) Permits the withholding of information necessary to protect the physical safety of "any individual" when disclosure of information about him "could reasonably be expected to endanger his life or physical safety."

(8) Records contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for regulation or supervision of financial institutions.

F. Additional Stats:

- a. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency)

DO	Date of requests range from March 5, 1993 to present.
TTB	Date of requests range from June 13, 2006 to present.
OCC	Date of requests range from May 17, 2006 to present.
BEP	Date of requests range from September 18, 2006 to present.
FMS	Date of requests range from December 12, 2005 to present.
IRS	The dates of requests range from June 5, 2000 to present.
MINT	Date of request range from September 20, 2006 to present.
BPD	Date of requests range from September 20, 2006 to present.
OTS	Date of requests ranges from December 14, 2004 to present.
TIGTA	June 7, 2006 to present.

b. Time range of consultations pending with other agencies, by date of initial interagency communication

DO	Not applicable.
TTB	Not applicable.
OCC	Not applicable.
BEP	Not applicable.
FMS	Not applicable.
IRS	Not applicable.
MINT	Not applicable.
BPD	Not applicable.
OTS	Not applicable.
TIGTA	Not applicable.
FinCEN	Not applicable.

G. Improvement Plan attached.

<http://www.treas.gov/foia/reading-room/foia-improvement-plan.pdf>