

DEPARTMENT OF THE TREASURY

The Departmental Offices

Bureau of Alcohol, Tobacco and Firearms

Office of the Comptroller of the Currency

United States Customs Service

Bureau of Engraving and Printing

Federal Law Enforcement Training Center

Financial Management Service

Internal Revenue Service

United States Mint

Bureau of the Public Debt

Office of Thrift Supervision

Treasury Inspector General for Tax Administration

United States Secret Service



U.S. DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2001

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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2001 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
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 home page at "[FY 2001 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/ by clicking on the link of the same name on the left side, or by contacting Disclosure Services, as described above.

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

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Office of Thrift Supervision (OTS)
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I.I.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."

I.I.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 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 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>Deliscovo 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 10/01/00:	<u>6,826</u>
2. Received FY 2001:	<u>56,590</u>
3. Processed FY 2001:	<u>54,469</u>
4. Pending 9/30/01:	<u>8,947</u>

B. Disposition of initial requests.

1. Total grants:	<u>24,192</u>
2. Partial grants:	<u>5,175</u>
3. Denials:	<u>1,157</u>

a. number of times each FOIA exemption used:

(b)(1)	5		(b)(7)(B)	13
(b)(2)	1,222		(b)(7)(C)	2,182
(b)(3)	2,762		(b)(7)(D)	328
(b)(4)	568		(b)(7)(E)	1,891
(b)(5)	744		(b)(7)(F)	24
(b)(6)	1,009		(b)(8)	66
(b)(7)(A)	378		(b)(9)	0

4. Other reasons for non-disclosure (total): 23,945a. no records 9,056b. referrals 3,042c. withdrawn 663d. fee-related 331e. records not reasonably described 251f. not a proper FOIA request 7,907g. not an agency record 100h. duplicate 113i. lack ID or Third Party auth. 135j. closed administratively 2,236k. handled by Tel/Fax 111

VI. Appeals of initial denials.

A. Number of Appeals.

1. Received FY 2001: 1,3072. Processed FY 2001: 2,017

B. Disposition of appeals.

1. Number completely upheld: 604 (full denial)2. Number partially reversed: 202 (partial denial)3. Number completely reversed: 108 (full release)

a. number of times each exemption used:

(b)(1)	0		(b)(7)(B)	0
(b)(2)	71		(b)(7)(C)	198
(b)(3)	392		(b)(7)(D)	31
(b)(4)	25		(b)(7)(E)	67
(b)(5)	50		(b)(7)(F)	6
(b)(6)	57		(b)(8)	7
(b)(7)(A)	24		(b)(9)	0

4. Other reasons for non-disclosure (total): 1,103

- a. no records 240
- b. referrals 6
- c. withdrawn 140
- d. fee-related 3
- e. records not reasonably described 5
- f. not a proper request/appeal 688
- g. duplicate 2
- h. records previously furnished 4
- i. closed administratively 15

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:
FMS: 111	18
CS: 1,354	20
DO: 301 (Tax Policy)	2
FLETC: 49	12

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

- a. number of requests processed (all bureaus): 52,654
- b. median numbers of days to process, by bureau:

DO	232
ATF	12
BEP	9
BPD	10
OCC	20
CS	25
FLETC	0
FMS	0
IRS	23
MINT	15
OTS	17
TIGTA	21
USSS	174

3. Requests accorded expedited processing.

- a. number of requests processed: 8
- b. median number of days to process: 3

B. Status of pending requests.

1. Number of requests pending at end of FY 2001 (all bureaus) 8,947
2. Median number of days that requests were pending, by bureau:

DO	67
ATF	98
BEP	9
BPD	33
OCC	114
CS	40
FLETC	75
FMS	9
IRS	39
MINT	90
OTS	33
TIGTA	80
USSS	303

VIII. Comparisons with Previous Years.

N/A

IX. Costs/FOIA Staffing.

A. Staffing levels.

1. Full time FOIA personnel: 81.67
2. Personnel with part-time or occasional FOIA duties
(in total work-years): 119.84 FTE
3. Total personnel (in work years) 201.51 FTE

B. Total costs (staff and resources combined).

1. FOIA processing (including appeals): \$ 12,360,213.45
2. Litigation-related activities: \$ 1,056,810.47
3. Total Costs: \$ 13,417,023.92

X. Fees.

- A. Total fees collected FY 2001: \$ 583,445.16
- B. Percentage of total costs: 4.35%

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.