



U.S. DEPARTMENT OF THE TREASURY
FREEDOM OF INFORMATION ACT ANNUAL REPORT
FOR
DEPARTMENTAL OFFICES (TREASURY HEADQUARTERS)
FISCAL YEAR 2006

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) (Optional)
 - IX. Costs/FOIA Staffing
 - X. Fees
 - XI. FOIA Regulations
 - XII. Report on FOIA Executive Order Implementation
-

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 11 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 2006 DO FOIA Report](#)" at Treasury's FOIA home page, <http://www.treas.gov/foia/>. The **combined** Department-wide report can be accessed at "[FY 2006 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:

Hugh Gilmore, Departmental Disclosure Officer
Ph: 202/622-0930; Fax: 202/622-3895
Disclosure Services
FOIA Request
Department of the Treasury
Washington, DC 20220

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

The Departmental Offices' [Guide to Accessing Treasury Records](http://www.treas.gov/foia/guide.pdf) 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 (non-expedited) 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 agency during current fiscal year.

Statute

Information Withheld

Upheld

26 U.S.C. 6103 Taxpayer/1040 Information

Church of Scientology v. IRS, 484 U.S. 9 (1987)

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: 1,717
2. Number of requests received during current fiscal year: 832
3. Number of requests processed during current fiscal year: 976
4. Number of requests pending as of end of current fiscal year: 1,573

B. Disposition of initial requests.

1. Total grants: 121
2. Partial grants: 333
3. Denials: 8

a. Number of times each FOIA exemption used:

(b)(1)	5		(b)(7)(B)	0
(b)(2)	15		(b)(7)(C)	27
(b)(3)	143		(b)(7)(D)	0
(b)(4)	69		(b)(7)(E)	0
(b)(5)	94		(b)(7)(F)	0
(b)(6)	235		(b)(8)	3
(b)(7)(A)	1		(b)(9)	0

4. Other reasons for nondisclosure (total): 514
- a. no records: 49
 - b. referrals: 292
 - c. withdrawn: 60
 - d. fee-related: 2
 - e. records not reasonably described: 31
 - f. not a proper FOIA request: 2
 - g. not agency records : 0
 - h. No Response from Requester: 48
 - i. Mail Returned: 30

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

A. Number of appeals.

- 1. Number of appeals received during fiscal year: 10
- 2. Number of appeals processed during fiscal year: 7

B. Disposition of appeals.

- 1. Number completely upheld: 6
- 2. Number partially reversed: 1
- 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)	1		(b)(7)(D)	0
(b)(4)	1		(b)(7)(E)	0
(b)(5)	3		(b)(7)(F)	0
(b)(6)	1		(b)(8)	0
(b)(7)(A)	0		(b)(9)	0

4. Other reasons for non-disclosure: 0
- a. no records: 0
 - b. Fee related: 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: 302
- b. Median number of days to process: 2

2. Complex Requests.

- a. Number of requests processed: 674
- b. Median number of days to process: 224

B. Status of pending requests.

- 1. Number of requests pending in DO at end of FY 2004: 1,573
- 2. Median number of days that such requests were pending as of that date: 96

VIII. Comparisons with Previous Years

DO received four (4) requests for expedited processing. One (1) was granted. Median number of days to issue decision to grant or deny request for expedited processing was six (6).

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): 15.93
- 3. Total number of personnel (in work-years): 19.93

B. Total costs (staff and resources combined).

1. FOIA processing (including appeals): \$ 313,399.24
2. Litigation-related activities (estimated): \$ 60,095.86
3. Total Costs: \$ 373,495.10

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: \$ 104,239.15
- B. Percentage of total costs: 2.98 %

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.

XII. Report on FOIA Executive Order Implementation.

- A. Description of supplementation/modification of agency improvement plan.

None at this time.

- B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.
 1. **Implemented FOIA Service Center and FOIA liaison. Contact information is posted on FOIA web site. Requesters are assisted in FOIA case tracking status questions as well as general FOIA questions of where and how to file a request.**
 2. **Obtained proven leadership- hired FOIA Director in May 2006.**
 3. **Implemented FOIA Council. Held monthly meetings to discuss issues and resolutions on FOIA and Privacy Act administration.**
 4. **Implemented 10 oldest request blitz on revolving basis.**

5. **Implemented fast track template blitz.**
6. **Report on monthly backlog metrics to Chief FOIA Officer**
7. **Currently backlog requests as of November 30, 2006 total 847 requests which are 6.4% of snapshot goal of 5% by December 31, 2006 for Departmental Offices.**

C. Identification and discussion of any deficiency in meeting plan

1. **Plan progression seems to be in a positive direction toward the goal of a 10% reduction.**
2. **Current FOIA litigation in a Departmental Office may undermine particular goals for that office**

D. Additional narrative statement regarding other executive order related activities

1. **Through the FOIA Council, the members have explored online redaction software vendors to increase efficiency with the administration of the FOIA process. Vendors were invited to participate in the demonstration sessions and received Q&A from the members. This was a valuable brainstorming session to receive feedback from the varied Departmental Offices and Bureaus as to what issues we could foresee as a group to such a technological solution.**
2. **The brainstorming session produced a statement of work which was forwarded to the Treasury Chief Information Office to develop into a Treasury-wide Enterprise Content Management project.**
3. **The invitation by the Department of Justice to participate in the FOIA/IT forum for technology discussion was disseminated to the FOIA Council members for further follow-up on research and development of a Treasury-wide solution for investigation on pitfalls, what works, and lessons learned.**

E. Concise descriptions of FOIA exemptions

DO used the following concise description of the exemptions pursuant to 5 USC 552(b):

(1) protects matters “(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.”

(2) related solely to internal personnel rules and practices of an agency.

(3) matters that are “specifically exempted from disclosure by statute,

provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.”

(4) protects “trade secrets and commercial or financial information obtained from a person that is privileged or confidential.”

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency with regards to the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege.

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7)(A) law enforcement purposes.

(7)(C) personal information in law enforcement records.

(8) records contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for regulation or supervision of financial institutions.

F. Additional Statistics

1. time range of requests pending by date of request (or, where applicable by date of referral from another agency); **The date of request ranges from September 22, 2006 to March 5, 1993.**
2. time range of consultation pending with other agencies by date of initial agency communication. **n/a**

G. Attachment: Agency improvement plan

<http://www.treas.gov/foia/reading-room/foia-improvement-plan.pdf>