



## DEPARTMENT OF THE TREASURY

### FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR FISCAL YEAR 2000

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#### I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2000 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into thirteen 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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FOIA Request

Disclosure Services

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**Treasury Department FOIA Home Page:** [www.treas.gov/foia](http://www.treas.gov/foia)

Paper copies of this report may be obtained by contacting Disclosure Services or by downloading from the Treasury FOIA home page at [“FY 2000 FOIA Report to the Attorney General.”](#)

## II. How To Make A FOIA Request for Treasury Department records.

The Department of the Treasury’s FOIA Public Guide is available at [www.treas.gov/foia/](http://www.treas.gov/foia/) by clicking on [FOIA Public Guide](#), or by contacting Disclosure Services, as described above.

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

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## II.B. Brief description of Treasury Department's response-time ranges.

The combined response time range for overall Treasury processing in FY 2000 was from 1 to 22 days for simple requests, and from 5 to 1,000 days for complex requests. The following table sets out individual bureau ranges:

BUREAU	RESPONSE TIME RANGE
DO (overall)	1 to 1,000 days
ATF	1 to 140 days
BEP	1 to 22 days
BPD	1 day to 7 months
CC	2 days to 6 months
CS	5 to 60 days
FLETC	1 to 151 days
FMS	1 to 70 days
IRS	1 to over 1,000 days but an average of 40 days
MINT	1 to 60 days
OTS	1 day to 4 months
TIGTA	2 days to 11 months
USSS	No range reported

## 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) procedural requirements were not followed; (2) the records reflected the internal practices involved in investigations or inspections; (3) the records contained confidential taxpayer information and other statutorily protected information; (4) the records contained contractor confidential and proprietary commercial information; and (5) the records could not be located or did not exist. Others: protecting personal privacy, deliberative process privilege, bank examination-related material, and thrift examination information.

### III. Definition of Terms.

#### A. Agency-specific:

N/A

#### 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 (nonexpedited) 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	Labor organization representation records	<i>NTEU v. OPM</i> , No. 76-695, slip op at 4 (D.D.C. July 9, 1979)
18 U.S.C. 701	Official identification records	Not decided by the courts.
18 U.S.C. 2510-2550	Wiretap information	<i>Delviscovo v. FBI</i> , 903 F.Supp. 1 (D.D.C. 1995), summary affirmance granted, No. 95-5388 (D.C. Cir. Jan. 24, 1997)
26 U.S.C. 6103, 6103(a); 6103(b)(2); 6103(e)(7)	Federal taxpayer information and National Firearms Act Registry information.	All courts have upheld the confidentiality of §6103; see <i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987)
26 U.S.C. 6104(a)(1)(c)	Information concerning Trusts	Not decided by courts
26 U.S.C. 7213	Unauthorized disclosure of taxpayer information	<i>Chamberlain v. Alexander</i> , 419 F.Supp. 235 (S.D. Ala. 1976)
31 U.S.C. 5319	Currency transaction reports under the Bank Secrecy Act	<i>Small v. IRS</i> , 820 F.Supp. 163 (D.N.J. 1992)
41 U.S.C. 253(b), 423	Contractor proposals	Not litigated; Public Law 104-201
50 U.S.C. 403(g)(6)	CIA employee names	Could not determine
Rule 6(e) F.R. Crim.P.	Grand Jury information	<i>Washington Post Co. v. U.S. Department of Justice</i> , 863 F.2d 96 (D.C. Cir. 1988)
Tax Treaty Clauses	Tax information provided by foreign governments	Treaties are ratified by the U.S. Senate, not decided by the courts.



V. Initial FOIA/PA Access Requests.

A. Number of initial requests.

1. Pending 10/01/99: 5,083
2. Received FY 2000: 46,854
3. Processed FY 2000: 45,111\*
4. Pending 9/30/00: 6,826

\*Due to data entry differences throughout the Customs Service, this figure differs slightly (by 287) from the sum of the figures reported in Sec. B (1-4), below.

B. Disposition of initial requests.

1. Total grants: 22,031
2. Partial grants: 6,439
3. Denials: 1,139

a. number of times each FOIA exemption used:

(b)(1)	17		(b)(7)(B)	12
(b)(2)	1,393		(b)(7)(C)	2,329
(b)(3)	4,048		(b)(7)(D)	414
(b)(4)	664		(b)(7)(E)	3,542
(b)(5)	851		(b)(7)(F)	108
(b)(6)	860		(b)(8)	43
(b)(7)(A)	650		(b)(9)	0

4. Other reasons for non-disclosure (total): 15,789

- a. no records 5,196
- b. referrals 2,436
- c. withdrawn 637
- d. fee-related 348
- e. records not reasonably described 179

- f. not a proper FOIA request 5,476
- g. failure to verify identity 14
- h. duplicate 126
- i. imperfect 45
- j. closed administratively 1,159
- k. not an agency record 119
- l. no forwarding address 2
- m. destroyed 1

VI. Appeals of initial denials.

A. Number of Appeals.

- 1. Received FY 2000: 1,496
- 2. Processed FY 2000: 1,598

B. Disposition of appeals.

- 1. Number completely upheld: 452 (full denial)
- 2. Number partially reversed: 237 (partial denial)
- 3. Number completely reversed: 93 (full release)
  - a. number of times each exemption used:

(b)(1)	0		(b)(7)(B)	8
(b)(2)	105		(b)(7)(C)	184
(b)(3)	150		(b)(7)(D)	31
(b)(4)	97		(b)(7)(E)	87
(b)(5)	57		(b)(7)(F)	25
(b)(6)	80		(b)(8)	4
(b)(7)(A)	43		(b)(9)	0

4. Other reasons for non-disclosure (total): 817

- a. no records 2
- b. withdrawn 317
- c. fee-related 10
- d. records not reasonably described 1
- e. not a proper request/appeal 458
- f. duplicate 1
- g. filed suit prior to appeal response 23
- h. records previously furnished 1
- i. closed administratively 4

VII. Compliance with Time Limits/Status of Pending Requests.

A. Median time for processing requests.

1. Simple Requests.

a. number of requests processed:	b. median number of days to process:
<b>CC:</b> 5,296	2
<b>CS:</b> 703	14
<b>DO:</b> 745 (Tax Policy)	11

2. Complex Requests (for any and all tracks used).

- a. number of requests processed (all bureaus): 28,658
- b. median numbers of days to process, by bureau:

DO	432
Regional Complaint Centers:	21
ATF	14
BEP	6
BPD	13
CC	78
CS	38
FLETC	33
FMS	13
IRS	20
MINT	15
OTS	2
TIGTA	17
USSS	86

3. Requests accorded expedited processing.

- a. number of requests processed: 4
- b. median number of days to process: 8

B. Status of pending requests.

FMS and CC had only 2 and 3 requests, respectively, pending; half of Treasury's thirteen bureaus had 15 or fewer pending requests on Sept. 30, 2000.

1. Number of requests pending at end of FY 2000 (all bureaus): 6,826
2. Median number of days that requests were pending, by bureau:

DO	916
Regional Complaint Centers	3
ATF	7
BEP	6
BPD	29
CC	243
CS	37
FLETC	21
FMS	13
IRS	32
MINT	97
OTS	5
TIGTA	Could not provide
USSS	240

VIII. Comparisons with Previous Years.

**ATF** reports a 10% increase in FOIA/PA requests since FY 1999. They note a "significant" increase in the number of releases in electronic format and the number of media requests.

**FLETC** reports an 83% increase from FY 1999 in the number of requests received; a 78% increase in the number of requests processed; and an increase of 8 days for the median number of days requests were pending.

IX. Costs/FOIA Staffing.

A. Staffing levels.

1. Full time FOIA personnel: 83.25
2. Personnel with part-time or occasional FOIA duties  
(in total work-years): 116.84 FTE
3. Total personnel (in work years): 200.9 FTE

B. Total costs (staff and resources combined).

1. FOIA processing (including appeals): \$ 12,795,289.48
2. Litigation-related activities: \$ 930,434.15
3. Total Costs: \$ 13,725,723.63

X. Fees.

- A. Total fees collected FY 2000: \$ 549,494.83
- B. Percentage of total costs: 4%

XI. Treasury Department FOIA Implementing Regulations.

A final rule revising the Department's FOIA regulations, 31 CFR Part 1, Subpart A, was published at 65 FR 40503 on June 30, 2000. Attached is a paper copy of the final rule. It can also be accessed at: [www.treas.gov/foia/foiaregs.pdf](http://www.treas.gov/foia/foiaregs.pdf).