



U.S. DEPARTMENT OF THE TREASURY
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR FISCAL YEAR 2003

CONTENTS

- I. Basic Information Regarding Report
 - II. How to Make a FOIA Request
 - III. Definition of Terms
 - IV. Exemption 3 Statutes
 - V. Initial FOIA/PA Access Requests
 - VI. Appeals of Initial Denials of FOIA/PA Requests
 - VII. Compliance with Time Limits/Status of Pending Requests
 - VIII. Comparisons with Previous Year(s)
 - IX. Costs/FOIA Staffing
 - X. Fees
 - XI. FOIA Regulations
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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2003 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 10 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

Ph: 202/622-0930; Fax: 202/622-3895

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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: <http://www.treas.gov/foia/reports/index.html>, “FY 2003 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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 Bureau (TTB)*

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*Bureau of Engraving & Printing
 (BEP)*

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 Fax: 202/874-3529
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 FOIA OFFICE
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 14th & C Streets, SW
 Washington, DC 20228

Financial Management Service (FMS)

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 401 14th Street, SW
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Denise Hofmann
 Ph: 304/480-7928
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 Address:
 FOIA Request
 200 3rd Street
 Parkersburg, West Virginia 26101

Internal Revenue Service (IRS)

Thomas Marusin

Ph: 202/622-6250

Fax: 202/622-5165

Address:

FOIA Request

P.O. Box 795 - Ben Franklin Station

Washington, DC 20044

Office of Thrift Supervision (OTS)

Dirk Roberts

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Fax: 202/906-6353

Address:

FOIA Branch

1700 G Street, NW

Washington, DC 20552

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Kathleen Saunders-Mitchell

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Address:

FOIA Request

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*Treasury Inspector General for
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Melissa Stuart

Ph: 202/927-7034

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FOIA Request

Treasury Dept./TIGTA

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

III. Definition of Terms.

A. Agency-specific:

BEP	Bureau of Engraving and Printing
BPD	Bureau of the Public Debt
DO	Departmental Offices
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)
TTB	Alcohol and Tobacco Tax and Trade Bureau

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	Delineates the rights and duties of a labor organization which is the exclusive representative of the employees in the unit it represents.	<i>Dublin v. Dept. of the Treasury</i> , 555 F. Supp. 408, 412 (N.D. Ga. 1981), aff'd, 697 F.2d 1093 (unpublished table decision); <i>NTEU v. OPM</i> , No. 76-695, slip op at 49 (D.D.C. July 9, 1979)
41 U.S.C. 253b(m)	Technical proposals not incorporated into contracts.	Not litigated
18 U.S.C. 701	Official Badges, identification cards. Prohibits the reproduction of official identification media. Used to withhold copies of the IRS employee identification badges and pocket commissions.	Not litigated
26 U.S.C. 6103	Confidentiality of Returns and Return Information: Prohibits the disclosure of (1) tax returns and return information of 3 rd party taxpayers (section 6103(a)); (2) the standards used for selection of returns for examination (section 6103(b)(2)) ; and (3) a requester's own return information if the release would seriously impair federal tax administration (section 6103(e)(7)).	<i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987); <i>Aronson v. IRS</i> , 973 F.2d 962 (1 st Cir. 1992); <i>Stebbins v. Sullivan</i> , No. 90-5361, slip op. at 1 (D.C. Cir. July 22, 1992); <i>Wishart v. Commissioner</i> , C-97-20614-SW (N.D. Cal., decided August 6, 1998); <i>Chamberlain v. Kurtz</i> , 589 F. 2d at 827 (5 th Cir.).
26 U.S.C. 6105	Newly codified Section 6105 protects records provided by foreign governments 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	Bank Secrecy Act Records: Prohibits the disclosure of records. Generally used to withhold Currency Transaction Reports.	<i>Small v. IRS</i> , 820 F.Supp. 163 (D.N.J. 1992)
Rule 6(e)	Part of the Federal Rules of Criminal Procedure X Grand Jury Secrecy: regulates matters occurring before the Grand Jury. Used to withhold records used in Grand Jury proceedings.	<i>Fund for Constitutional Gov't v. National Archives & Records Service</i> , 656 F. 2 nd 856, 867 (D.C. Cir. 1981); <i>Walston v. U.S. Department of Justice</i> , 799 F. Supp. 193, 195 (D.D.C. 1992)

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	1,104	1,261	895	1,470
TTB	7	161	116	52
OCC	13	5,534	5,531	16
BEP	15	192	200	7
FMS	4	198	199	3
IRS	4,258	50,605	50,767	4,096
Mint	4	59	60	3
BPD	1	106	106	1
OTS	64	1,722	1,686	100
TIGTA	51	227	254	24
TOTAL	5,521*	60,065	59,814	5,772

* The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), Pub.L. 107-56, authorized the establishment of the Department of Homeland Security and the transfer of several Treasury bureaus to other agencies of the Federal Government. As a result, this number differs from the number reported as “on hand” at the end of FY 2002 in last year’s annual report, due to the transfer of (1) the Federal Law Enforcement Training Center; the U.S. Customs Service; and the U.S. Secret Service to the Department of Homeland Security; and (2) the law enforcement functions of the Bureau of Alcohol, Tobacco and Firearms to the Department of Justice. This report was prepared in accordance with the supplemental annual FOIA report guidance issued by the Department of Justice on August 8, 2003.

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>	<u>Records not Reasonably Described</u>
DO	38	323	52	32	308	23	2	21
TTB	34	18	8	13	15	1	12	11
OCC	5,208	37	20	142	50	48	0	3
BEP	95	88	6	6	0	2	0	2
FMS	103	4	3	37	17	3	18	2
IRS	20,042	2,798	515	13,337	2,196	288	0	0
Mint	16	21	0	5	0	4	7	3
BPD	65	9	0	14	16	0	0	2
OTS	1,475	100	17	47	6	31	1	0
TIGTA	18	104	41	14	0	1	2	0
TOTAL	27,094	3,502	662	13,647	2,608	401	42	44

B. Disposition of initial requests (continued from previous page)

<u>Bureau</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>
DO	2	2	0	0	92
TTB	2	1	1	0	0
OCC	2	5	2	0	14
BEP	1	0	0	0	0
FMS	5	0	4	3	0
IRS	8,893	0	0	0	2,698
Mint	4	0	0	0	0
BPD	0	0	0	0	0
OTS	2	3	4	0	0
TIGTA	52	19	3	0	0
TOTAL	8,963	30	14	3	2,804

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	5	54	219	216	122	153	3	0	32	0	14	0	0	0
TTB	0	3	25	8	10	23	0	0	2	0	0	0	0	0
OCC	0	0	0	24	24	9	2	2	2	2	2	2	35	0
BEP	0	9	0	53	14	11	0	0	0	0	1	0	0	0
FMS	1	0	1	3	1	2	0	0	0	0	0	0	0	0
IRS	0	100	2,599	27	424	575	499	2	941	218	1,232	6	0	0
Mint	0	5	2	13	7	19	0	0	0	0	0	1	0	0
BPD	0	0	0	1	3	6	0	0	0	0	0	0	0	0
OTS	0	0	1	72	22	54	0	0	0	0	1	0	23	0
TIGTA	0	6	70	1	10	4	6	0	133	16	1	1	0	0
TOTAL	6	177	2,917	418	637	856	510	4	1,110	236	1,251	10	58	0

VI. Appeals of Initial Denials of FOIA/PA Requests (continued on next page)

<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	27	3	2	0	0
TTB	4	5	4	1	0
OCC	11	5	3	1	1
BEP	9	9	4	1	4
FMS	11	8	8	0	0
IRS	575	675	535	16	5
Mint	5	3	2	0	0
BPD	4	4	3	0	1
OTS	14	14	5	6	0
TIGTA	23	25	10	12	1
TOTAL	683	751	576	37	12

Other reasons for non-disclosure on appeals (Continued from previous page)

<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	1	0	0	0	0	0	0	0	0
TTB	0	0	0	0	0	0	0	0	0
OCC	0	0	0	0	0	0	0	0	0
BEP	0	0	0	0	0	0	0	0	0
FMS	0	0	0	0	0	0	0	0	0
IRS	109	10	0	0	0	0	0	0	0
Mint	0	0	1	0	0	0	0	0	0
BPD	0	0	0	0	0	0	0	0	0
OTS	0	0	0	1	0	0	0	0	2
TIGTA	0	0	0	0	0	1	0	1	0
TOTAL	110	10	1	1	0	1	0	1	2

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	1	0	1	1	1	0	0	0	0	0	0	0	0
TTB	0	2	4	2	2	2	0	0	0	0	0	0	0	0
OCC	0	0	0	1	1	0	0	0	0	0	0	0	2	0
BEP	0	0	0	0	2	0	0	0	0	0	0	0	0	0
FMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS	1	10	64	1	5	33	5	0	6	3	15	0	0	0
Mint	0	0	0	0	2	0	0	0	0	0	0	0	0	0
BPD	0	0	0	1	0	0	0	0	0	0	0	0	0	0
OTS	0	0	0	4	3	4	0	0	0	0	1	0	5	0
TIGTA	0	0	3	0	1	0	1	0	13	2	0	0	0	0
TOTAL	1	13	71	10	17	40	6	0	19	5	16	0	7	0

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 Processed	Median Number of days to Process
DO	300*	32*	594	176	1	1
TTB	0	0	116	54	0	0
OCC	124	3	5,407	32	0	0
BEP	0	0	197	54	3	8
FMS	0	0	199	13.5	0	0
IRS	0	0	50,767	24	0	0
Mint	0	0	60	15	0	0
BPD	0	0	106	6.46	0	0
OTS	0	0	1,623	10	63	2
TIGTA	0	0	254	184	0	0
TOTAL	424	N/A	59,323	N/A	67	N/A

* Simple requests limited to the Office of Tax Policy and Office of Equal Opportunity Program.

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	1,470	441
TTB	52	28
OCC	16	10
BEP	7	60
FMS	3	42
IRS	4,096	24
Mint	3	65
BPD	1	14
OTS	100	174
TIGTA	24	43.5
TOTAL	5,772	N/A

VIII. Comparisons with Previous Years (Not required).

Department of the Treasury received 77 requests for expedited processing, of which 67 requests were processed.

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	4	12.50	16.50	586,295.67	135,449.98	721,745.65
TTB	1	.60	1.60	49,740.62	0	49,740.62
OCC	7	1	8	570,142.00	0	570,142.00
BEP	1	.75	1.75	127,810.00	0	127,810.00
FMS	0	.95	.95	93,429.69	0	93,429.69
IRS	15	89	104	10,202,769.00	19,902.00	10,222,671.00
Mint	1	.15	1.15	82,324.00	0	82,324.00
BPD	1	.20	1.20	110,000.00	0	110,000.00
OTS	2	1.40	3.40	246,815.00	7,443.00	254,258.00
TIGTA	5	.23	5.23	517,374.40	2,340.34	519,714.74
TOTAL	37	106.78	143.78	\$12,586,700.38	\$165,135.32	\$12,751,835.70

X. FOIA Fees

	FOIA Fees	
	Total Fees collected	Percentage of Total Costs
TOTAL	\$422,772.72	3.32%

XI. Treasury Department FOIA Implementing Regulations.

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