

**ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
(TTB)**

FREEDOM OF INFORMATION ACT ANNUAL REPORT

**Fiscal Year 2005
(Oct. 1, 2004-Sept. 30, 2005)**

I. and II - A. (Not for bureaus.)

II. **B. Brief Description of your bureau's response-time ranges.**

The response time for FOIA requests ranged from one day to 86 days.

C. Brief description why some requests are not granted.

The most common reasons why requests for records could not be granted are (1) they are statutorily exempt under 26 USC 6103(a), and (2) the records no longer exist.

III. Definition of terms and acronyms used in this report.

A. List your agency-specific acronyms or terms.

TTB	Alcohol and Tobacco Tax and Trade Bureau
RRD	Regulations and Rulings Division
SDA	Specially Denatured Alcohol
DSP	Distilled Spirit Plants

B. Basic Terms (This has already been done by the Department of Justice (DOJ).)

NA	Not Applicable
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IV. Exemption 3 Statutes.

A. List of Exemption 3 statutes relied on by agency during fiscal year.

1. Brief description of type(s) of information withheld under each statute.

Types of information withheld under Statute 26 U.S.C. §6103 include:
request for tax related information i.e., Occupational Tax Stamps,

DSP Operating Permits, Industrial User Permits, Offers in Compromise – Abstract and Statement (up to 1 year after the date of acceptance), Offers in Compromise – Abstract and Statement (more than 1 year after date of acceptance), Offers in Compromise – actual offer, Domestic Production Formulations, Imported Beverage Alcohol, Lab Analyses, and Pre-Import Applications, Tobacco Information, Formulas, SDA Permit listings, and Proprietary Information.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

Statute/Rule	Type of Information Withheld	Case Citation
26 U.S.C. § 6103	Tax return information	<i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987)

V. FOIA/PA Access Requests.

A. Number of initial requests.

1. Number of requests pending as of end of preceding fiscal year (**FY04**): 74
2. Number of requests received during current reporting period: 140
3. Number of requests processed during current reporting period: 186
4. Number of requests pending at the end of current reporting period: 28

B. Disposition of initial requests.

1. Number of total grants: 45
2. Number of partial grants: 21
3. Number of denials: 20
 - a. Number of times each FOIA exemption used (counting each exemption once per request):

(b)(1) <u>0</u>	(b)(6) <u>16</u>	(b)(7)(E) <u>0</u>
(b)(2) <u>2</u>	(b)(7)(A) <u>2</u>	(b)(7)(F) <u>0</u>
(b)(3) <u>16</u>	(b)(7)(B) <u>0</u>	(b)(8) <u>0</u>
(b)(4) <u>44</u>	(b)(7)(C) <u>3</u>	(b)(9) <u>0</u>

(b)(5) 7 (b)(7)(D) 1

4. Other reasons for nondisclosure (total): 100

- a. no records 49 (no records found that were responsive to the request)
- b. referrals 5 (a request forwarded, in total, to another Treasury bureau or another agency for response)
- c. withdrawn 12 (requester withdrew the request)
- d. fee-related 1 (nonpayment of estimated fees, or previously owed fees)
- e. records not reasonably described 0 (requests which do not adequately describe the records sought)
- f. not a proper FOIA request for some other reason 7 (for example, requester sought answers to questions)
- g. not an agency record 24 (not the type of record maintained by Treasury)
- h. duplicate request 1 (more than one request from the same requester which was received by the agency or forwarded from other sources)
- i. other (specify) 1 (No response from requester.)

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

A. Number of appeals.

- 1. Number of appeals received during the current reporting period: 2
- 2. Number of appeals processed (closed) during the current reporting period: 1

B. Disposition of appeals.

- 1. Number completely upheld: 0 (requester's appeal denied)
- 2. Number partially reversed: 1 (requester's appeal partially granted and partially denied)
- 3. Number completely reversed: 0 (requester's appeal granted)

- a. number of times each FOIA exemption used (counting each exemption once per appeal):

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

4. Other reasons for non-disclosure (total): 0
- a. no records 0 (no records found that were responsive to the request)
 - b. referrals 0 (a request forwarded in total, to another Treasury bureau or another agency for response)
 - c. withdrawn 0 (requester withdrew the request)
 - d. fee-related 0 (nonpayment of estimated fees, or previously owed fees)
 - e. records not reasonably described 0 (requests which do not adequately describe the records sought)
 - f. not a proper request/appeal for some other reason 0 (for example, requester sought answers to questions)
 - g. not an agency record 0 (not the type of record maintained by Treasury)
 - h. duplicate request 0 (more than one request from the same requester, which was received by the agency or forwarded from other sources)
 - i. other (specify) 0 (requests that were not processed for other reasons)

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

A. Median time for processing requests.

1. Simple Requests
Requests approved for expedited processing are not included here.
 - a. Number of "simple requests" processed (closed): 168
 - b. Median number of days to process "simple requests": 86
2. Complex Requests
 - a. Number of "complex requests" processed (closed): 17
 - b. Median number of days to process "complex requests": 93
3. Requests for expedited processing.
 - a. Number of expedited requests processed (closed): 1
 - b. Median number of days to process expedited requests: 1

B. Status of pending requests (bureaus using multiple tracks may provide number for each track, as well as total).

1. Number of requests pending at end of current reporting period: 28

2. Median number of days that such requests were pending as of that date: 49

VIII. Comparisons with Previous Years. 1

IX. Costs/FOIA Staffing.

A. Staffing levels.

1. Number of full-time FOIA personnel: 1
2. Number of personnel with part-time or occasional FOIA duties: .54
3. Total number of personnel (in work-years): 1.54

B. Total costs (staff and resources combined).

1. FOIA processing (including appeals): \$ 117,853.12
2. Litigation-related activities (estimated): \$ 0
3. Total Costs: \$ 117.853.12
4. Comparison with previous years. (Not required).

C. Statement of additional resources needed for FOIA compliance (Optional). See Cover Memorandum.

X. Fees.

A. Total fees collected FY 2005: \$ 1,780.86

B. Percentage of total costs: 1.51 %

XI. FOIA Regulations.

TTB and the Regulations and Rulings Division (RRD) process its FOIA requirements through the Department of Treasury's FOIA Regulations. The Department's FOIA regulation is 31 CFR Part 1, Subpart A.