



# Department of the Treasury

2019 Chief Freedom of Information Act Officer Report  
to the Attorney General of the United States



## Message from the Deputy Assistant Secretary for Privacy, Transparency, and Records



On behalf of the Chief Freedom of Information Act Officer, I am pleased to present the Department of the Treasury's (Treasury or Department<sup>1</sup>) 2019 Chief Freedom of Information Act Officer Report to the Attorney General of the United States. This report summarizes Treasury initiatives to comply with the Freedom of Information Act<sup>2</sup> (FOIA) and to promote transparency and openness in its operations. This report covers the period of March 2018 through March 2019 (the reporting period).

Inquiries about this report may be directed to the Office of Privacy, Transparency, and Records via phone at (202) 622-0930 or via e-mail at [FOIA@treasury.gov](mailto:FOIA@treasury.gov). This report, as well as previous reports, can be found on the Department's FOIA website under [FOIA Reports](#).

A handwritten signature in black ink that reads "RLaw".

Ryan Law  
Deputy Assistant Secretary  
Office of Privacy, Transparency, and Records  
U.S. Department of the Treasury

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<sup>1</sup> In this report, the "Department" or "Treasury" includes all of the Treasury Department's bureaus and offices.

<sup>2</sup> 5 U.S.C. §552



## **2019 Chief Freedom of Information Act Officer Report To the Attorney General of the United States**

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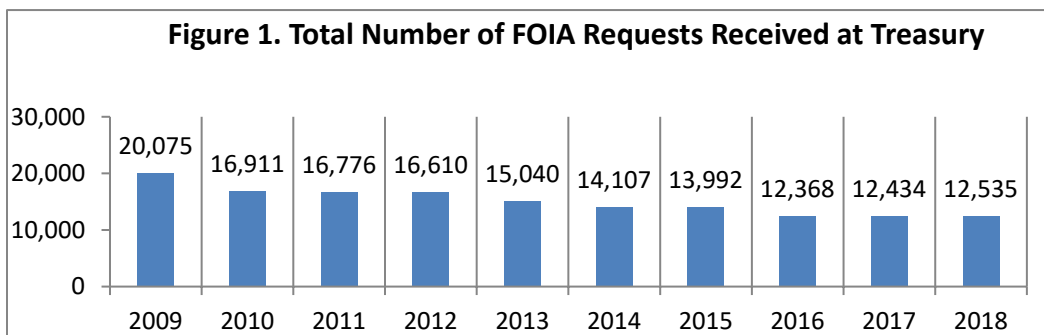
## FOIA at the Department of the Treasury

FOIA administration is decentralized at the Department of the Treasury. In other words, the nine bureaus that comprise the Department separately 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 (Fiscal Service)
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 a number of Treasury program and policy offices.<sup>3</sup> The Office of Privacy, Transparency, and Records (OPTR), situated within DO, functions as the centralized Treasury resource for FOIA administration. However, FOIA within Departmental Offices is partly decentralized with offices such as TFI, OIA, OFAC, SIGTARP, OIG and CDFI handling their own requests and appeals. OPTR is also responsible for Treasury-wide policy, guidance, and compliance with the FOIA. The Deputy Assistant Secretary for Privacy, Transparency, and Records leads OPTR, and reports to the Assistant Secretary for Management, Treasury's Chief FOIA Officer.

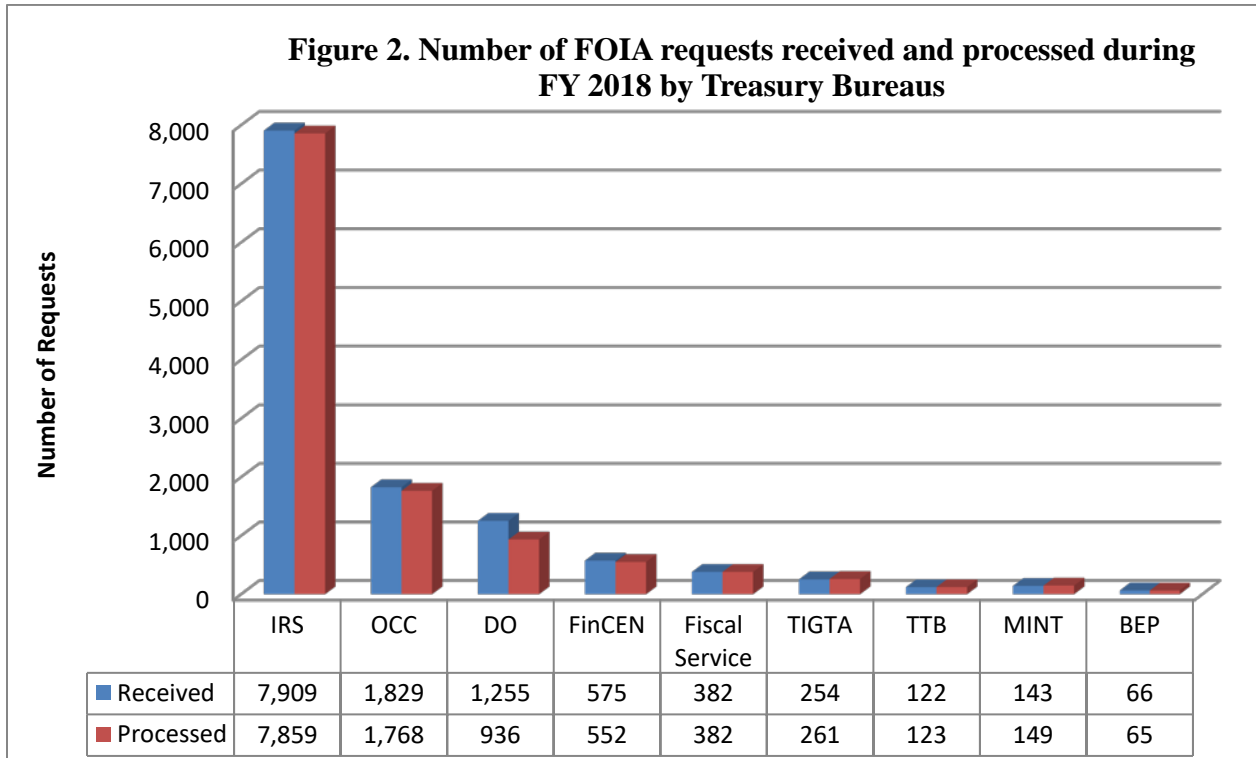
Treasury received 12,535 FOIA requests during Fiscal Year (FY) 2018. This figure represents a less than 1% percent increase from FY 2017. From FY 2009 through the present, Treasury received an average of 15,085 requests per fiscal year (See Figure 1).



In FY 2018, there was a wide disparity in the number of FOIA requests directed to individual Treasury bureaus. For example, the IRS received 7,909 requests in FY 2018, or 63% of

<sup>3</sup> DO also includes the Offices of the Secretary, Domestic Finance, Economic Policy, Financial Research, General Counsel, International Affairs, Legislative Affairs, Management, Public Affairs, Tax Policy, Terrorism and Financial Intelligence, and the Treasurer of the United States. DO statistics in this report also include requests made to the Financial Stability Oversight Council (FSOC, an entity chaired by the Secretary of the Treasury), the Treasury Inspector General (OIG), and the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP). For more information, please see [DO's Organizational Chart](#).

Treasury’s total FOIA requests. On the other hand, TTB, Mint, and BEP each received fewer than 150 requests during the same period (See Figure 2).



The Department closed 12,095 requests in FY 2018. TIGTA, TTB, and Mint closed more requests than they received in FY 2018.

## Section I: Steps Taken to Apply the Presumption of Openness

### A. FOIA Leadership

1. *The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?*

Yes.

2. *Please provide the name and title of your agency's Chief FOIA Officer.*

David F. Eisner, Assistant Secretary for Management.

### B. FOIA Training

3. *Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?*

Yes.

4. *If yes, please provide a brief description of the type of training attended or conducted and the topics covered.*

One or more Treasury FOIA professionals attended each of the training opportunities provided by the Department of Justice (DOJ) during this reporting period, including but not limited to the following: Introduction to the Freedom of Information Act; The FOIA for Attorneys and Access Professionals; Freedom of Information Act Litigation Seminar; Continuing Freedom of Information Act Education; Annual FOIA Report Refresher Training; Advanced FOIA Seminar; and Chief FOIA Officer Report Refresher Training. Treasury FOIA professionals also attended the DOJ/OIP Sunshine Week Kickoff events, including a best practices workshop and a seminar entitled "As a Matter of Open Government."

A number of Treasury FOIA professionals attended the American Society of Access Professionals (ASAP) 11<sup>th</sup> Annual National Training Conference held July 23-25, 2018 in Arlington, Virginia. The Department's conference participants attended training sessions including "FOIA Processing: Key Procedural Elements," "The Privacy Act of 1974: Scope, Disclosure, and Requirements," "FOIA Exemptions: One to Nine," "FOIA Updates from the Courts," and "Strategies for Redacting FOIA Backlogs." Treasury FOIA professionals also participated in ASAP webinars including topics on the law itself and FOIA Exemption 4.

During the reporting period, Treasury FOIA professionals also attended a number of FOIA-related technology courses, including FOIAXpress Basic Training, the 13<sup>th</sup> Annual

FOIAXpress Users Conference and Technology Summit, FOIAXpress Electronic Document Review (EDR) Training, and AINS FOIA training.

The IRS held a number of Disclosure Continuing Professional Education (CPE) training opportunities for IRS FOIA professionals, covering technical processing subject matters to enhance FOIA case processing, including “Phase I Disclosure Training” and “Face to Face Training.” A CPE course designed specifically for disclosure managers covering FOIA case processing was also offered and provided. The agency also issued several disclosure technical updates to staff on topics concerning processing FOIA cases for specific types of tax records.

Through its Enterprise Learning Management System (ELMS), IRS disclosure staff participated in mandatory electronic coursework that included the following topics: OPM records release policies and how they affect requests for information available to the public and other IRS personnel records requests; FOIA fees; and the interface between the FOIA and the Privacy Act. Through the issuance of ‘Quality Right Quick Communiques’ to all disclosure employees, the IRS addressed professional written communications and case documentation requirements.

Fiscal Service FOIA professionals participated in a redaction workshop and conducted in-house training sessions on fee categories and Executive Order 12600.

Treasury hosted its Fourth Annual FOIA Summit in March of 2018 at the Office of the Comptroller of the Currency’s Constitution Center Conference Center in Washington, D.C. More than one hundred FOIA professionals attended a day long program which included participants from all of Treasury’s nine bureaus as well as staff from DOJ’s Office of Information Policy (OIP), and the National Archives and Records Administration’s Office of Government Information Services (OGIS). Facilitators from a wide variety of federal FOIA offices provided training in numerous areas including FOIA exemption 4; submitter notices; FOIA exemption 6 and 7(C) and the FOIA/Privacy interface; the role of the Office of Government Information Services; referrals and consultations; and working with broad requests.

TTB FOIA professionals participated in mandatory TTB specific FOIA training made available through Treasury’s online training system, the Treasury Learning Management System (TLMS).

DO FOIA professionals attended a forum hosted by the Federal Deposit Insurance Corporation entitled “Federal Bureau of Investigation FOIA Program Overview and Law Enforcement Exemptions.” DO FOIA professionals also participated in FOIA training via the Department’s online training systems, the Integrated Talent Management System (ITM) and TLMS.

In November of 2018, twenty Treasury FOIA professionals representing nine Treasury bureaus and offices attended a day long forum hosted by OGIS staff titled “Dispute Resolution Skills for Treasury FOIA Professionals.” Practical communication skills were

taught through a FOIA lens, helping participants to understand how to resolve disputes with FOIA requesters and internal stakeholders.

5. *Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.*

During the reporting period, more than 90% of Treasury's FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training.

6. *OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.*

N/A.

### **C. Outreach**

7. *Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.*

The Department encourages open communication with the requester community and during this reporting period continued the practice of routinely reaching out to requesters to discuss FOIA administration and the particulars of various FOIA requests. These communications consisted of providing guidance and insight into Treasury's FOIA processes, narrowing the scope of a request to reduce high processing fees and overall processing time, prioritizing document searches, and other issues that facilitate efficient FOIA administration.

In FY 2018, Treasury continued to work and collaborate with OGIS to facilitate dialogue with various FOIA requesters.

The IRS conducted outreach to the Illinois Practitioner Liaison Committee Meeting, the Jacksonville Florida Practitioner Liaison Committee Meeting, and the Florida Society of Accounting Professionals. The subjects covered included the FOIA Improvement Act of 2016, FOIA.gov, and the FOIA portal. These IRS outreach efforts were delivered to more than 19,000 persons.

### **D. Other Initiatives**

8. *Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including FOIA-*



*related performance standards in employee work plans for employees who have any role in administering the FOIA.*

During the reporting period, Treasury's FOIA professionals hosted various training and awareness events to educate non-FOIA professionals of their obligations under the FOIA.

BEP's FOIA and Transparency Services unit drafted and transmitted a written memorandum to all BEP Associate Directors, Office Chiefs, and Managers addressing basic FOIA and Privacy Act tips to assist program offices process requests more efficiently. BEP's FOIA professionals encouraged all Office Chiefs and Managers to share and discuss the memorandum with all non-FOIA professionals involved in the agency's FOIA and Privacy Act processes.

During Sunshine Week 2018, BEP's FOIA and Transparency Services unit developed and displayed FOIA awareness posters at different locations in its Washington, D.C. and Fort Worth, Texas facilities, and hard copies and electronic flyers were distributed to all agency employees and contractors. Lastly, the unit published an article in the *BEP Communicator* reminding employees and contractors that FOIA is everyone's responsibility at the BEP.

The IRS's Privacy, Governmental Liaison, and Disclosure branch delivered numerous awareness presentations throughout the year to non-FOIA professionals that covered both their FOIA obligations as well as an overview of the FOIA process. In addition, the IRS issued a bi-annual FOIA Obligations Memorandum, reminding its employees of their responsibilities under the FOIA.

The OCC held routine meetings with its FOIA Points of Contacts to emphasize their role in complying with the agency's obligations under FOIA. The OCC had a significant amount of turnover this year within the group and additionally performed training sessions on a one-on-one basis to quickly bring new non-FOIA staff up to speed.

TIGTA conducted a FOIA training for all newly hired Assistant Special Agents in Charge. TIGTA FOIA professionals presented an overview of the FOIA process and communicated the expectations required of them to successfully implement the FOIA within the bureau.

FinCEN FOIA professionals conducted one on one trainings with all of its FOIA Points of Contact and conducted FOIA overview presentations at individual all hands office meetings.

TTB's Disclosure Officer provided FOIA training to all Regulations and Rulings Division employees during the Bureau's end of year Annual Meeting. The training outlined the various roles and responsibilities in collecting and disclosing return information collected under the authority of section 6103 of the Internal Revenue Code (26 U.S.C. 6103).

DO's FOIA & Transparency Office electronically transmitted a FOIA "Welcome Letter" to all new DO staff. The letter provides a brief overview of the FOIA process and informs new staff person of their obligations under the law. FOIA & Transparency office has also held meetings with and trained DO offices such as Legislative Affairs, Intelligence and Analysis, and Travel and Budget to make them aware of their FOIA responsibilities.

The Department is committed to ensuring that all personnel have an appropriate understanding of their responsibilities under the FOIA. A number of offices have modified their performance plans to include a FOIA element while others have considered including FOIA-related performance standards in employee work plans for those employees who have a role in administering the Act.

9. *If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.*

During this reporting period, BEP continued to work with its Office of External Relations to use BEP official social media accounts and internal communications channels to more widely distribute released BEP records.

OCC continued to monitor the banking community's needs, pro-actively adding new records to its FOIA Reading Room.

The IRS re-issued guidance promoting direct responses to requests for tax information where permissible as part of its "Respond Directly" initiative. The IRS provided various on-line resources to support the initiative. In a further effort to promote the initiative, the IRS Deputy Commissioner for Services and Enforcement and the IRS Deputy Commissioner for Operations Support jointly issued a memorandum to all IRS employees affirming the Service's commitment to transparency and openness. The memorandum affirms support for the initiative and states that the effort promotes transparency, provides good customer service, and in many cases eliminates the need for individuals to submit FOIA requests.

In an effort to ensure that the presumption of openness is being applied, TIGTA's FOIA professionals review all withholding recommendations provided to the Disclosure Branch from TIGTA components to determine whether they are sound and legally defensible.

During this reporting period, TTB posted on its public website datasets that improve public knowledge of the agency and its operations. TTB also publishes a weekly electronic newsletter that contains TTB news of the week and other helpful information about TTB and the federal alcohol and tobacco laws and regulations the Bureau enforces, including permit suspensions, voluntary license surrenders, and offers in compromise.

As part of Treasury's commitment to open government, DO examines whether materials exempt from disclosure are appropriate for discretionary release.

## **Section II: Steps Taken to Ensure that Treasury has an Effective System in Place for Responding to Requests**

1. *For Fiscal Year 2018, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2018 Annual FOIA Report.*

During FY 2018, Treasury's average number of calendar days for adjudicating requests for expedited processing was 1.75 days.

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

N/A.

3. *During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.*

DO and BEP have begun conducting FOIA program self-assessments using OIP's self-assessment tool. Work on these assessments is on-going. With the assistance of the Office of the Chief Information Officer, DO also conducted an assessment of Treasury's existing FOIA system in an effort to streamline request tracking and case management processes. The project involved a comprehensive review and comparison of readily available commercial off-the-shelf (COTS) and government off-the-shelf (GOTS) products. DO FOIA professionals participated in interactive working sessions exploring document management, case tracking, electronic template, workflow, access permissions, and the reporting capabilities of the various systems.

TIGTA conducted an assessment of recent final response letters to ensure all relevant information pertaining to a referral was being included in each response. TIGTA FOIA professionals focused on items including the name of the Bureau records were referred to, contact information for that Bureau, the number of pages referred, and the reason for the referral.

The IRS conducted a monthly self-assessment of its FOIA cases. Feedback was provided to Disclosure Managers to improve the FOIA process. The IRS also reviewed the FOIA Annual Report to capture data where improvements could be made to the FOIA process. These findings were provided to leadership to address in training sessions, group meetings, or issuing communique in an effort to improve the agency's overall FOIA process.

FinCEN conducted an assessment of its FOIA fee collection process, reviewing Treasury's FOIA Annual Report and manually combing through all cases to assess what fees were collected and what fees could have been collected. FinCEN used an Excel spreadsheet to capture data.

4. *The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2018 (please provide a total number or an estimate of the number).*

Treasury's FOIA Public Liaisons received more than 2,100 inquiries during the reporting period, of which 93% were directed to the IRS's FOIA Public Liaison.

5. *Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.*

OCC and TIGTA routinely review and interpret their COTS system data and work with the vendor to keep their systems properly upgraded and operating smoothly. Their COTS system vendor updates the system periodically with improved functionality. This allows both bureaus to expeditiously track due dates, set reminders, draft template letters, and efficiently redact records electronically.

In early 2019, the IRS stood up a new inventory management system. This system will allow the IRS to more fully comply with the FOIA statute and DOJ guidelines for processing FOIA requests. A seven member implementation team, coordinating with IRS senior leadership and supporting functions, began working tirelessly to ensure IRS FOIA case processors were trained on use of the new technology. The team was responsible for proposing and revising a travel budget; selecting an 18-member instructor team; coordinating train-the-trainer sessions; developing training materials to address IRS FOIA case processing; creating virtual and electronic training resources; and establishing a User Support team to provide guidance to employees once they began working on cases in the new system. The team took the vendor supplied training materials and re-wrote them to reflect the unique processing elements that exist at the IRS. The training sessions, delivered overtime at 14 different locations, consisted of three days of in person training, ensuring that all IRS FOIA staff were ready to meet the challenges of moving to the new system.

The IRS inventory management system database is stored on a physical IRS Linux server at the Martinsburg Computing Center. The Service's IT unit provides technical support while maintaining the integrity of the system which includes quarterly patches, daily incremental backups, and weekly full backups. The system also includes an inventory management system disaster recovery server located at the Memphis Computing Center which can be made available within 48 hours if needed. System processes are monitored by members of the IRS's Technical Support and Analysis (TSA) team, who have responsibility for ensuring that the system is operational and in proper working order. TSA tickets are submitted by users to report functionality issues and are worked on by team members in a timely manner.

In 2018, DO continued to conduct reviews of its goFOIA case management technology. With the assistance of Treasury's Office of the Chief Information Officer, numerous patches and upgrades were added to increase speed, make the system more user friendly, and improve reporting capabilities, including annual report data quality and capabilities. DO also continued to monitor its case inventory, focusing on processing consultations and referrals, appeals, and case groups with similar or the same responsive document sets. As a result,

office procedures continued to be streamlined and staffing patterns adjusted to improve intake efficiency and overall process workflow.

## Section III. Steps Taken to Increase Proactive Disclosures

1. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

- [Fiscal Service Purchase Card Holder Listing](#)
- [Fiscal Service Monthly FHA Debenture Reports](#)
- [Fiscal Service Matured, Unredeemed Debt, and Unclaimed Money Reports](#)
- [Fiscal Service FOIA Logs](#)
- [OIG/TIGTA/SIGTARP Inspector General Reports](#)
- [Office of the Comptroller of the Currency Ethics Filings](#)
- [Comptroller's Appointment Calendars](#)
- [OCC Ethics Filings](#)
- [OCC Acting Comptroller's Special Government Employee Designation](#)
- [OCC Travel Records](#)
- [OCC Merger Applications](#)
- [OCC Charter Applications](#)
- [OCC Bank Security Filings](#)
- [BEP Currency Production Monthly Reports](#)
- [BEP Program Litigation](#)
- [IRS Quarterly FOIA Logs for FY2018](#)
- [IRS Document 6209](#)
- [IRS Large Business and International Launches Compliance Campaigns](#)
- [IRS Tax Reform](#)
- [IRS Security Summit](#)
- [FinCEN Quarterly U.S. Marijuana Banking Updates](#)
- [FinCEN Quarterly FOIA Logs](#)
- [OIG Audit and Other Work Products](#)
- [SIGTARP Quarterly Reports and Congressional Testimonies](#)
- [SIGTARP Audit Reports](#)
- [TTB Petitions to Establish American Viticulture Areas](#)
- [TTB Federal Excise Tax \(Tobacco\) Liability for FY 1998 to FY 2017](#)
- [TTB Federal Firearms and Ammunition Excise Tax \(FAET\) on Handguns, Long Guns, Other Firearms, and Ammunition from FY 1991 to the 3<sup>rd</sup> Quarter of FY 2018](#)
- [TTB List of Alcohol Industry Member Permit Holders Under the Federal Alcohol Administration Act](#)
- [Treasury Secretary Mnuchin's Appointment Calendars](#)
- [Documents Concerning Secretary Mnuchin's Travel](#)
- [Documents Concerning Secretary Mnuchin's Travel to Fort Knox](#)
- [DO Multi-Tracks and Queues](#)
- [Treasury Quarterly FOIA Reports](#)

- [DO Quarterly FOIA Logs](#)
- [CDFI List of Previously Released Fund Applications](#)
- [TIGTA Calendar Year FOIA Logs](#)

2. *Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a) (2) (D)).*

Treasury’s bureaus and offices use a variety of methods to identify records that have been requested and released three or more times.

OCC and TIGTA use a COTS system to track requests for records that are stored in the system. When a new request for records is received, the system determines if those records were previously requested based on case numbers associated with the respective records. Additionally, based on what the banking community is doing during any given period of time, OCC identifies what stakeholders find of interest and locates multiple requests for the same item. Responsive materials are then posted online based on this exercise.

DO examines all incoming requests individually, paying particular attention to those areas that have previously been identified for proactive disclosure (i.e. travel, appointment calendars, etc.). Additionally, during the intake process, DO also routinely runs ‘key word’ searches in its ‘goFOIA’ case management database to identify records that have been requested three or more times.

CDFI uses an Excel spreadsheet to identify records that have been previously requested and released pursuant to the FOIA. This method allows CDFI to easily identify certain applications and data reports that are routinely requested and released. Fiscal Service similarly uses tracking spreadsheets.

SIGTARP maintains a log of all its FOIA requests, allowing staff to view requests in a consolidated file to determine the frequency with which certain records have been requested and released.

BEP uses its FOIA inventory management system to determine if duplicate requests for the same information have been received to address whether the records need to be proactively disclosed.

3. *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?*

Yes.

4. *If yes, please provide examples of such improvements.*

Many of Treasury’s bureaus and offices have built in mechanisms for receiving public feedback on individual web pages. Additionally, several bureaus have collaborated with

their respective technology and communications offices in an effort to identify new and innovative ways of posting information online.

During FY 2017, Treasury conducted an assessment of the Department's online FOIA library and proposed changes to improve the availability of posted information. In FY 2018, Treasury continued to consolidate materials posted on multiple pages of its website to implement a more streamlined search feature that allows the public to target record searches more accurately and expeditiously.

The IRS reviewed its IRS.gov FOIA library and made changes to provide clarity to documents currently available. The agency also updated its FOIA guidelines found in the library in an effort to improve overall FOIA administration.

TTB reviewed and enhanced its web page to ensure that all information posted by the Bureau was organized in a simple, concise, and structured manner. Similarly, DO and TTB worked to ensure that all materials posted on agency websites were section 508 compliant and searchable.

SIGTARP streamlined its report content to make reports easier to digest. In addition, SIGTARP's public relations office regularly communicated with the media and utilized social media to highlight findings and recommendations. The Office regularly encouraged and coordinated the use of the FOIA process when individuals or groups expressed an interest in receiving additional records and information related to SIGTARP matters.

5. *Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.*

Based on public interest, TIGTA makes an effort to post requested records that are of public interest before three requests have been received.

TTB, in response to a significant increase in the number of requests for the number of bonded wine producers and breweries in the United States and Puerto Rico, made this information available to the public on its [Frequently Requested FOIA Documents page](#).

TTB is also taking steps to make available additional information on Regulations.gov regarding older TTB-era Petitions to Establish American Viticultural Areas (AVAs). Currently, these dockets contain only the Notice of Proposed Rule Making or final rule document — no petitions, comments, and/or copies of maps were included in these files. As a result, TTB receives a significant number of FOIA requests for this information. TTB recently located several TTB-era petitions and is in the process of scanning these materials and any corresponding comments to add to the dockets found on Regulations.gov. As a result of this initiative, older TTB-era AVA petitions and comments will soon be available online, reducing the number of FOIA requests filed with the agency for this same information.

Finally, TTB requesters asked that the agency make certain datasets available in machine readable format (HTML versus PDF). TTB reviewed the matter and determined that the

bureau was unable to make the information available in HTML format at that time. In order for the public to be able to access the data, TTB provided a download to a website (HTML page), rather than providing a download URL for each monthly report it published. Additionally, due to the type of records TTB routinely produces (e.g., taxpayer records), proactive disclosure is an ongoing effort. Taxpayer records are collected under the authority of the Internal Revenue Code of 1986, and section 6103 of the IRC (26 U.S.C. 6103) prohibits disclosure of tax information unless such disclosure is authorized by the Internal Revenue Code.

In an effort to increase transparency and openness in government, DO publicly released travel information relating to the Secretary by posting the information in its electronic reading room. The release is intended to provide the public with detailed information regarding the day-to-day activities of the Treasury Department and Secretary Mnuchin. In addition, significant progress was made in posting the appointment calendars of Secretary Mnuchin, which are currently available through June 2018.

The IRS leadership issues communications to all IRS employees that highlights the agency's obligations to proactively disclose information whenever possible.

Mint's Disclosure Office routinely monitors its FOIA logs to identify frequently requested records. Additionally, Mint collaborates with its Office of Corporate Communications and its Numismatic and Bullion Directorate to determine what information would be appropriate for proactive release to the public.

## **Section IV: Steps Taken to Greater Utilize Technology**

- 1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.*

The IRS implemented a new inventory management system in February 2019 to replace the previous system. The new COTS system is a vendor-hosted, customized cloud-based platform that will provide a number of benefits to the service of taxpayers submitting FOIA requests, including: a robust search feature minimizing time on case and cycle time; advanced document review features allowing for electronic de-duplication of documents to minimize information requiring review; electronic annual report features, including raw data and other reports that can be generated in seconds which saves significant time for analysts responsible for preparing the report manually; and vendor pushed enhancements when statutory requirements are required, saving agency IT resources and minimizing the risk of misinterpretation or overlooking of DOJ FOIA requirement changes that currently must be manually adopted into the IRS's processes.

OCC has employed the use of a commercially available FOIA database and companion software to optimize its FOIA processes. Using this system, the agency is able to monitor activity on its website, audit activity within its database, provide a vehicle to deliver



documents through internet downloads, and provide a secure way for requesters to monitor the progress of their cases. OCC also employs the use of high speed document scanners.

TTB is in the process of identifying a records management application that will allow end users to quickly locate duplicate records, particularly emails, sort the records, and export the records as PDFs.

TIGTA's information technology staff conducts searches of the entire e-mail system for email responsive to a request. Similarly, Mint and FinCEN work closely with their IT Departments using special and eDiscovery software to search for records.

SIGTARP employs the use of software that after uploading potentially responsive records, allows the agency to search for keywords and de-duplicate results. SIGTARP typically uses this software in situations where voluminous potentially responsive records exist.

OFAC continued to improve its overall search process by collaborating with Treasury's IT department in the development of a FOIA search application to search the email accounts of employees for cases that have a large volume of search terms. The application is user friendly and allows the user to run the application and obtain search results on all search terms in a fraction of conventional search time.

2. *OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?*

Yes.

3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2018?*

Yes.

4. *If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2019.*

N/A.

5. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.*

[Treasury's Annual Report Raw Statistical Data FY 2017](#)

[Treasury's Annual Report Raw Statistical Data FY 2018](#)

6. *Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.*

OCC recently employed the use of a new payment module that interfaces directly between its FOIA request tracking system and [www.Pay.gov](http://www.Pay.gov). As a result, OCC has been able to accept electronic payment at the time a request for certified documents is received. Thus, the agency no longer has to wait for checks to clear. Further, with that module connected to its online ordering system, OCC no longer has to worry about inputting cases, but rather, this is done by the requester at the time of submission. As a result, it has seen a dramatic drop in the number of requests submitted by U.S. mail. In addition, OCC has gone to only electronic payment for its FOIA processing, which has cut down the amount of time staff uses to contact requesters to arrange for payment. The new module also allows staff to monitor when payments are actually received.

Using its COTS product, OCC is able to generate raw data for Treasury's Annual Report with the click of a mouse. This task was previously done manually and the switch to the COTS product makes OCC's submission to Treasury much easier and quicker.

TIGTA has collaborated with its information technology staff to conduct email queries on all Bureau employee email, using specific key words or email addresses to locate responsive records. This process is a much more effective and efficient in use of TIGTA's resources with quicker turnaround times.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

### **A. Simple Track**

1. *Does your agency utilize a separate track for simple requests? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.*

BEP, DO, FinCEN, Fiscal Service, Mint, OCC, TTB, and TIGTA utilize a separate track for simple requests. The IRS does not utilize a separate track for simple requests.

2. *If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?*

During FY 2018, the average processing time for simple requests was 14 working days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.*

The IRS is the only Treasury Bureau that does not utilize a separate track for simple requests. Of the requests processed perfected requests during FY 2018 by BEP, DO, FinCEN, Fiscal Service, Mint, OCC, TTB, and TIGTA (non IRS), 71% (3,000 of 4,239) were placed in the simple track. For Treasury Bureaus as whole 25% of the bureaus' processed perfected requests (3,000 of 12,098) were placed in the simple track.

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

The IRS is the only Treasury Bureau that does not currently utilize a separate track for simple requests. The average processing time for the IRS for non-expedited requests was 27 working days.

## **B. Backlogs**

### **BACKLOGGED REQUESTS**

5. *If your agency had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?*

No. Treasury's FOIA request backlog increased during FY 2018.

6. *If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?*

No. Treasury experienced a decrease in the number of requests processed in FY 2018 (12,095 in FY 2018 versus 12,379 in FY 2017). However, six of nine Treasury bureaus processed more requests in FY19 than in FY18.

7. *If your agency's request backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*

- *An increase in the number of incoming appeals;*
- *A loss of staff;*
- *An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase;*
- *Any other reasons – please briefly describe or provide examples when possible.*

Treasury experienced an increase in the number of incoming requests as well as case volume and complexity. The increase can be attributed to increased public interest in the new tax law, Presidential transition activities, national security issues, the Secretary's travel, and

Treasury's sanctions activities. During the reporting period, Treasury also experienced a loss of FOIA professionals in key positions. Some of these positions remain vacant.

Treasury also experienced an increase in FOIA litigation during the reporting period. The precise case load is constantly in flux as new cases are filed and old cases settle or are otherwise resolved. These lawsuits often require reallocation of resources away from the processing of FOIA requests at the administrative level in order to meet court-ordered production deadlines.

8. *If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2018. If your agency has no request backlog, please answer with "N/A."*

11.6%.

### **BACKLOGGED APPEALS**

9. *If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?*

No. Treasury's appeals backlog increased during FY 2018.

10. *If not, did your agency process more appeals during Fiscal Year 2018 than it did during Fiscal Year 2017?*

No. Treasury processed 173 appeals in FY 2017 versus 160 in FY 2018.

11. *If your agency's appeal backlog increased during Fiscal Year 2018, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*

- *An increase in the number of incoming appeals;*
- *A loss of staff;*
- *An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase;*
- *Any other reasons – please briefly describe or provide examples when possible.*

Treasury's appeal backlog increased during FY 2018 due to an increased volume and complexity of incoming FOIA requests, loss of experienced FOIA staff, and increased FOIA litigation.

12. *If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2018. If*

*your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."*

The percentage of appeals that make up the backlog out of the total number of appeals received at Treasury during FY 2018 was 64.9%.

### **C. Backlog Reduction Plans**

*13. In the 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2018?*

In FY 2017 Treasury had a backlog of over 1000 cases and therefore implemented a backlog reduction plan for FY 2018. As a result, bureau-specific goals for backlog reduction were established and communicated, FOIA self-assessments using DOJ's FOIA self-assessment toolkit initiated, and the plan to establish a rapid response team of FOIA Analysts to address significant and high profile cases implemented. The Department's Disclosure Manager also identified challenges affecting the backlog and focused on reducing the overall number of backlogged requests, with specific emphasis on the ten oldest requests, appeals, and consultations. The Disclosure Manager hired and trained additional FOIA contractors to assist with the reduction of the backlog, and had staff focus on program area outreach to follow up on overdue search responses.

One backlog success story is TIGTA, which ended FY 2018 without a backlog of FOIA requests, consultations, and appeals.

*14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?*

At the end of FY 2018, Treasury had a backlog of 1,453 requests. During FY 2019, Treasury will take the following actions targeted to reduce the backlog of pending requests:

- Treasury's Chief FOIA Officer will establish and communicate bureau-specific goals for backlog reduction.
- Complete a FOIA self-assessment within DO using DOJ's FOIA self-assessment toolkit.
- Identify challenges affecting the backlog and focus on reducing the overall number of backlogged requests, with specific emphasis on the ten oldest requests, appeals, and consultations.
- Conduct targeted training and outreach to improve the timeliness of searches.
- Continue to use a rapid response team of FOIA Analysts to address significant and high profile cases.

## **D. Status of Oldest Requests, Appeals, and Consultations**

### **OLDEST REQUESTS**

*15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?*

No.

*16. 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 2017 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.*

Treasury closed four of its ten oldest cases as listed in its FY 2017 Annual Report.

*17. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

None of the cases closed were closed because a request was withdrawn by the requester.

*18. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.*

In addition to implementing Treasury's backlog reduction plan for FY 2018, Treasury's FOIA Officer implemented a plan to hire additional FOIA contractors to focus on closing the agency's oldest cases. A total of two additional contractors were hired, trained, and are now focusing on closing the agency's twenty oldest cases.

### **TEN OLDEST APPEALS**

*19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?*

No.

*20. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2017 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

Treasury was able to close five of its ten oldest appeals during this reporting period.

*21. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.*

FOIA professionals and the Treasury Appeals Officer, at times in coordination with OGC have focused on addressing and closing the oldest pending appeals.

## **TEN OLDEST CONSULTATIONS**

22. *In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?*

No.

23. *If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C of your Fiscal Year 2017 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.*

Treasury closed five of the ten oldest consultations reported pending in the FY 2017 annual report.

## **E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans**

24. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2018.*

As described above, Treasury experienced challenges in closing its ten oldest pending requests, appeals, and consultations due to an increased volume and complexity of incoming FOIA requests, loss of experienced FOIA staff, and an increase in the volume of FOIA litigation. Additionally, Treasury possesses significant numbers of records that are classified, contain national security, law enforcement, or confidential business sensitivities, as well as materials that originate from other federal agencies. Consultation is required with the originating agencies concerning the release of another agency's records. Often, the originating agencies must conduct a declassification review before they can provide a release determination. This adds significant time to the processing of these cases.

Additionally, financial institutions and other entities are often required to provide or submit confidential business information to Treasury, which could cause business submitters substantial competitive harm if inappropriately released. Based on the additional review required by the FOIA under the submitter notice process, substantial time is added to the processing of these requests, particularly when multiple notices are required and/or there are a voluminous number of records.

Added to the obstacles heretofore mentioned, Treasury's FOIA process is de-centralized. Coordination of document searches as well as the review of potentially responsive material is often complicated by this factor.

25. *If your agency was unable to close any of its ten oldest requests 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.*

FOIA Request Number	Date initially received	Date of initial consultation	Date you last contacted the consulting agency
2007-09-058	1/28/2008	01/29/2016	02/07/2019
2011-05-183	5/31/2011	4/11/2012	02/21/2019

26. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2018.*

During FY 2019, Treasury will take the following actions targeted to reduce the backlog of pending requests, appeals, and consultations:

- Treasury’s FOIA Officers will establish and communicate bureau-specific goals for backlog reduction.
- Complete a FOIA self-assessment within DO using DOJ’s FOIA self-assessment toolkit.
- Identify challenges affecting the backlogs and focus on reducing the overall number of backlogged requests, with specific emphasis on the ten oldest requests, appeals, and consultations.
- Conduct targeted training and outreach to improve the timeliness of searches.
- Treasury is continuing working on improving the system used by headquarters and five other bureaus and is considering replacing it with a more versatile COTS/GOTS system that will enable Treasury to avoid duplication of work and focus resources on more complex, higher level work, enabling Treasury to better address the FOIA backlog.
- Continue to use a rapid response team of FOIA Analysts to address significant and high profile cases.

Treasury is aggressively monitoring metrics and increasing the frequency of status updates on older cases. These cases are often complicated and demand high concentration and focus from staff in order to successfully provide appropriate responses to requesters.



## F. Success Stories

*Out of all the activities undertaken by your agency since March 2018 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.*

Publishing FOIA Regulations as well as focusing on training and co-hosting a successful FOIA event:

- New [Treasury FOIA Regulations](#) were published on February 27, 2019. This is the culmination of a number of years' effort to publish these and replace the June 30, 2000 Treasury FOIA Regulations, updating them to reflect the last 18 ½ years of DOJ\OIP and NARA\OGIS guidance, development in FOIA processes and changes in FOIA statute including the OPEN Government Act of 2007 and the FOIA Improvement Act of 2016. The new Treasury FOIA Regulations will be effective on 3/29/2019.
- In recognition of Sunshine Week, in March of 2018, Treasury brought together over one hundred FOIA professionals from the Department's nine bureaus and as well as staff from DOJ's Office of Information Policy (OIP) and the National Archives and Records Administration's Office of Government Information Services (OGIS), to hear ideas and share experiences about FOIA administration. The day-long event included FOIA training sessions and group panel discussions on submitter notices, Exemptions 6 and 7(C), the interplay between FOIA and the Privacy Act, the role of the Office of Government Information Services, and working with broad requests. Treasury's 4<sup>th</sup> Annual FOIA Summit was so successful that it was expanded for 2019 to include multiple days to include other agencies, keynote presentations, as well as training sessions on intake strategies and handling surges, Exemption 7, and Exemption 4 and the submitter notification process.
- Remaining steadfast in its commitment to quality training and outstanding customer service, Treasury partnered with OGIS to conduct a day long "Dispute Resolution for Treasury FOIA Professionals" training session in November of 2018. Twenty FOIA professionals representing nine Treasury bureaus and offices participated in the event. OGIS staff used roleplaying as well as best practice experience in an interactive training exercise. The effort focused on practical communication skills through a FOIA lens and resulted in a strengthening of staff's understanding of how to effectively resolve disputes with the requester community the Department seeks to serve. The techniques taught allowed Treasury's FOIA professionals to improve overall relations with its requester community and with offices conducting FOIA searches, establishing common goals and cooperating to find mutually beneficial solutions.