



U.S. DEPARTMENT OF THE TREASURY  
FREEDOM OF INFORMATION ACT ANNUAL REPORT  
FOR  
**DEPARTMENTAL OFFICES (TREASURY HEADQUARTERS)**  
FISCAL YEAR 2004

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I. BASIC INFORMATION REGARDING REPORT.

This is the bureau FOIA report for Treasury Headquarters, known as the **Departmental Offices (DO)** of the Treasury Department. For purposes of administering the Freedom of Information Act (FOIA), the Department is currently divided into 10 bureaus, with DO as one of the bureaus. Each bureau is responsible for those records under its control. Other Treasury bureaus' FOIA data **are not** included here. To access the **DO FOIA report**, see "[FY 2004 DO FOIA Report](#)" at Treasury's FOIA home page, <http://www.treas.gov/foia/>. The **combined** Department-wide report can be accessed at "[FY 2004 FOIA Report to the Attorney General](#)." Paper copies of either report may be obtained from Disclosure Services by calling 202/622-0930.

**Questions about the report may be directed to:**

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**II. How To Make A FOIA Request for Departmental Offices records.**

The Departmental Offices' Guide to Accessing Treasury Records is available at: <http://www.treas.gov/foia/guide.pdf> and can be downloaded as a PDF document. You may also contact Disclosure Services for a paper copy of the guide.

**II.A. Names, addresses and telephone numbers of all individual agency components and offices that receive FOIA requests.**

Only Disclosure Services (see above) is designated by regulation to receive requests for DO records.

**II.B. Brief description of Departmental Offices response-time ranges.**

See Section VII of this report for median number of days to process requests.

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

The most common reasons DO could not grant access to records were (a) the records contained proprietary commercial information; (b) disclosure would constitute an invasion of personal privacy; (c) the records contained confidential taxpayer information; or (d) the records reflected the deliberative process.

### III. Definition of Terms.

#### 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 entirety, 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 agency during current fiscal year.

<u>Statute</u>	<u>Information Withheld</u>	<u>Upheld</u>
26 U.S.C. 6103 Taxpayer/1040 Information		<i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987)
Federal Rules of Criminal Procedure	Investigative report	FRCP 6(e)
31 U.S.C. 5319	Bank Secrecy Information	<i>Small v. IRS</i> , 820 F. Supp., 163(D.N.J.1992)

## V. Initial FOIA/PA Requests.

### A. Number of initial requests.

The data reported below and for all remaining sections reflect requests received in DO/Disclosure Services as well as those received directly in the Office of Tax Policy (as a result of a court settlement agreement. This agreement requires the Office of Tax Policy to release certain incoming and outgoing correspondence on a weekly basis to news services that have agreed to pay copying costs.)

1. Number of requests pending as of end of preceding fiscal year: 1,412\*
2. Number of requests received during current fiscal year: 1,410
3. Number of requests processed during current fiscal year: 1,114
4. Number of requests pending as of end of current fiscal year: 1,708

\*Note: Effective October 1, 2003, FinCEN became a bureau for FOIA purposes. Prior to that date, FinCEN was part of DO. DO had 1,470 pending requests at the close of FY 2003, and 58 of those requests were FinCEN's. Therefore, 58 requests have been subtracted from DO's total pending requests for FY 2003.

### B. Disposition of initial requests.

1. Total grants: 96
2. Partial grants: 407
3. Denials: 24

#### a. Number of times each FOIA exemption used:

(b)(1)	16		(b)(7)(B)	0
(b)(2)	31		(b)(7)(C)	61
(b)(3)	199		(b)(7)(D)	3
(b)(4)	233		(b)(7)(E)	5
(b)(5)	137		(b)(7)(F)	0
(b)(6)	226		(b)(8)	0
(b)(7)(A)	8		(b)(9)	0

4. Other reasons for nondisclosure (total): 587
- a. no records: 50
  - b. referrals: 319
  - c. withdrawn: 32
  - d. fee-related: 30
  - e. not a proper FOIA request: 50
  - f. records not reasonably described: 0
  - g. not agency records : 18
  - h. records closed administratively: 88
  - i. other: 0

VI. Appeals of initial denials of FOIA/PA requests.

A. Number of appeals.

- 1. Number of appeals received during fiscal year: 11
- 2. Number of appeals processed during fiscal year: 5

B. Disposition of appeals.

- 1. Number completely upheld: 3
- 2. Number partially reversed: 0
- 3. Number completely reversed: 0

a. number of times each FOIA exemption used:

(b)(1)	0		(b)(7)(B)	0
(b)(2)	0		(b)(7)(C)	0
(b)(3)	0		(b)(7)(D)	0
(b)(4)	2		(b)(7)(E)	0
(b)(5)	0		(b)(7)(F)	0
(b)(6)	1		(b)(8)	0
(b)(7)(A)	0		(b)(9)	0

4. Other reasons for non-disclosure: 2
- a. no records: 2
  - b. not a proper request/appeal for some other reason: 0

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

##### A. Median time for processing requests.

1. Simple Requests. Only Office of Tax Policy data are reported here.

- a. Number of requests processed: 332
- b. Median number of days to process: 2

2. Complex Requests.

- a. Number of requests processed: 782
- b. Median number of days to process: 172

##### B. Status of pending requests.

- 1. Number of requests pending in DO at end of FY 2004: 1,708
- 2. Median number of days that such requests were pending as of that date: 532

#### VIII. Comparisons with Previous Years

DO received 9 requests for expedited processing. None were granted. Median number of days to issue decision to grant or deny request for expedited processing was 5.

#### IX. Costs/FOIA Staffing.

##### A. Staffing levels.

- 1. Number of full time FOIA personnel: 4
- 2. Number of personnel with part-time or occasional FOIA duties  
(in total work-years): 13.04
- 3. Total number of personnel (in work-years): 17.04

B. Total costs (staff and resources combined).

1. FOIA processing (including appeals): \$ 645,635.00
2. Litigation-related activities (estimated): \$ 105,629.00
3. Total Costs: \$ 751,264.00

C. Statement of Additional Resources Needed for FOIA Compliance:

Certain program offices within the Departmental Offices (DO) need additional resources for FOIA compliance. The FOIA request process within DO is a decentralized operation. What this means is that requests are received by Disclosure Services, and are then tasked to the program office or offices that would most likely maintain responsive records. Within those various offices, FOIA requests compete with mission-critical responsibilities for staff resources. Some program offices have limited staff resources, which has affected the ability of those offices to be in compliance with the response time limits of the FOIA.

X. Fees.

- A. Total fees collected FY 2004: \$ 16,709.00
- B. Percentage of total costs: 2.22%

XI. FOIA Regulations.

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