Department of the Treasury

2014 Chief Freedom of Information Act Officer Report
to the Attorney General of the United States

Message from the Chief Freedom of Information Act Officer

I am pleased to present the Department of the Treasury's (Treasury or Department[1]) Chief Freedom of Information Act Officer Report to the Attorney General. This report summarizes Treasury initiatives to comply with the Freedom of Information Act[2] (FOIA) and to promote transparency and openness in its operations. This report covers the period of March 2013 through March 2014 (the reporting period).

This reporting period encompasses a time of change for Treasury's Office of Privacy, Transparency, and Records (OPTR). We are pleased to have a new Deputy Assistant Secretary for Privacy, Transparency and Records and a new Director for FOIA and Transparency. Under their leadership, Treasury continues its tradition of leaning forward to ensure Department compliance with the FOIA and the principles of openness and transparency.

Inquiries about this report may be directed OPTR at (202) 622-0930 or TreasFOIA@treasury.gov. This report, as well as previous reports, can be found on the Department's FOIA website at www.treasury.gov/foia.

Nani Coloretti
Assistant Secretary for Management
Chief Freedom of Information Act Officer
Department of the Treasury

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[1] In this report, the "Department" or "Treasury" means the entire agency, including all bureaus (components) and offices.
[2] 5 U.S.C.§552

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FOIA at the Department of the Treasury

FOIA administration is decentralized at the Department of the Treasury. Nine Treasury Offices and Bureaus (collectively, Bureaus) receive and respond to FOIA requests:

1. Alcohol and Tobacco Tax and Trade Bureau (TTB)
2. Bureau of Engraving and Printing (BEP)
3. Bureau of the Fiscal Service (FS)[3]
4. Departmental Offices (DO)
5. Financial Crimes Enforcement Network (FinCEN)
6. Internal Revenue Service (IRS)
7. Office of the Comptroller of the Currency (OCC)
8. Treasury Inspector General for Tax Administration (TIGTA)
9. United States Mint (Mint)

Departmental Offices encompasses Treasury program offices that are not otherwise assigned to another Bureau.[4] This includes, for example, the Office of Foreign Assets Control (OFAC). The Office of Privacy, Transparency, and Records (OPTR), situated within DO, functions as the centralized DO resource for FOIA administration. OPTR is also responsible for Treasury-wide policy, guidance, and compliance with the FOIA (See Figure 1). The Deputy Assistant Secretary for Privacy, Transparency, and Records leads OPTR, and reports directly to the Treasury Chief FOIA Officer.

Figure 1. OPTR is responsible for Treasury-wide policy, guidance, and compliance with the FOIA.

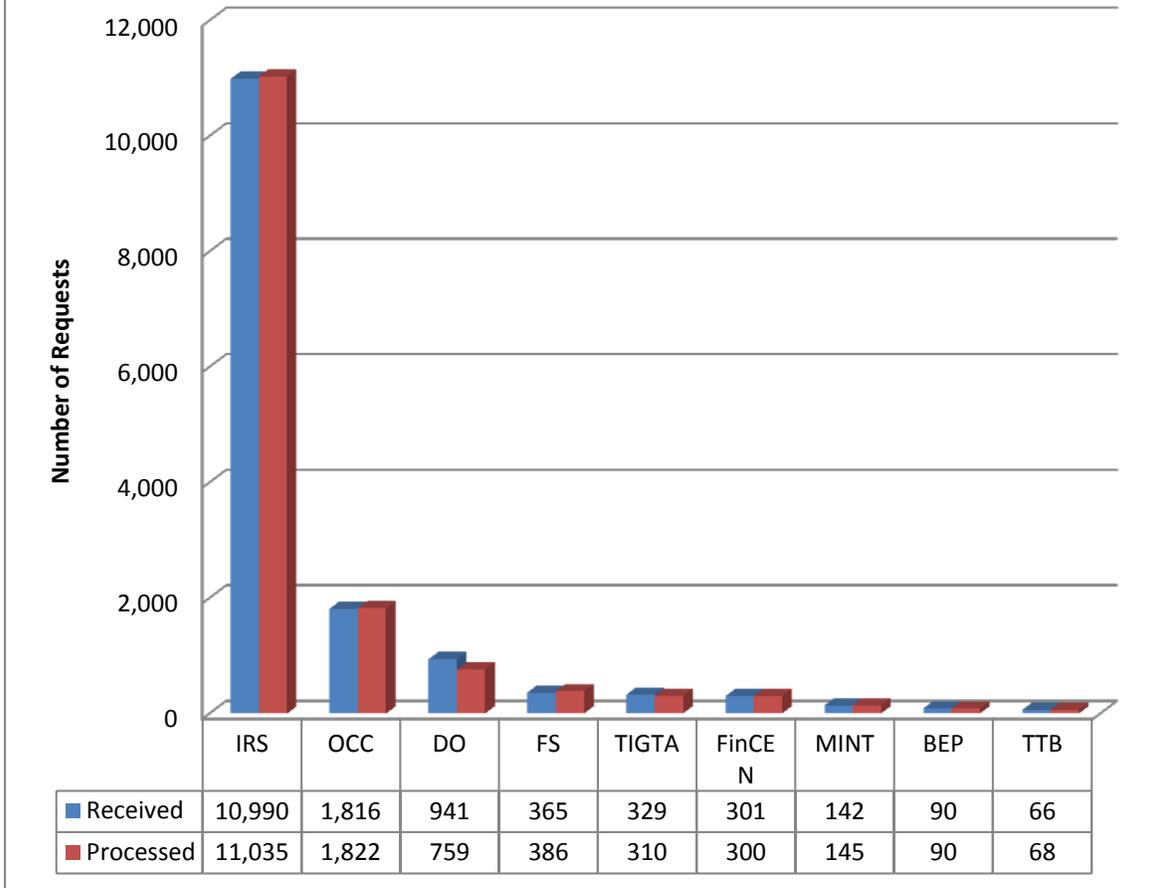[3] In 2013, the Bureau of the Public Debt and the Financial Management Service were consolidated to create FS.
[4] DO also tracks FOIA requests for the Financial Stability Oversight Council, which received seven requests in FY 2013 and has received two requests in FY 2014 to date.

Treasury received 15,040 FOIA requests in Fiscal Year (FY) 2013. This figure represents a 9 percent decrease from FY 2012 and continues a downward trend in recent years.   From FY 2009 through the present, Treasury received an average of 17,082 requests per fiscal year (See Figure 2).

Figure 2. Total Number of FOIA Requests Received at Treasury
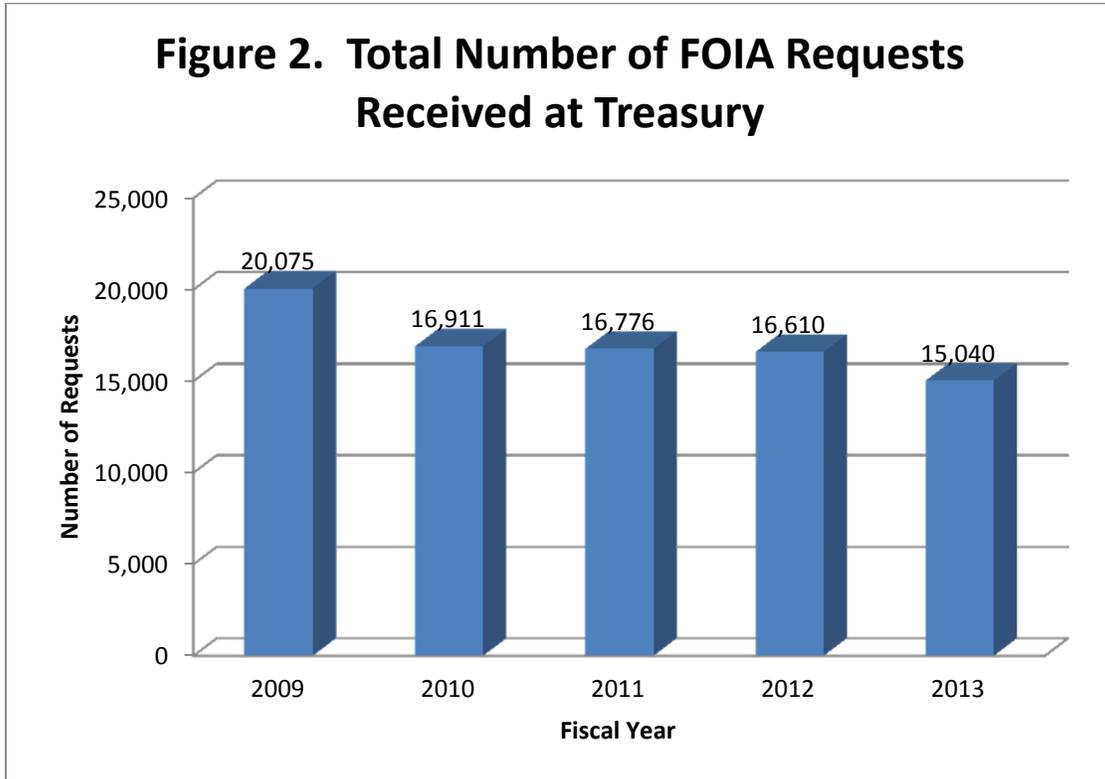
In FY 2013, there was a wide disparity in the number of FOIA requests directed to individual Treasury Bureaus. For example, IRS received 10,990 requests in FY 2013, or 73% of Treasury's total requests.   On the other hand, TTB, BEP, and MINT each received fewer than 250 requests during the same period (See Figure 3).

Figure 3. Number of FOIA Requests Received and Processed during FY 2013, By Bureau

	IRS	OCC	DO	FS	TIGTA	FinCEN	MINT	BEP	TTB
Received	10,990	1,816	941	365	329	301	142	90	66
Processed	11,035	1,822	759	386	310	300	145	90	68

The Department closed 14,915 requests in FY 2013, or 93% of the number of requests received in FY 2013. TTB, FinCEN, IRS, OCC, and MINT all closed as many or more requests than they received.

Although incoming requests continue to decline, Treasury is increasing its investment in FOIA resources. Currently, forty-seven Treasury employees work on FOIA issues on a full-time basis. These employees are assisted by numerous others who work on FOIA matters part-time. Treasury's FOIA staff for FY 2013 was the full-time equivalent of 138 employees. This represents an increase of 16% over FY 2012 staffing levels.

Section I: Steps Taken to Apply the Presumption of Openness

1. *Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?*

   Yes. Please see the full description below.

2. *If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.*

   The Department conducted a number of training sessions on FOIA as well as transparency and open government principles. During the Department's Records and Information Management Month (RIMM), the Office of Privacy, Transparency, and Records (OPTR) hosted two sessions focused on FOIA, including a session on exemptions featuring Melanie Pustay, Director of Office of Information Policy of the Department of Justice.[5] Each of these sessions had 51 and 65 participants, respectively. RIMM also included training on OPEN.gov and Data.gov. These two sessions had more than 50 participants each.

   Treasury employees are encouraged to register for two online training resources entitled "FOIA Essentials" and "Transparency and Open Government Awareness." These courses include information on the President's Memorandum[6] and the Attorney General's Guidelines,[7] and FOIA, privacy, and records principles and practices. They also describe how these principles interrelate and support transparency and open government. These courses are available to all Treasury employees on the online Treasury Learning Management System (TLMS).

   FS held eight training sessions. The sessions covered FOIA administration, background on the statute, practices and procedures at FS, and exemptions.

   DO FOIA staff attended an all-day training session developed by OPTR and entitled "Owning the Challenge." This session was designed specifically for DO FOIA staff and focused on applying customer service and project management principles to FOIA request processing.   17 employees participated in the training.

   FinCEN staff attended the RIMM training offered at Treasury and used the TLMS courses described above.

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[5] http://www.justice.gov/oip/director-bio.htm
[6] http://www.whitehouse.gov/the_press_office/FreedomofInformationAct
[7] http://www.justice.gov/ag/foia-memo-march2009.pdf

TIGTA Counsel conducted training on disclosure laws, as well as the handling of performance and misconduct issues, for TIGTA's Internal Affairs and Procurement Fraud Division, a group of approximately 25 employees.

OCC held two training sessions focused on search and FOIA administration. Each session had approximately 8 participants.

IRS conducted several virtual training sessions entitled "Disclosure Technical Updates." These sessions covered a variety of FOIA topics including:

- Handling FOIA requests for International Records – estimated 50 participants
- Avoiding unauthorized disclosures in FOIA releases – estimated 145 participants
- FOIA Internal Revenue Manual (IRM) Updates (a review of the changes made to the IRM as they relate to FOIA) – estimated 145 participants
- Personnel and PIL issues related to FOIA requests – estimated 145 participants
- Disclosure Specialist Training (Phase I and II, core FOIA Training) –estimated 15 participants

3. *Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice (DOJ)?*

Treasury encourages department employees to attend FOIA training at the U.S. Department of Justice (DOJ) and promotes such training opportunities at monthly Treasury FOIA Council meetings.

TTB attended the DOJ "Introduction to Freedom of Information Act" training in March 2013. Also, an employee attended the Annual National Training Conference in March 2013.

FS FOIA staff attended the American Society of Access Professionals (ASAP) 6th Annual National Training Conference in May of 2013.

BEP and FinCEN FOIA staff attended training sessions hosted by DOJ, including *FOIA for Attorneys and Access Professionals*.

DO FOIA staff attended training sessions hosted by DOJ, including *FOIA for Attorneys and Access Professionals*. At the start of FY 2014, DO and IRS staff attended the FOIA annual report and chief FOIA officer report refresher training. In addition, DO FOIA staff in OPTR attended training hosted by the Office of Government Information Services (OGIS).

IRS distributed copies of the DOJ video on FOIA "Procedures and Exemptions" to each of their FOIA offices for viewing by all disclosure employees. During the reporting period, IRS held monthly virtual training sessions for IRS FOIA professionals. In addition:

- 2 IRS employees attended the "FOIA Fundamentals" training offered by DOJ.

- 1 IRS employee attended Annual FOIA Report training offered by DOJ.

- 1 IRS employee attended the ASAP National Training Conference held in May 2013.

- 3 IRS employees attended the ASAP Privacy Training held in December 2013.

OCC FOIA staff attended DOJ and ASAP training.

TIGTA's Government Information Specialists attended:

- DOJ's FOIA for Attorneys and Access Professionals
- DOJ/OGIS sponsored FOIA Requester Roundtable
- ASAP training
- Sixth Annual Freedom of Information Day Celebration Program offered by the Collaboration on Government Secrecy at American University Washington College of Law
- OIG FOIA Working Group conference (multi-agency event)

Mint FOIA staff attended FOIA training conferences sponsored by the Department of Homeland Security and DOJ. The Mint FOIA staff also attended training on the Department of the Treasury's FOIA tracking system, goFOIA.

4. *Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.*

FS, FinCEN, IRS, OCC, TIGTA, and Mint had 100% of FOIA professionals attend training.

Nearly 90% of DO full-time FOIA professionals attended FOIA training during the reporting period. Approximately 75% of DO employees who work on FOIA issues on a part-time basis attended training events during the reporting period.
Approximately 20% of TTB FOIA professionals attended training during the reporting period.

5. *OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.*

> Treasury developed two training modules entitled, "FOIA Essentials" and "Transparency and Open Government Awareness," which Treasury staff are encouraged to complete on an annual basis. This online training module assists Treasury employees in understanding the open government principles reflected in the President's Transparency and Open Government memorandum[8] and how these concepts affect Treasury employees in the performance of their duties. Treasury plans to continue offering electronic online training options to all employees.

> In addition, OPTR offers a core curriculum of 8 different in-person training courses (constituting 28 hours of instruction) on substantive FOIA topics for FOIA professionals. These are available to all Treasury FOIA professionals upon request.

> TTB is in the process of updating/revising FOIA policy and procedures to ensure FOIA training is included in Individual Development Plans. TTB plans to provide mandatory in-depth training for FOIA liaisons and managers who make decisions on the release of documents. This training will focus on exemptions, redactions, and discretionary release. TTB will hold monthly meetings of TTB FOIA liaisons. These monthly meetings will provide ongoing training on FOIA processes and procedures, FOIA exemptions, discretionary disclosures, and other FOIA-related topics. In addition, FOIA awareness training will be made mandatory for all TTB employees.

> FS, BEP, and OCC plan to have FOIA professionals attend OIP and ASAP training during 2014.

> All DO FOIA professionals in OPTR are required to attend at least one DOJ-sponsored training event annually. OPTR FOIA staff also will be provided with at least 10 hours of in-person instruction on substantive FOIA topics during FY 2014 and FY 2015, through the OPTR core FOIA curriculum described above. In addition, FOIA case managers are required to attend OGIS-sponsored training on conflict resolution. OPTR also is providing refresher training for all DO FOIA liaisons on Treasury's FOIA processes and policies, as well as on Treasury's FOIA tracking system.

> FinCEN and TIGTA plan to continue using the TLMS course offerings, and plan to attend Department of Justice training sessions.

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[8] http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment

IRS plans to hold a "Virtual FOIA CPE" for all FOIA staff in the upcoming year. The training will consist of 8 hours of training on FOIA topics.

Mint has designed its own mentoring program for its FOIA staff. It plans to implement core training through that program.

6. *Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?   If so, please briefly discuss that engagement.*

DO FOIA personnel attended a *FOIA and Information Technology* working group sponsored by DOJ/OIP. The group met with members of the requester community to share ideas and clarify some misconceptions about FOIA administration. Topics included proactive disclosure, FOIA searches, and posting information to FOIA or agency websites.

In addition, TIGTA FOIA staff attended a *FOIA Requester Roundtable*, hosted by DOJ/OIP and the OGIS, on FOIA fee and fee waiver provisions. The discussion focused on an overview of the current fee structure and some of the challenges in administering this area of the Act.

7. *Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.*

As noted above, Treasury's administration of FOIA is decentralized. All Treasury Bureaus make discretionary release determinations on a case-by-case basis. All Bureaus follow the Attorney Generals FOIA Guidelines[9] in making discretionary release determinations to ensure that information is released unless the disclosure creates a reasonable expectation of foreseeable harm to the agency's interests.

For example, IRS performs a foreseeable harm analysis of all pre-decisional documents prior to applying exemption (b)(5).   Similarly, TIGTA reviews and applies foreseeable harm analysis to any initial determination that involves withholding information pursuant to FOIA Exemptions 2 or 5. TIGTA FOIA staff also consult with the custodians of responsive records to gain a better understanding of the records and to support recommendations for discretionary release. These reviews ensure the presumption of openness is routinely and consistently applied to the processing of FOIA responses.

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[9] The Attorney Generals FOIA Guidelines were issued on March 19, 2009. They are available at http://www.justice.gov/ag/foia-memo-march2009.pdf.

8. *During the reporting period did your agency make any discretionary releases of otherwise exempt information?*

   Yes. TTB, FS, FinCEN, IRS, and Mint all made discretionary releases.

9. *What exemptions would have covered the information that was released as a matter of discretion?*

   - TTB, FS and Mint released materials otherwise subject to exemption 5.
   - FinCEN and TIGTA released materials otherwise subject to exemptions 2 and 5.
   - IRS released materials otherwise subject to exemptions 2, 5, and 7.

10. *Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.*

   For example, TTB released internal, pre-decisional documents related to rulemakings and other significant decisions that would otherwise be withheld in their entirety pursuant to FOIA Exemption 5.

   FinCEN provided discretionary release of strings of emails consisting of inter-agency deliberations concerning privacy training for the use of a database; such information could have been withheld under exemption 5. FinCEN also released communications involving meeting arrangements that could have been withheld under exemption 2. These records shed light on which agencies were involved in the meetings.

   IRS employee surveys and information about agency flu shots were released, where it was determined that release would not cause foreseeable harm. Similarly, some investigative audit reports were released because the disclosure would cause no foreseeable harm.

   Mint released marketing studies and surveys pertaining to the 50 State Quarters Program as well as the United States Mint $1 Coin Programs, which in the past may have been withheld or redacted under exemption 5.

   TIGTA released deliberations between employees at various levels of the organization when there was no foreseeable harm in releasing the information. For example, TIGTA released emails between IRS and TIGTA regarding the potential referral of documents under the FOIA, as well as notes detailing the decision-making process on requests for expedited processing and fee waivers.

11. *If your agency was not able to make any discretionary releases of information, please explain why.*

OCC records often contain bank examiner information and law enforcement information that is collected during audits and investigations. Generally, this type of information is not appropriate for discretionary release.

12. *Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.*

Treasury OPTR did prepare quarterly reports for FY 2013; however, that information was not made available online. Treasury is taking steps to make the information available to the public. During FY 2014, the timely completion of the quarterly report will be added as a performance metric in OPTR FOIA staff performance plans. In addition, multiple employees will be trained to complete the report.

13. *Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.*

Treasury strongly supports increased transparency in government. For this reason, the Department is amending its FOIA regulations to incorporate provisions of the OPEN Government Act and related policy memoranda. These revisions will also institute systemic reviews of the business submitter process and ensure all new FOIA staff are required to complete relevant training on their roles and responsibilities for FOIA processing.

TTB promotes openness and transparency by providing online application submissions and interactive tutorials, webinars, and FAQs to connect the public to our information and services. See TTB Open Government webpage at www.ttb.gov/open/index.shtml. TTB also offers several news sources, such as TTB Newsletters, to keep the public informed. Anyone can subscribe to TTB newsletters by visiting www.ttb.gov/publications/newsletter.shtml

DO is committed to implementing the historic Dodd-Frank Wall Street Reform and Consumer Protection Act[10] in an open and transparent manner. DO proactively discloses information concerning meetings with private sector individuals or entities and nongovernmental organizations (except media) that are set up for the purpose of discussing policy implementation of the Dodd-Frank Act. This disclosure policy applies to in-person meetings involving DO employees at the Deputy Assistant Secretary or higher rank, including Counselors to the Secretary and Special Advisors to the

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[10] Pub. L. 111-203, 124 Stat 1376 (July 21, 2010); 12 U.S.C. § 5301

Secretary. Meeting disclosures are posted to the Department's website at http://www.treasury.gov/initiatives/wsr/Pages/transparency.aspx and include information such as: the date of the meeting, names of all covered Treasury participants, names and affiliations of all non-Treasury participants, and a list of the primary topics of conversation related to Dodd-Frank implementation.

FinCEN has launched a webpage that provides a listing registered money services businesses (MSBs). FinCEN's MSB Registrant Search Web page allows MSBs, banks, regulators, law enforcement, and the general public to more efficiently access, search, verify, download, and print MSB registration information.

IRS has undertaken a number of initiatives to promote openness and improve services to the public. In the spring of 2013, IRS released and promoted a video for IRS employees that discussed each employee's responsibility to provide access to records from open administrative files outside of the FOIA process. IRS also developed a new public webpage, entitled Routine Access to IRS Records, to inform the public of procedures designed to streamline access to frequently requested records outside of the FOIA process. Similarly, IRS launched a Respond Directly website for IRS employees. This website provides IRS employees guidance and instruction about when it is appropriate to provide taxpayers and their representatives direct access to certain documents outside of the FOIA process. Responding directly to taxpayers outside of the FOIA process has reduced the burden on taxpayers and IRS employees and has saved time and taxpayer money.

SECTION II: Steps Taken to Ensure That Your Agency has an Effective System for Responding to Requests

14. *Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?*

DO is in the process of transforming its FOIA administration from a decentralized structure to a centralized unit. In the first quarter of FY 2014, the human resources offices approved new position descriptions for all OPTR FOIA professionals under the government information specialist job series. Current employees will be transferred into the new position descriptions during the second quarter of FY 2014. All new FOIA positions will be hired under the new job series.

Upon completion of the conversion, DO plans to share the completed position descriptions with Treasury Bureaus and to encourage the Bureaus to modify their FOIA positions, where appropriate.

15. *If not, what proportion of personnel has been converted to the new job series?*

    DO is in the process of converting 100% of FOIA professionals to the new job series.   In addition, TIGTA has converted 100% of its FOIA professionals to the new job series.

16. *If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?*

    Three Treasury Bureaus are in the process of converting FOIA positions to the new job series. TTB converted one FOIA position description to the new job series in FY 2014. As noted above, DO is in the process of converting all of its FOIA positions to the new job series. IRS had planned to begin conversion to the new job series in late FY 2013, but has placed those plans on temporary hold due to other organizational priorities.

    Three Treasury Bureaus—BEP, FS, and Mint—are in the process of assessing FOIA staffing needs and reviewing FOIA position descriptions. These Bureaus are considering conversion to the new job series as part of those efforts.

    Two Treasury Bureaus have declined to convert positions to the new job series. The FOIA professional position description for FinCEN was created in 2010 and is classified as a Management Specialist (FOIA, Privacy Act, & Records Management). Similarly, OCC recently converted its FOIA professionals from Public Affairs Specialists to Management Specialists (FOIA).

17. *For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

    The Department-wide average number of days to adjudicate expedited processing requests was 2.63 business days.

18. *Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consult or referral or coordinate the process to eliminate it altogether?   Do you use e-mail or other electronic means to communicate with requesters when feasible?*

    Treasury is still exploring methods to increase efficiencies concerning the process of consultations and referrals.   Department-wide, open requests for consultation decreased 28% in FY 2013.[11]

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[11] Open requests for consultation fell from 324 in FY 2012 to 232 in FY 2013.

For example, earmarking consultation requests within Treasury's FOIA request tracking system has improved the timely processing of those requests; particularly in situations where the request complexity and document volume are low. This allows FOIA staff to shift the request into the simple track.

In addition, FinCEN established an agreement with the Office of Personnel Management (OPM) that allows OPM's FOIA staff to process certain FinCEN documents without going through the consultation process.

19. *Use of Electronic technology and email with requesters.*

Treasury FOIA professionals routinely correspond with FOIA requesters via e-mail. DO accepts FOIA requests submitted via email and will routinely transmit acknowledgement letters and response letters via email. DO also accepts FOIA requests via the Treasury Online FOIA request form at www.treasury.gov/foia.

20. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?*

Treasury includes OGIS's contact information in all FOIA response letters.

21. *Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc.*

Treasury has consistently invested in technology improvements to ensure the most efficient process possible for tracking and administration of FOIA. Phase 1.2 of Treasury's goFOIA electronic system was implemented during FY 2013. This enhancement greatly improved system reporting capacity. Treasury has also developed an online portal that allows FOIA requesters to submit FOIA requests online.

In conjunction with improvements to the goFOIA system, Treasury revised its weekly and monthly internal FOIA report templates to provide more accurate, streamlined and meaningful information to Treasury leadership. The new reports focus on providing comparable measures for all Treasury Bureaus and Offices, to allow leadership to accurately gauge FOIA production and backlog levels on a regular basis.

Treasury Bureaus also implemented a number of initiatives to gain efficiencies in the search process, streamline internal workflows by utilizing self-assessment and Lean Six Sigma techniques, and improve processing by cultivating partnerships with legal staff. Some of these initiatives are highlighted below:

TTB has implemented a robust review process that includes the active collaboration and participation by TTB FOIA Officer and TTB's Office of Chief Counsel. The review process ensures a foreseeable harm review and analysis has been completed for all withheld and partial release documents.

TTB also has conducted assessments of the FOIA operation through regular reviews of closed cases, by running quarterly progress reports similar to the FOIA Annual Report, and by conducting frequent staff meetings to discuss issues, accomplishments, and improvements.

BEPs Disclosure Officers continue to embrace new technology to administer the FOIA program. The Disclosure Officers and the Office of the Chief Counsel are in the process of reviewing and updating BEP Circular 40.006A, dated May 2, 1991, *Processing Public Inquiries Under the Freedom of Information and Privacy Acts.*

DO launched its *FOIA Transformation* initiative in FY 2014. DO FOIA Transformation is focused on improving the quality and efficiency of FOIA processing and customer service in DO. The first step in this effort was the restructuring of DO FOIA roles and responsibilities to create a new team of FOIA case managers. Beginning October 1, 2013, every active FOIA request in Treasury was assigned a case manager. These case managers are responsible for proactively tracking the status and progress of their assigned cases and troubleshooting and resolving issues with the processing of the request. For cases that are in backlog, the case manager is responsible for determining causes for the delay and making recommendations for escalation or additional resources to resolve the problem. Case managers also are responsible for communicating with requesters and coordinating efforts and communications between Treasury Bureaus and Offices for requests involving more than one Treasury entity. All OPTR FOIA staff underwent customer service and project management training in support of this new role. Similarly, OPTR initiated extensive outreach to DO program office FOIA liaisons to educate them on the new case manager role and to provide refresher training and assistance with use of the goFOIA system.

DO FOIA Transformation also envisions the consolidation of FOIA processing functions for DO within OPTR. Consolidation of FOIA processing will result in efficiencies from consistent management and training of FOIA professionals and contractors and elimination of redundant FOIA functions spread throughout DO. In December 2013, DO completed consolidation of FOIA processing for its nine Domestic Finance-related offices.

In addition, OPTR underwent a significant reorganization in January 2014. One of the primary purposes of this reorganization was to provide additional staffing support to the DO FOIA and Transparency team. As a result, four additional full-time employees were reassigned to the FOIA and Transparency team in OPTR.

FinCEN is establishing FOIA liaisons in offices to assist with FOIA searches as a duty as assigned.

The IRS has identified complexity factors and aligned these factors to two categories of FOIA casework - complex and single stakeholder. This has allowed IRS to more effectively manage its inventory by focusing on the work that it can control. IRS continues to work with IRS Business Units to notify the different functions of pending FOIA requests, permitting immediate high level management intervention on gathering responsive records. IRS continues to optimize its resources by balancing its inventory Nationwide based on staff availability.

OCC conducted a business improvement initiative using lean six sigma methodologies to self-evaluate FOIA administration including refining the search process.

Mint's FOIA professionals work on self-assessments for the administration of FOIA. To improve Mint's search processes, open forums for feedback with other Mint employees involved in FOIA are held periodically. The information gathered from the feedback is used in the self-assessments to gain performance improvements and establish goals.

Section III: Steps Taken to Increase Proactive Disclosure

22. *Do your FOIA professionals have a system in place to identify records for proactive disclosures?*

    All Treasury FOIA Offices have systems in place that provide for proactive disclosure.

23. *If so, describe the system that is in place.*

    BEP proactively posts records that have been located and processed in response to a FOIA request when those records are, or are likely to become, the subject of subsequent requests for substantially similar records.

    DO reviews calendars of specific Treasury officials, as well as FOIA logs and reports, on a monthly and quarterly basis and posts such materials to the FOIA electronic reading room.

    FinCEN proactively posts records concerning FinCEN enforcement actions on its public website.

    IRS Disclosure Office has a staff member assigned to the Internal Management Document Council, a group with representation from all IRS functions responsible for managing Service-wide instructions to staff and other IRS documents. One of the responsibilities is to address FOIA responsibilities identifying the various offices' materials that may be posted proactively.

OCC conducts case-by-case reviews and will proactively disclose information when there are two or more requests for similar information.

TIGTA proactively posts a number of reports, as described below. TIGTA does not, however, have a system for proactive disclosure of investigatory records, which constitute the majority of its FOIA requests. Such records generally are not appropriate for proactive public posting.

Mint's Office of Corporate Communications and Sales and Marketing Department determine what records are appropriate for proactive posting. The Office of Chief Counsel also works with Mint offices to determine if certain records should be proactively disclosed.

24. *Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.*

TTB:

Petitions to Establish American Viticulture Area (AVA):
http://www.ttb.gov/foia/err.shtml

Federal Register publications and other TTB documents such as directives and industry circulars, administrative cases, statistical data/reports, and public comments submitted in response to Notices of Proposed Rulemaking:
http://www.ttb.gov/industry_circulars/archives/2013/13-01.html
http://www.ttb.gov/regulations_laws/rulemaking.shtml
http://www.ttb.gov/rrd/decisions.shtml

Additional information: http://www.ttb.gov/foia/err.shtml and
http://www.ttb.gov/statistics/reports.shtml

FS:
Monthly FHA Debenture Reports:
http://www.treasurydirect.gov/foia/foia_fhadr.pdf

DO:
Final Opinions of Office of Foreign Assets Control links:
http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx
http://www.treasury.gov/resource-center/sanctions/Pages/legal-index.aspx

Statements of Policy and Interpretation/Acquisition Procedures (DTAP):
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/DTAP%20April%202013.pdf
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/APU%2013-02%20Class%20Deviation%20Exempting%20PSCs%20from%20PPIRS%2022May2013%20signed%205.22.13.pdf
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Archive/APU%2013-04.pdf
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/APU%2013-05%20EHS%2030Sept13%20Signed.pdf

Statements of Policy and Interpretation:
http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx
http://www.treasury.gov/resource-center/sanctions/CivPen/Pages/civpen-index2.aspx

Policy Handbooks and Guides:
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/IAA%20Guide%20-%20March%202013.pdf
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/TIPR%2004-15-2013.pdf
http://www.treasury.gov/about/organizational-structure/offices/Mgt/Documents/HIA_DTAP%20April%202013.pdf

Frequently requested documents:
http://www.treasury.gov/FOIA/Pages/ofac-index.aspx
http://www.treasury.gov/FOIA/Documents/2012-08-054%20Production%206%20of%20N%20(07192013).pdf

FinCEN:
Contact information: http://www.fincen.gov/contactus.html
Link to filing a FOIA request online:
http://www.fincen.gov/foia/foia_filingrequest.html
MSB registrations
http://www.fincen.gov/financial_institutions/msb/msbstateselector.htm
Record retention schedules: http://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-the-treasury/rg-0559

OCC:
Merger applications, branch applications, mutual to stock conversion applications, and securities filings: https://foia-pal.occ.gov/palMain.aspx

TIGTA:

    Audit Plans, Management Performance Challenges Facing IRS, Semiannual Reports, Investigation Highlights, Inspections and Evaluations Reports. The documents posted this reporting period are available through the following links:

        www.treasury.gov/tigta/oa_auditplans.shtml
        www.treasury.gov/tigta/oa_management.shtml
        www.treasury.gov/tigta/publications_semi.shtml
        www.treasury.gov/tigta/oi_highlights.shtml
        www.treasury.gov/tigta/oie_iereports.shtml

Mint:

    Press releases, annual reports, strategic plans, and other frequently requested documents are posted at www.usmint.gov/foia/.

25. *Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?*

Yes. TTB, BEP, FS, DO, IRS, OCC, TIGTA, and Mint are all engaged in such efforts.

26. *If so, provide examples of such improvements.*

TTB has interactive accounts for industry members and actively solicits customer service feedback. For example, TTB is improving access for its industry members submitting a Certificate of Label Approval (COLA) application via COLAs Online. Applicants log into their COLAs Online account–available 24 hours a day, 7 days a week— to check the status of their application.

In addition, through the restructure of TTB's website, the Bureau will better meet the needs of web visitors by providing easier access to information and creating more relevant content for specific audiences. For example, TTB newsletters: http://www.ttb.gov/publications/newsletter.shtml. TTB often uses its newsletters to highlight important proactive disclosures.

Other initiatives aimed at improving customer service include:

- Email Updates: Individuals can sign up for updates or access subscriber preferences by entering their e-mail address. See http://www.ttb.gov/labeling/processing-times.shtml
- Updates about outages and upgrades to TTB online systems.
- Feedback on the content and presentation of posted material. For example, regarding Label Applications, at http://www.ttb.gov/labeling/processing-times.shtml the following information can be found; "Tell us what you think**."**

BEP's Office of External Relations monitors BEP's website and surveys visitors who provide feedback and suggestions on ease of access, and scope/quality of information provided.

DO is implementing an integrated library system that will provide greater capacity for its FOIA electronic reading room and will allow keyword searches of posted information. The search capability will allow the public to conduct in-depth searches of information that is publicly available in Treasury's FOIA Library and at www.treasury.gov. DO anticipates that the new integrated library system will be available by the end of FY 2014.

IRS has made improvements in both search capability and customer service. For example, IRS has several social media tools that are used to communicate with the public, including Twitter, YouTube, Facebook, and Tumblr, a mobile app, QR codes, podcasts and widgets. IRS incorporated these into the communications process to maximize the taxpayer 'reach'. These tools are advantageous particularly during the filing season. IRS YouTube channels (English, American Sign Language and Spanish) surpassed 6.4 million total combined views since the 2009 launch. The "When Will I Get My Refund" video featured in the 2013 filing season received more than 1.1 million views, making it the most-watched video among all those posted on all three channels. Mobile apps and direct traffic account for 83% of traffic to the English You tube channel. More than half of all video views for this channel come from embedded players on other websites. IRS.gov accounts for more than 71% of embedded traffic.

Three IRS Twitter accounts grew to over 45,000 followers. Facebook likes have surpassed 17,000, up from 7,826 likes at the end of December 2012. The IRS2go mobile app has nearly 500,000 downloads to smartphones since version 2 launch in February 2012. The app allows taxpayers to view IRS YouTube videos on all three channels. Taxpayers can also get the latest news from IRS, put in a request for their tax records, check their refund status, and follow IRS on Twitter and get tax tips.

IRS has always provided a mechanism for site visitors to submit comments about the website. Since transitioning to a new portal platform in 2012, IRS has been taking steps to tune the search engine and provide optimized search results. IRS has reviewed much

of the content on the site and identified priority areas for improvements. IRS is currently focused on transforming existing content using web writing techniques and plain language concepts to make content more useful to the public.

OCC press office uses social media to broadcast information, press releases, and agency activities and invite public comment.

TIGTA utilizes a list serve to send out immediate email notifications of press releases, audit report postings, announcements, etc., to interested stakeholders and the public. TIGTA issues press releases to publicize its most significant, high-profile activities, investigation highlights, audit reports, and inspections and evaluations reports.

27. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?*

TTB often uses its newsletters to highlight important proactive disclosures.

IRS sends informative bulletins through GovDelivery to individuals who have signed up for emails. Many bulletins announce recent content updates on several topics of interest for various audiences. For example, IRS' Statistics of Income Division sends bulletins when new Tax Stats reports are available on IRS.gov.

TIGTA utilizes a list serve to send out immediate email notifications of press releases, audit report postings, and announcements to interested stakeholders and the public.

28. *Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are*.

Treasury has many categories of records that contain uniquely sensitive financial and law enforcement information. Often, such records are not appropriate for proactive disclosure.

TTB experiences challenges due to protections attached to sensitive taxpayer information.

IRS is working to proactively post FOIA logs. The high volume of requests involving tax return or return information that must be redacted prior to posting presents a significant challenge in posting such logs. The necessary redactions also severely limit the amount of information from the log that would be available to the public.

29. *Describe any other steps taken to increase proactive disclosures at your agency.*

IRS Tumblr microblog launched just prior to the 2013 filing season and received 214,752 page views from January to September 2013. Over 800,000 widgets were viewed on topics such as the American Opportunity Credit, Getting Transcripts, EITC and VITA.

IRS has proactively released information issued by former Acting Commissioner Danny Werfel outlining new actions and next steps to fix problems uncovered in connection with the IRS' review of tax-exempt applications and improve the processes and operations.

See www.irs.gov/PUP/newsroom/Initial%20Assessment%20and%20Plan%20of%20Action.pdf and related content at www.irs.gov/uac/Newsroom/Report-Outlines-Changes-for-IRS-To-Ensure-Accountability,-Chart-a-Path-Forward;-Immediate-Actions,-Next-Steps-Outlined.

Section IV: Steps Take to Greater Utilize Technology

30. *Can a FOIA requester track the status of his/her request electronically?*

OCC provides for electronic status tracking of FOIA requests through its online portal.

Currently, TTB, BEP, FS, DO, FS, FinCEN, MINT, and TIGTA do not provide electronic tracking for FOIA requests. The Department is developing an online FOIA request status tool to replace the FOIA Online portal which was used during FY 2013. In the interim, requesters can receive up-to-date information on the status of their request by contacting OPTR's FOIA hotline at (202) 622-0930, or via email at TreasFOIA@treasury.gov.

At IRS, a FOIA requester cannot track the status of a FOIA request electronically; however, the requester can check the status by contacting their FOIA Public liaison to get the status of his/her request.

31. *If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?*

Treasury uses a collaboration site called goFOIA which advises requesters when information submitted electronically is received in Treasury. A digitally signed acknowledgement letter is provided via email to the requester providing the request's case number, advising of any imperfections, and specifying contact information for further questions. Currently, TTB, BEP, FS, DO, FinCEN, and MINT have implemented goFOIA. Future updates to the goFOIA tool and new Treasury online FOIA request portal will provide tracking functionality to the public.

OCC provides an online portal with tracking functions. IRS and TIGTA both utilize their own FOIA tracking system.

32. *Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.*

    OCC's portal provides basic information about the current status of the case. Generally, a request can characterized as (1) received, (2) in process, or (3) closed. If the request is closed, the portal provides information about the disposition of the request.

33. *In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?*

    OCC provides this information in a letter acknowledging the request.

34. *If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.*

    As described in #30 above, Treasury expects to have electronic tracking capabilities available in the future. Currently, a requester may contact OPTR's FOIA hotline at (202) 622-0930, or TreasFOIA@treasury.gov to obtain information about status and estimated completion time.

35. *Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?*

    As described in #26 above, Treasury is implementing a new Integrated Library System which will provide its FOIA electronic reading room with robust keyword search and analytic capabilities. The FOIA library would be available to Bureaus with access to goFOIA.

    BEP continues to use the goFOIA system to improve consultation and referrals. Additionally, BEP uses an internal shared drive to input case information and monitor case activity.

    DO is in the process of procuring an e-discovery tool, which may be used to search, analyze, de-duplicate, and redact FOIA records.

36. *If so, describe the technological improvements being made.*

The Integrated Library System is a cloud tool which will give the public access to both FOIA related documents and Treasury Library's digitized collections in one system. Additionally, this new system will feature enhanced FOIA reading room design, including metasearch capability. The updated search capability will search within content and will allow for links and documents to appear in search results. The tool has been used by universities and libraries with large amounts of data. It will also provide Treasury with the ability to monitor metrics and track analytics on use of its online resources.

37. *Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?*

OCC is exploring enhanced email searches of its internal system.

IRS is continuing to explore the use of e-Discovery software for FOIA case processing.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and to Reduce Backlogs

38. *Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.*

    a. *Does your agency utilize a separate track for simple requests?*

    All Treasury Bureaus utilize a separate track for simple requests, with the exception of IRS.

    b. *If so, for your agency overall, for Fiscal Year 2013, was the average number of days to process simple requests twenty working days or fewer?*

    Yes.

c. *If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?*

IRS, which does not use a simple track, took an average of 20.04 days to respond to FOIA requests in FY 2013.

39. *Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.*

<u>*Backlogs*</u>

a. *If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?*

No.

b. *If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?*

No.

<u>*Ten Oldest Requests*</u>

c. *In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?*

No.

d. *If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them; you should note that you closed two out of seven "oldest" requests.*

During FY 2013, Treasury closed three of the ten oldest FOIA requests reported in the FY 2012 Annual Report.

Ten Oldest Appeals

e. *In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?*

No.

f. *If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C. (5) of your Fiscal Year 2012 Annual FOIA Report.*

During fiscal year 2013, Treasury closed six out of the ten oldest administrative appeals reported in the FY 2012 Annual Report.

Ten Oldest Consultations

g. *In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?*

No.

h. *If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C. of your Fiscal Year 2012 Annual FOIA Report.*

During FY 2013, Treasury closed eight out of the ten oldest pending consultation requests.

40. If you answered "no" to any of the questions in item 39 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

Request and/or Appeal Backlog

a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

No. Overall, Treasury did not receive more requests in 2013 compared to 2012.

b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

No. Treasury did not have a significant loss of staff. OPTR did have leadership vacancies that were filled in late FY 2013. The Deputy Assistant Secretary for Privacy, Transparency, and Records position was vacant from January through June 2013. Similarly, it took several months to recruit a new Director for FOIA and Transparency. That position was filled in late September 2013. These vacancies impacted the efficiency of the OPTR organization and DO FOIA processing.

c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

Yes, in part. Treasury has seen an increase in complexity of FOIA requests. In at least one instance, FOIA resources also were expended to support pending complex FOIA litigation.

IRS has established a process to track the complexity of its casework and has seen an increase in backlog cases that contain the complexity factors.

d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

As mentioned above, temporary vacancies in OPTR leadership roles, combined with limited resources in a sequestration environment, impacted DO's ability to dedicate significant resources to FOIA backlog reduction. In response, OPTR's new leadership initiated a reorganization that resulted in reassignment of four full-time employees to its FOIA staff for FY 2014.

e. *Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.*

During FY 2012, Treasury closed three of the ten oldest pending FOIA requests. As outlined below, IRS and DO reported challenges closing the oldest pending FOIA requests, appeals, and consultations due to the volume and complexity of responsive records, and the frequent need to invoke the business submitter notice process. BEP, FinCEN, FS, MINT, OCC, TIGTA, and OCC all closed their ten oldest FOIA requests, appeals, and consultations during FY 2013.

IRS has closed six of its ten oldest cases from FY 2012. The remaining IRS cases involve requests for large volumes of documents that require either a review by the Business Unit with jurisdiction over the documents, a review by Counsel and a final review by Disclosure for IRC §6103 considerations.

Within DO, where the remaining seven oldest requests from FY 2012 that are still open are being processed, the majority of the requests are assigned to the Office of Foreign Assets Control (OFAC). OFAC has identified two impediments to the substantial reduction of its FOIA backlog: (1) the complexity and classification of its records holdings; and (2) the frequent need to invoke the submitter notice process. The implications of these findings are discussed below.

OFAC records are extremely complex; they involve classified, national security, law enforcement sensitive, and confidential business information, as well as information that originated from other federal agencies. Each such type of records requires special handling to ensure release determinations are made properly.

Many of the classified records OFAC maintains were obtained from other federal agencies. These records must be referred back to the originating agencies, not only for a concurrent disclosure review, but also for a declassification review before a final release determination is made. This adds significant time to the processing of these cases. More than sixty percent of records maintained by OFAC to support the designation process are obtained from the intelligence community.

Time-sensitive national security concerns permeate OFAC records; these, too, require careful consideration as the records are processed. Some of this information does not neatly fit within any specific exemption category and must be processed judiciously in light of the public interest and the need to safeguard national security. OFAC strives to strike the appropriate balance between the

public's right to know and the government's ability to protect specific information, the release of which could adversely affect national security.

In addition, OFAC's mission requires financial institutions and other entities to provide or "submit" confidential business information to OFAC. The inappropriate release of such information has the potential to cause submitters substantial competitive harm. The law requires that these records be subjected to additional review under the "submitter notice process" (*See* 31 C.F.R §1.6). The submitter notice process requires OFAC to notify the submitters that a public request for their records has been made through the FOIA; allow the submitter the opportunity to provide OFAC with written objections to release; conduct an independent review of the objections; notify the submitters in the event that OFAC overrules any of the submitter's objections; and allow the submitters the opportunity to seek judicial review of OFAC determination. This process adds substantial time to the processing of a request. At least thirty percent of OFAC's records are subject to this submitter notice process prior to disclosure.

OFAC averages 25 submitter notices per request involving confidential business information. Responsive records processed through the submitter notice process often vary in size, and can constitute several hundred pages per notice. The submitter responses also add additional documents to the review process, increasing the administrative burden of processing the request even more. OFAC's determinations with regard to the submitter response require additional time to draft, review, and complete. Failure to capture OFAC's reasoning for denying submitters objections can lead to increased litigation.

f. *If your agency was unable to close any of its ten oldest requests or appeals because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

Of the ten oldest pending requests at Treasury, only one remains outstanding due to an outstanding consultation request. Within DO, OFAC received the initial request in 2003. The final set of classified records requiring consultation was transmitted to the intelligence community in December 2012. OFAC routinely contacts the intelligence agencies whose responses remain outstanding.

41. *If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2014.*

As outlined below, DO and IRS are taking significant steps to close the ten oldest pending FOIA requests, appeals, and consultations. BEP, FinCEN, FS, MINT, OCC, TIGTA, and OCC all closed their ten oldest FOIA requests, appeals, and consultations during FY 2013.

Within DO, where the remaining seven oldest pending FOIA requests from FY 2012 are being processed, the Office of Privacy, Transparency, and Records is working to establish a centralized FOIA process to improve consistency, efficiency and customer service in its FOIA administration.   Document review will be conducted in a central location alleviating the DO program offices of FOIA processing responsibilities.   Efficiencies in concentrating the resources should reduce the backlog at offices with high request volume and where resources are strained. Centralizing resources will allow for greater transparency and accountability in DO FOIA processes.

Within DO, OFAC focused on processing its oldest cases and leveraged resources by modifying staff and concentrating its efforts on reducing the backlog. OFAC worked with DO and consulted with a "Six Sigma" expert to improve internal work flows and gain efficiencies. As a result of these efforts, during FY 2014, OFAC has closed 2 of the ten oldest pending FOIA requests at Treasury.

Since IRS has identified the factors that have contributed to the backlog status of these cases, IRS will continue to work to address these factors making it a priority to move the process forward.

42. *If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency's plan for achieving backlog reduction in the year ahead.*

Treasury has fewer than 1,000 backlogged FOIA requests.

43. *Does your agency have a system in place to provide interim responses to requesters when appropriate?*

Treasury provides interim responses on a case-by-case basis. FS, DO, and IRS provided interim responses in FY 2013.   A template for an interim response was provided by the Treasury FOIA Council to the Bureaus.

44. *If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.*

Treasury estimates 10% of the cases in backlog agency-wide had a substantive interim response.

- FS provided a response on an interim basis in 100% of backlog cases.
- DO provided substantive interim responses in 2% of cases in backlog.
- IRS prepared substantive interim responses for 5% of cases in backlog.

Use of FOIA's Law Enforcement "Exclusions"

45. *Did your agency invoke statutory "law enforcement" exclusion during Fiscal Year 2013?*

Yes.

46. *If so, what was the total number of times "law enforcement" exclusions were invoked?*

Once.

Spotlight on Success

The IRS continued its agency-wide FOIA and OPEN awareness campaign by developing, publishing and marketing a web-based video presentation building on the joint Deputy Commissioner memo to all IRS employees. The video emphasizes each employee's responsibilities with regard to FOIA, including timely responses to records requests and providing records directly to taxpayers upon request. The presentation is augmented with companion guides developed to support the major job classifications within IRS as they provide records directly to the taxpayers.