



U.S. DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2002

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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2002 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 13 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: www.treas.gov/foia/reports/, “FY 2002 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.

Departmental Offices (DO)

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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) 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:

ATF	Bureau of Alcohol, Tobacco and Firearms
BEP	Bureau of Engraving and Printing
BPD	Bureau of Public Debt
DO	Departmental Offices
FLETC	Federal Law Enforcement Training Center
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)
USCS	United States Customs Service

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)
5 U.S.C. App. 107 (a)	Ethics in Government Act, Appendix, provides for confidential reporting of the financial disclosure requirements of certain Federal personnel	Not litigated
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. 6105	Protects records provided by foreign governments; provided for use in tax administration	<i>Tax Analysts v. IRS</i> , No. 99-0372, 2002 WL 1791162 (D.D.C. Aug. 6, 2002)
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)
50 U.S.C.App. 2401	Export Administration Act	<i>Wisconsin Project on Nuclear Arms Control v. U. S. Department. of Commerce</i> , No. 01-5356, D.C Cir. Jan. 31, 2003)
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)

V. Initial FOIA/PA Access Requests.

A. Number of initial requests.

<u>Bureau</u>	<u>Number of Requests Pending as of End of Preceding Year</u>	<u>Number of Requests Received in Current Year</u>	<u>Number of Requests Processed in Current Year</u>	<u>Number of Requests Pending as of End of Current Year</u>
DO	1,045	1,189	1,130	1,104
ATF	373	2,209	2,118	464
OCC	10	4,060	4,057	13
USCS	1,752	3,464	4,115	1,101
BEP	10	199	194	15
FLETC	24	135	125	34
FMS	35	184	218	4
IRS	4,605	33,722	34,069	4,258
Mint	13	57	66	4
BPD	1	96	96	1
OTS	38	916	890	64
TIGTA	71	320	340	51
USSS	634	328	394	568
TOTAL	8,611*	46,879	47,812	7,681

* Corrected calculation from the 2001 Report

B. Disposition of Initial Requests (continued on next page)

<u>Bureau</u>	<u>Total Grants</u>	<u>Total Partial Grants</u>	<u>Total Denials</u>	<u>No Records</u>	<u>Referrals</u>	<u>Request Withdrawn</u>	<u>Fee-Related Reason</u>
DO	407	335	29	46	253	13	1
ATF	343	411	161	294	14	7	278
OCC	3,853	29	26	42	18	39	2
USCS	1,248	1,001	286	278	353	598	136
BEP	127	55	0	5	0	3	1
FLETC	67	32	2	14	0	5	4
FMS	164	5	1	10	9	2	7
IRS	14,085	2,370	297	7,200	1,558	304	0
Mint	28	17	1	6	0	10	2
BPD	54	11	6	13	7	0	1
OTS	722	53	11	1	1	19	0
TIGTA	41	151	9	32	16	0	1
USSS	5	152	1	86	0	2	0
TOTAL	21,144	4,622	830	8,027	2,229	1,002	433

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

<u>Bureau</u>	<u>Records not Reasonably Described</u>	<u>Not a Proper FOIA Request</u>	<u>Not an Agency Record</u>	<u>Duplicate</u>	<u>Lack of ID or 3rd Party Authorization</u>	<u>Closed Administratively</u>	<u>Handled by Tel/Fax</u>
DO	10	1	1	0	0	34	0
ATF	62	433	17	45	0	53	0
OCC	1	2	0	0	0	4	41
USCS	18	70	13	41	15	58	0
BEP	0	2	1	0	0	0	0
FLETC	1	0	0	0	0	0	0
FMS	1	2	0	7	0	10	0
IRS	0	6,152	0	0	0	2,103	0
Mint	0	2	0	0	0	0	0
BPD	4	0	0	0	0	0	0
OTS	0	0	7	10	0	66	0
TIGTA	44	32	14	0	0	0	0
USSS	0	0	2	0	0	146	0
TOTAL	141	6,696	55	103	15	2,474	41

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	0	59	147	150	141	70	12	0	43	5	5	1	0	0
ATF	1	255	44	47	61	148	69	0	247	45	54	6	0	0
OCC	0	0	0	22	24	4	0	0	0	0	0	0	42	0
USCS	0	814	5	157	138	171	67	8	888	125	307	7	0	0
BEP	0	0	0	28	13	23	0	0	0	0	1	0	0	0
FLETC	0	1	0	13	0	13	2	0	4	0	0	0	0	0
FMS	0	0	0	1	0	5	0	0	0	0	0	0	0	0
IRS	0	108	2,245	40	378	544	301	3	775	174	1,129	9	0	0
Mint	0	5	0	11	4	10	1	0	1	0	0	0	0	0
BPD	0	1	0	4	0	4	0	0	0	0	0	0	0	0
OTS	0	0	0	54	9	32	0	0	0	0	0	0	19	0
TIGTA	0	3	66	0	17	2	4	0	155	9	0	0	0	0
USSS	1	127	6	3	13	66	2	0	167	17	109	0	0	0
TOTAL	2	1,373	2,513	530	798	1,092	458	11	2,280	375	1,605	23	61	0

Appeals of initial denials of FOIA/PA requests

<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	38	33	11	4	1
ATF	101	90	81	9	0
OCC	13	13	8	1	0
USCS	227	94	47	19	5
BEP	9	9	5	0	1
FLETC	3	3	3	0	0
FMS	1	1	1	0	0
IRS	435	683	435	106	22
Mint	2	0	0	0	0
BPD	7	7	2	1	0
OTS	6	6	2	3	0
TIGTA	36	32	10	16	0
USSS	33	39	0	6	1
TOTAL	911	1,010	605	165	30

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	3	0	1	0	0	0	0	0	0	0	0	0
ATF	0	17	7	4	7	18	11	0	38	5	2	0	0	0
OCC	0	0	0	1	3	2	0	0	0	0	0	0	2	1
USCS	0	42	0	9	6	11	3	0	32	2	9	1	0	0
BEP	0	0	0	0	1	1	0	0	0	0	0	0	0	0
FLETC	0	0	0	1	1	0	0	0	1	0	0	0	0	0
FMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS	0	25	101	1	35	34	15	1	65	19	35	0	0	0
Mint	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BPD	0	0	0	1	0	2	0	0	0	0	0	0	0	0
OTS	0	0	0	3	2	1	1	0	1	0	1	0	2	0
TIGTA	0	0	8	0	4	1	1	0	24	2	1	0	0	0
USSS	0	5	0	0	1	1	0	0	6	0	4	0	0	0
TOTAL	0	89	116	20	61	71	31	1	167	28	52	1	4	1

4. Other reasons for non-disclosure on appeals

<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 Request</u>	<u>Not an Agency Record</u>	<u>Duplicate Request</u>	<u>Other: Administratively Closed</u>
DO	16	0	0	0	0	1	0	0	0
ATF	0	0	0	0	0	0	0	0	0
OCC	4	0	0	0	0	0	0	0	0
USCS	12	0	0	1	0	1	0	0	9
BEP	1	0	0	1	0	0	0	1	0
FLETC	0	0	0	0	0	0	0	0	0
FMS	0	0	0	0	0	0	0	0	0
IRS	9	11	75	0	1	12*	0	0	12
Mint	0	0	0	0	0	0	0	0	0
BPD	2	0	0	2	0	0	0	0	0
OTS	0	0	0	0	0	0	0	0	1
TIGTA	2	0	1	0	0	1	0	0	2
USSS	4	0	0	26	0	1	0	0	1
TOTAL	50	11	76	30	1	16	0	1	25

* IRS reported 12 treated as non-appeal.

VII. Compliance with time limits/status of pending requests

A. Median time for Processing Requests

<u>Bureau</u>	<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 Received	Number of Requests Processed	Median Number of days to Process
DO	302*	4*	828	117	15	0	0
ATF	0	0	2,118	12	0	0	0
OCC	0	0	4,057	20	0	0	0
USCS	766	9	3,337	14	12	12	5
BEP	0	0	194	19	0	0	0
FLETC	0	0	125	21	0	0	0
FMS	217	17	0	0	1	1	2
IRS	0	0	34,069	24	0	0	0
Mint	0	0	66	15	0	0	0
BPD	0	0	96	5.5	0	0	0
OTS	0	0	812	12	78	78	3
TIGTA	0	0	340	16	0	0	0
USSS	0	0	394	383	2	0	0
TOTAL	1,285	N/A	46,436	N/A	108	91	N/A

* Simple requests limited to the Office of Tax Policy.

B. Status of Pending Requests

<u>Bureau</u>	<u>Number of Requests Pending as of End of Fiscal Year</u>	<u>Median Number of Days Pending</u>
DO	1,104	217
ATF	464	15
OCC	13	10
USCS	1,101	117
BEP	15	13
FLETC	34	11
FMS	4	20
IRS	4,258	25
Mint	4	132
BPD	1	1
OTS	64	183
TIGTA	51	83
USSS	568	545
TOTAL	7,681	N/A

IX. Costs/FOIA Staffing

<u>Bureaus</u>	<u>Staffing Levels</u>			<u>Total Costs (staff and resources combined)</u>		
	Number of Full-time Personnel	Number of Personnel with Part-time FOIA Duties (in Total Work-years)	Total Number of Personnel (in Work-years)	FOIA Processing (including appeals)	Litigation-related activities	Total Costs
DO	5	15.59	20.59	680,250.52	\$20,138.75	\$700,389.27
ATF	7	1.34	8.34	\$441,163.70	\$200,000.00	\$641,163.70
OCC	8	2	10	\$597,333.00	0	\$597,333.00
USCS	21	179.5	200.50	\$1,808,117.20	\$170,347.22	\$1,978,464.42
BEP	1	.75	1.75	\$121,723.03	0	\$121,723.03
FLETC	2	.50	2.50	\$152,404.60	0	\$152,404.60
FMS	1	.30	1.30	\$124,643.16	0	\$124,643.16
IRS	14	46.3	60.3	\$4,293,737.00	\$19,088.00	\$4,312,825.00
Mint	1	0	1	\$78,876.00	0	\$78,876.00
BPD	1	.20	1.20	\$105,000.00	0	\$105,000.00
OTS	2	1.50	3.50	\$178,435.00	0	\$178,435.00
TIGTA	6	.26	6.26	\$495,345.00	\$3,000.00	\$498,345.00
USSS	16	3.37	19.37	\$1,219,425.00	\$10,695.00	\$1,230,120.00
TOTAL	85	251.61	336.61	\$10,296,453.21	\$423,268.97	\$10,719,722.18

X. FOIA Fees

Bureaus	FOIA Fees	
	Total Fees collected	Percentage of Total Costs
DO	\$9,825.45	1.40%
ATF	\$17,324.23	2.7%
OCC	\$211,225.00	36.46%
USCS	\$65,790.87	3.33%
BEP	\$757.08	1.6%
FLETC	\$740.89	.5%
FMS	\$15,168.71	12.17%
IRS	\$133,169.00	.03%
Mint	\$906.00	1.15%
BPD	\$3,695.46	.04%
OTS	\$54,706.36	31%
TIGTA	0	0%
USSS	0	0%
TOTAL	\$513,309.05	4.8%

XI. Treasury Department FOIA Implementing Regulations.

The Department's FOIA regulations can be found at 31 CFR Part 1, Subpart A. Attached is a paper copy of the final rule. It can also be accessed at: www.treas.gov/foia/foiaregs.pdf.