



Department of the Treasury

2022 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 Department¹) 2022 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 Act² (FOIA) and to promote transparency and openness in its operations. This report covers the period of March 2021 through March 2022 (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. This report, as well as previous reports, can be found on the Department’s FOIA website under [FOIA Reports](#).

A handwritten signature in blue ink, appearing to be 'M. A. W.' or similar initials.

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

¹ In this report, the “Department” or “Treasury” includes all of the Treasury Department’s bureaus and offices.

² 5 U.S.C. § 552



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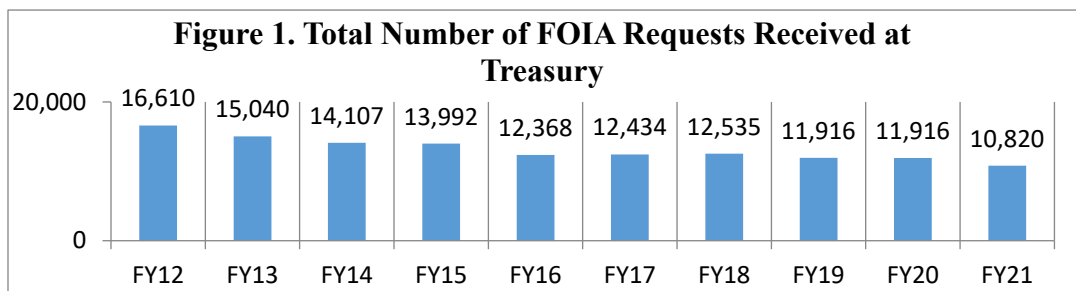
FOIA at the Department of the Treasury

FOIA administration is decentralized at the Department of the Treasury. 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,³ including, 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. The Deputy Assistant Secretary for Privacy, Transparency, and Records leads OPTR, and reports to the Assistant Secretary for Management, Treasury's Chief FOIA Officer.

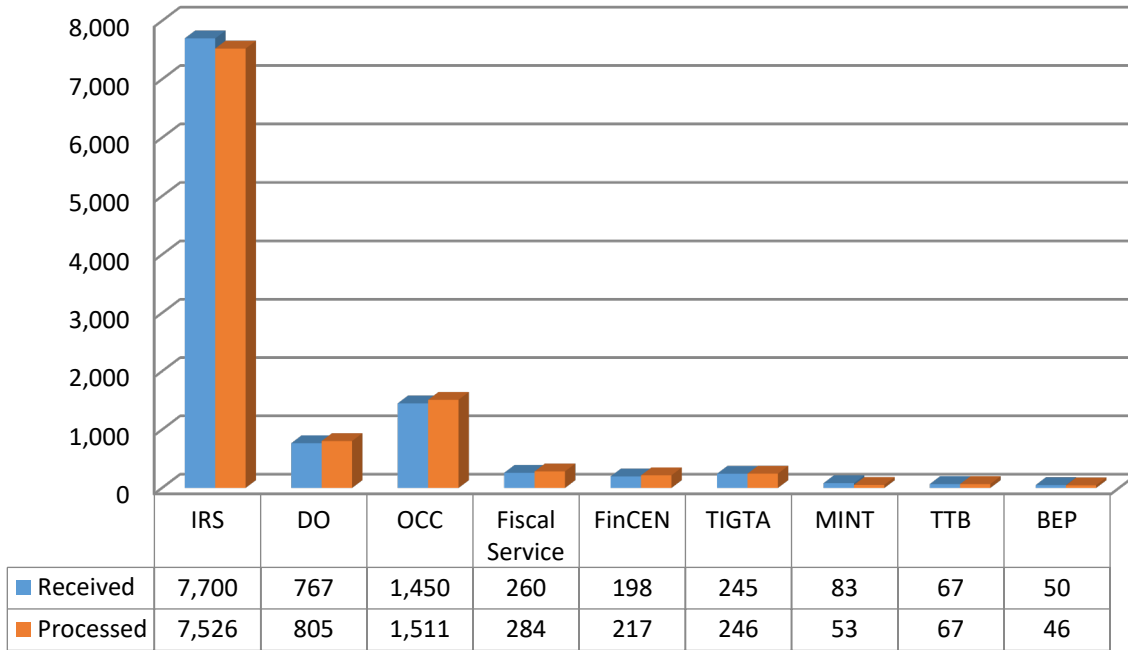
Treasury received 10,820 FOIA requests during Fiscal Year (FY) 2021. From FY 2012 through the present, Treasury received an average of 13,176 requests per fiscal year (See Figure 1).



In FY 2021, there was a wide disparity in the number of FOIA requests directed to individual Treasury bureaus. For example, IRS received 7,700 requests in FY 2021, or 71% of Treasury's total FOIA requests. On the other hand, BEP, FinCEN, Mint, TIGTA, and TTB each received fewer than 250 requests during the same period (See Figure 2).

³ DO includes the Offices of the Secretary, Domestic Finance, Economic Policy, 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), the Special Inspector General for Pandemic Recovery (SIGPR) and the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP). For more information, please visit Treasury's webpage at <https://home.treasury.gov/about/general-information/organizational-chart>.

Figure 2. Number of FOIA Requests Received and Processed During FY 2021 by Treasury Bureaus



The Department closed 10,755 requests in FY 2021. DO, OCC, Fiscal Service, FinCEN, TIGTA, and TTB closed as many or more requests than they received in FY 2021.

Section 1: 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 the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?*

Yes.

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

Trevor Norris, Acting Assistant Secretary for Management.

B. FOIA Training

3. *The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.*

During the reporting period, Treasury employees participated in a variety of training presented in a virtual format. For example, TTB offered FOIA training in Treasury's Integrated Talent Management System to all employees and contractors. Additionally, TTB employees received training from agency attorneys and the FOIA Officer on exemptions, fee categories, and FOIA processing procedures.

BEP offered annual FOIA awareness materials and presentations addressing basic FOIA and Privacy Act tips to help program offices process requests efficiently. Additionally, new BEP employees and contractors received FOIA material and presentations from agency attorneys during orientation week.

IRS provided monthly FOIA awareness presentations and FOIA training classes upon request. They provided a quarterly FOIA forum to discuss training needs and updated IRS procedures and best practices for responding to FOIA requests.

TIGTA provided FOIA training for non-FOIA professionals as part of the new employee onboarding process.

DO partnered with the Department of Homeland Security (DHS) to host a virtual FOIA Sunshine Week training event.

The COVID-19 pandemic continued to present challenges to offering in-person training activities. Through the expanded use of collaborative tools, employees were able to attend virtual Department of Justice (DOJ) FOIA training, participate in on demand FOIA training available in Treasury's Integrated Talent Management System, and attend the Department's annual FOIA Sunshine Week training event.

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

Yes.

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

Treasury FOIA professionals attended virtual training opportunities provided by the DOJ, including seminars and workshops on an Introduction to the FOIA, Procedural Work Requirements, Fees Workshop, FOIA Exemptions 1 and 7, FOIA Exemptions 4 and 5, FOIA Privacy Considerations, and FOIA Litigation. Treasury staff also participated in DOJ's online training modules for FOIA Professionals. Numerous topics were covered including the FOIA's procedural requirements and exemptions, basic principles for processing FOIA requests from start to finish, the FOIA's proactive disclosure requirements, the interface between the FOIA and the Privacy Act, FOIA case law developments, advanced litigation considerations, communicating with requesters, searching for, and reviewing documents, preparing final determination responses, fee categories, foreseeable harm, and reasonable searches.

FOIA professionals at IRS and OCC attended the American Society of Access Professionals Virtual National Training Conference which presented updated training on FOIA requirements. DO and BEP staff attended the "Artificial Intelligence 101" workshop hosted by the Chief FOIA Officer's Council Technology Committee, which provided FOIA professionals with a primer on different types of Artificial Intelligence (AI) and AI-adjacent technologies, key terms, and possible applications of the technology to the FOIA process.

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

Ninety percent (90%) of FOIA professionals attended substantive FOIA training.

7. *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

8. *Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?*

Yes. Training was provided through modules in Treasury's Integrated Talent Management System. Employees that attended the American Society of Access Professionals Virtual National Training Conference attended break-out sessions related to records management.

IRS conducted mandatory training on proper records management principles to all employees within their bureau.

C. Outreach

9. *Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, 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 through the practice of routinely reaching out to requesters to discuss their FOIA requests. FOIA staff communicated regularly with the public to provide guidance and insight into Treasury's FOIA processes, narrow the scope of requests to reduce or eliminate processing costs and overall processing times, prioritize document searches, ensure appropriate consent is on file, and other matters that facilitate efficient FOIA administration.

Aside from routine communication with requestors about FOIA requests, BEP's Office of External Relations attended numismatic and currency meetings which were open to the public to continue its outreach and dialogue on meaningful access to Federal records. IRS FOIA professionals provided FOIA awareness training and outreach to tax professional groups throughout the year.

Treasury continued to collaborate with the Office of Government Information Services (OGIS) to facilitate dialogue with various FOIA requesters.

D. Other Initiatives

10. *Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:*

- *how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and*
- *if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?*

Treasury has taken steps to ensure non-FOIA professionals have a full understanding of the FOIA requirements. Non-FOIA professionals are informed through several training methods, including one-on-one, case-by-case, and group training sessions. The frequency of these engagements range between monthly, quarterly, and annually depending on the requirement and the bureau.

Other avenues of informing non-FOIA professionals of their obligations under the FOIA include issuance of a memorandum that reiterates a commitment to openness in the government and reinforcing every employee's responsibility to promote transparency,

displaying FOIA awareness posters in offices and digital messages in the workplace and in newsletters, utilizing welcome letters for new employees, new employee on-boarding training, supervisory-level training specific to their roles and responsibilities in the FOIA process, internal FOIA quick reference guides, and providing mandatory briefings through presentations addressing FOIA obligations.

Onboarding senior leaders are provided with briefings explaining their obligations under the FOIA and resources for understanding who to contact when support is needed.

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

The Department participates in many initiatives to ensure that a presumption of openness is being applied. For example, the Secretary's calendars are posted online to provide the public with detailed information regarding their day-to-day activities. These calendars reflect scheduled meetings, calls, and events that occurred, including clarifying information. Also, Treasury publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country specific. Treasury posted reports and data surrounding activities related to the American Rescue Plan and CARES Act programs.

IRS completed a full revision of the FOIA guidelines posted on the IRS FOIA webpage, providing the most up-to-date procedures for processing requests and instructions for how to submit FOIA requests including proper request examples.

The FOIA Libraries are another essential avenue of ensuring openness with the public by proactively posting training material, updated instruction manuals, and records requested by three or more requesters. Additionally, the Department has proactively posted records, requested by three or more requesters as required under 5 U.S.C. § 552 (a)(2). These efforts have generated a considerable amount of traffic to Treasury's FOIA Libraries and has helped to cut down on the number of FOIA requests received.

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

1. *For Fiscal Year 2021, 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 2021 Annual FOIA Report.*

Treasury reported that the average number of days to adjudicate requests for expedited processing was 111.82 calendar days.

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

The average processing time for FY 2021 varies significantly from the average of 2 days as reported in FY 2020. Treasury implemented a new FOIA tracking system that has a different way of tracking this information as compared to the legacy system. Additionally, there are data quality issues stemming from the data migration from the old system to the new system. Treasury intends to update the legacy data to allow the new system to accurately capture and report the true number of days to adjudicate requests for expedited processing which is expected to be consistent with prior year's reporting.

3. *The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?*

Yes.

4. *Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?*

Treasury bureaus maintain SOPs for documenting internal processes for administering the FOIA beyond Treasury's FOIA regulations and reference guide.

5. *If not, please provide a timeline for when your agency plans to develop or update its SOPs.*

While SOPs are maintained by Treasury bureaus, efforts continue to review, modernize, and standardized internal instructions to reflect the use of new software systems and new updates to the application of FOIA law.

6. *Has your agency established alternative means of access to first-party requested records outside of the FOIA process?*

Yes.

7. *If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.*

Categories of records requested include individual debt and Treasury payment records; first-party tax transcripts and copies of tax returns; coin order history records; complaint and investigatory records on first party requesters; and Federal Alcohol Permit and or other tax information. The Department has developed alternative means for access to the records outside of the FOIA process by establishing websites and call centers for making information requests. These practices significantly decrease the turnaround time to obtain the requested information, with some requests taking 24 hours or less.

8. *Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.*

Yes. The methods used to conduct a self-assessment during the reporting period included use of the DOJ OIP FOIA Self-Assessment Toolkit, reviews of annual FOIA report data, analysis of quarterly FOIA data, reviews of monthly case inventories, and assessments of FOIA tracking systems, tools, and internal processing procedures. Bureaus have the ability to run ad-hoc reports tracking FOIA data through the use of the new FOIA tracking system.

9. *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 2021 (please provide a total number or an estimate of the number).*

The agency's FOIA Public Liaison received approximately 1,500 contacts from FOIA requesters in FY 2021.

10. *Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?*

Yes. Many efforts took place during the reporting period to review FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands. These efforts led to organizational changes in certain offices. Fiscal Service added another staff member to the FOIA team. TIGTA and BEP are in the process of increasing their FOIA staffing. OCC filled key vacancies. DO programs adjusted staffing roles, created key positions, and considered the use of contract support.

11. *Optional – Please describe.*

- *Best practices used to ensure that your FOIA system operates efficiently and effectively.*

In October 2020, DO launched commercial-off-the-shelf (COTS) FOIA processing and tracking software to replace its legacy system. In July 2021, the software system was implemented within Fiscal Service, FinCEN, Mint, TTB, and BEP as part of a centralized

enterprise offering. IRS, OCC, and TIGTA operate their own separate versions of the software and were not included in the July 2021 rollout.

The new software allowed the department to reimagine its processes and create efficiencies for responding to FOIA requests. For instance, FOIA requesters can submit requests on FOIA.gov or through the Public Access Link (PAL) on Treasury's FOIA website and the request is automatically created in the database. This eliminates much of the frontend data entry that was previously required by the FOIA staff. Multi-factor Authentication was applied to the PAL allowing for a secured environment to protect requester account information. The software is integrated with Pay.gov which streamlines and tracks FOIA fee invoicing. The FOIA request tracking system allows for all processing activities to occur within one system, which helps to improve records management. The all-in-one system allows for staff to quickly identify the status of a request, thus improving the timeliness and quality of status updates for the requester community.

To ensure that the FOIA system operates efficiently and effectively, the FOIA staff works closely with Treasury's Office of the Chief Information Officer (OCIO) and the software's vendor. During the transition to the new system, the software's features were tested in a test environment before being implemented in the production environment, so that any issues could be resolved in advance of the launch. Pre and post migration data for each bureau was reviewed closely to ensure accurate and updated information had properly migrated. Training was provided to the FOIA staff before the system went live and afterwards through the Department's monthly User Community Engagement meetings, which serves as a venue for FOIA professionals and software administrators to share experiences and new information. Through the continued collaboration with partners throughout the department, the software has proven to be a successful investment.

- *Any challenges your agency faces in this area.*

While it would be ideal for the department to operate on one centralized FOIA software system to streamline reporting and responses, it is difficult to implement in practice. Treasury's mission is vast, and each bureau has its own IT security requirements and specifications. For example, IRS maintains certain IT standards to protect information that meets the criteria of Title 26 United States Code §6103. This often results in delays with launching or updating technology. Therefore, IRS maintains its own version of the FOIA request tracking system, providing them with flexibility to adjust the tool to meet their mission needs. The Department continues to evaluate ways to consolidate IT systems to streamline processes while ensuring that the software's standards meet the IT criteria of each bureau.

Section III: Steps Taken to Increase Proactive Disclosures

1. *Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.*

The subject and frequency of incoming requests is closely monitored, and records are made available to the public through the Department's FOIA libraries whenever possible.

2. *Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.*

Some examples of records proactively posed during the reporting period include the following:

- [2021 Trump Organization Donation to the Treasury](#)
- [Active Enrolled Agents Listing](#)
- [Ameriprise NB & Trust](#)
- [Appeals Coordinated Issues \(ACI\)](#)
- [BEP Affirmative Action Plan](#)
- [BEP Annual Equity Employment Opportunity Report](#)
- [BEP Chief Financial Officer Report](#)
- [BEP Currency Production Reports](#)
- [Blue Ridge Bank, N.A. nka Certus Bank, N.A.](#)
- [Calendars and Travel of the Secretary](#)
- [Country-by-Country Reporting Guidance](#)
- [Document 6209- ADP and IDRS Information](#)
- [Federal Firearms and Ammunition Excise Tax \(FAET\)](#)
- [FHA Debentures](#)
- [Fiscal Service FOIA Logs](#)
- [IRS FOIA Logs](#)
- [Limited Payability](#)
- [List of Closed TIGTA Investigations for Calendar Years 2018 and 2019](#)
- [List of Permittees](#)
- [Lone Star National Bank, San Antonio, TX with Business Bank of TX, Austin, TX](#)
- [Marijuana Banking Updates](#)
- [Matured, Unredeemed Dept Reports](#)
- [Merger Application-Citizens Bank, NA, Providence, RI & Investors Bank, Short Hills, NJ](#)
- [Petition to Establish the Crystal Springs of Napa Valley American Viticultural](#)
- [Petition to Establish the San Luis Obispo Coast and SLO Coast American Viticultural Area](#)
- [Philadelphia 2021 American Eagle Bullion Production](#)
- [Return Preparer PTIN Listing](#)
- [Secretary Yellen Authorization](#)
- [San Francisco 2021 American Eagle Bullion Production](#)
- [Third Party Data Store \(TPDS\) Extracts](#)
- [TIGTA FOIA Logs](#)
- [UBS AG Stamford and Chicago](#)

3. *Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.*

Yes. Fiscal Service maintains the **Judgment Fund** database. OCC offers access to the **Enforcement Actions Search Tool**, listings of national banks and federal savings associations' **Community Reinvestment Act Ratings and Performance Evaluations**, and a **Federal Institutions List** of national and federal savings associations which are chartered and regulated by the OCC. DO's OIG disseminates **Audit Reports** and SIGPR publishes **Quarterly Reports** of its activities pursuant to 15 U.S.C. § 9053(f)(1)(a).

4. *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.

5. *If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.*

Treasury makes every effort to post records in commonly accessed formats, including Adobe Portable Document Format (PDF), Comma Separated Values format (CSV), and other popular Microsoft Office formats. Some documents may contain added searchability features such as Optical Character Recognition. The Department makes every effort to ensure that documents are posted in compliance with Section 508 of the Rehabilitation Act (29 U.S.C. § 794d).

6. *Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.*

Yes. Disclosure staff across the department coordinate with Subject Matter Experts (SMEs) and IT staff on proactively disclosing records. BEP's IT department developed an internal process for program offices to submit requests for converting information to open, machine-readable and machine actionable formats. DO, TIGTA, IRS, TTB, Mint, FinCEN, and Fiscal Service coordinate with SMEs to obtain recommendations for proactively disclosing useful information.

7. *Optional -- Please describe:*

- *Best practices used to improve proactive disclosures.*

IRS continued its forum to meet quarterly with IRS business unit points of contact to discuss proactive disclosure requirements and FOIA processing. IRS also conducted a

review of its Internal Revenue Manuals to ensure that procedural changes are appropriately disclosed in FOIA Reading Rooms. The IRS Disclosure Policy team has been involved in discussions with many IRS offices regarding trending issues, such as the Coronavirus Aid, Relief and Economic Security (CARES) Act to ensure that they proactively disclose new training materials and documents showing how government businesses are conducted.

- *Any challenges your agency faces in this area*

IRS FOIA requests primarily deal with records protected under 26 U.S.C. § 6103, and FinCEN FOIA requests primarily deal with records protected by 5 U.S.C. § 5319. These records are legally required to be protected and cannot be proactively disclosed.

Section IV: Steps Taken to Greater Utilize Technology

1. *Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?*

Yes.

2. *Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.*

Treasury implemented its FOIA request tracking system and processing tool within five bureau offices in July 2021. The new FOIA solution has enhanced compliance with FOIA and Privacy Act laws, including the FOIA Improvement Act of 2016, as well as records retention policies. The software has helped improve customer service by reducing response time to customer requests. It has enriched the customer experience by allowing the public to submit and track the status of FOIA requests through the Treasury FOIA PAL, it has provided interoperability with National FOIA Portal (FOIA.gov) and Pay.gov, it has enhanced transparency through simplified release of 508-compliant documents to the public, and it has improved Treasury's annual and ad-hoc reporting process via automation and standardization.

Additionally, DO and OCC utilized eDiscovery software to assist with reviewing voluminous records in FOIA litigation cases. TIGTA and IRS began reviewing plans to incorporate eDiscovery technologies into their workflows.

OCC is exploring incorporating a collaboration module into their workflow that will allow disclosure staff to receive records from program offices through their electronic FOIA processing system, even if the program office users are not licensed to access the FOIA software, allowing for efficiency while reducing costs.

3. *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.

4. *Did your agency successfully post all four quarterly reports for Fiscal Year 2021?*

No.

5. *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 2022.*

Treasury posted 3 of 4 quarterly reports on FOIA.gov. Treasury posted the data for the FY2021 Q1 report on Treasury.gov but not on FOIA.gov. This is viewed as an oversight that will not continue into FY2022.

6. *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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.*

Treasury's raw data for the Fiscal Year 2020 and 2021 Annual FOIA Reports are available on Treasury's website at <https://home.treasury.gov/footer/freedom-of-information-act/foia-reports>.

7. *Optional -- Please describe:*

- *Best practices used in greater utilizing technology.*

In addition to launching the new FOIA request tracking system, the Department initiated a monthly User Community Engagement meeting which serves as a venue for FOIA professionals and software administrators to discuss experiences and share new information related the use of the system. This has increased the level of collaboration throughout the department and has helped to modernize FOIA processes.

- *Any challenges your agency faces in this area.*

Since the department's mission is vast, each bureau has its own IT security requirements and specifications, which places limits on the types of technology that can be employed and is a barrier toward collaboration and streamlining processes across the enterprise.

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?*

The Department uses a separate track for simple requests, except IRS.

2. *If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?*

Yes.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track.*

At Treasury, 20.24% of requests processed were 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?*

For the one Treasury bureau (IRS) that does not track simple requests, the average number of working days to process all non-expedited requests was 45.

B. Backlogs

BACKLOGGED REQUESTS

5. *If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?*

No.

6. *If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?*

No.

7. *If your agency's request backlog increased during Fiscal Year 2021, 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 requests.*
- *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.*
- *Impact of COVID-19 and workplace and safety precautions.*
- *Any other reasons – please briefly describe or provide examples when possible.*

Although Treasury received 1,086 fewer requests in FY 2021 than in FY 2020, three bureaus received more requests: BEP received 8 more requests, OCC received 103 more requests,

and TIGTA received 36 more requests. Treasury closed 499 fewer requests in FY 2021 than in FY 2020, a decrease of 4.4%. BEP, FinCEN, OCC, and TIGTA closed more requests in FY 2021 as compared to FY 2020, while all other Treasury bureaus closed fewer.

This shortfall was due, in part, to staff vacancies and processing delays caused by the pandemic. FOIA requests became increasingly complex due to the involvement of Treasury's operational programs in their response to the pandemic through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the American Rescue Plan. Additionally, with the rollout of the new FOIA request tracking system, the disclosure staff was required to learn a new software system and adapt the new tool to their daily work. This change naturally took time away from processing FOIA requests.

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 2021.*

Treasury's proportion of backlogged requests compared to the total number of requests received in FY 2021 is 21%.

BACKLOGGED APPEALS

9. *If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?*

Yes. Treasury's backlog of FOIA appeals decreased 25% from 47 in FY 2020 to 35 in FY 2021.

10. *If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?*

N/A.

11. *If your agency's appeal backlog increased during Fiscal Year 2021, 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.*
- *Impact of COVID-19 and workplace and safety precautions.*
- *Any other reasons – please briefly describe or provide examples when possible.*

N/A.

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 2021.*

Treasury's proportion of backlogged appeals compared to the number of appeals received in FY 2021 is 27.13%.

C. Backlog Reduction Plans

13. *In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2020 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 2021?*

In the FY 2021 Chief FOIA Officer Report, Treasury outlined a backlog reduction plan which included implementing a new FOIA tracking system; establishing and communicating bureau-specific goals for backlog reduction; encouraging bureaus to complete FOIA self-assessments using DOJ's FOIA self-assessment toolkit; identifying challenges impacting the backlog and focus on resources to reduce the overall number of backlogged requests, with an emphasis on closing the ten oldest requests, appeals, and consultations; and conducting targeted training and outreach to improve the timeliness of searches.

During the reporting period, Treasury implemented the new FOIA request tracking system which provided the bureaus with powerful tools to identify gaps within their FOIA processes and has provided capabilities for tracking backlogged requests. This effort allowed the bureaus to individually assess their FOIA processes and programs. While a backlog reduction was not achieved during the reporting period, progress was made in identifying efficiencies and resource needs within the department's FOIA program, which will be the focus of future efforts to reduce the backlog.

14. *If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022.*

At the end of FY 2021, Treasury had a backlog of 2,280 requests, Treasury's Chief FOIA Officer will take the following actions targeted to reduce the backlog of pending requests:

- Leverage the new FOIA request tracking system to the greatest extent possible and identify ways to streamline the FOIA process.
- Discuss data driven bureau-specific goals for backlog reduction.
- Encourage bureaus to complete FOIA self-assessments using DOJ's FOIA self-assessment toolkit.
- Identify challenges impacting the backlog and focus resources on reducing the overall number of backlogged requests, with continued emphasis on the ten oldest requests, appeals, and consultations.
- Conduct targeted training and outreach to improve the timeliness of searches.

D. Status of Oldest Requests, Appeals, and Consultations

OLDEST REQUESTS

15. *In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 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 2020 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.*

Treasury closed 3 of its 10 oldest requests that were pending from the FY 2020 Annual FOIA Report.

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

Treasury's disclosure staff worked closely with subject matter experts, attorneys, and program staff to obtain and process records for the oldest pending requests. In many cases, Treasury made multiple interim releases of records in cases where there were voluminous records.

TEN OLDEST APPEALS

18. *In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2020 Annual FOIA Report?*

No.

19. *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 2020 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.*

Treasury closed 9 of its 10 oldest appeals that were pending from the FY 2020 Annual FOIA Report.

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

Treasury FOIA staff worked closely with subject matter experts, attorneys, and program staff to review and process the oldest pending appeals. Within DO, the appeals official conducted a comprehensive review of pending FOIA appeals and took action to resolve the oldest pending appeals.

TEN OLDEST CONSULTATIONS

21. *In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?*

No.

22. *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 2020 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.*

Treasury closed 6 of its 10 oldest consultations that were pending from the FY 2020 Annual FOIA Report.

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

23. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.*

Treasury continues to experience challenges closing its ten oldest requests, appeals, and consultations. Many of the requests require multiple searches, additional coordination internally or externally through consultation, and collaboration on the use of exemptions. Additionally, Treasury possesses a significant number of records that are classified and contain national security, law enforcement, or confidential business sensitivities, as well as materials that originated within other federal agencies. Health and safety requirements stemming from the COVID-19 pandemic has led to some delay in physically accessing classified records on a routine basis. These complexities affect the timeliness of reviews and how quickly the agency is able to respond to requesters. Other challenges include an increase in the volume and complexity of requests, an increase in the number of requests subject to litigation, and FOIA staff turnover and delays in recruitment.

24. *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.*

N/A

25. *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 2022.*

During FY 2022, Treasury will take the following actions targeted to reduce the backlog of pending requests, appeals, and consultations:

- Utilize the new FOIA request tracking system and ensure that cases are properly categorized as requests, appeals, or consultations.
- Leverage the enhanced reporting capabilities stemming from the new FOIA request tracking system to gain insight into pending requests to make data driven decisions on staff assignments.
- Monitor metrics and increase the frequency of case status updates on the oldest ten requests, appeals, and consultations.
- Encourage bureaus to complete FOIA self-assessments using DOJ's FOIA self-assessment toolkit.
- Identify challenges impacting the backlog and focus resources 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.

F. Success Stories

Out of all the activities undertaken by your agency since March 2021 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 but should not be something that you have reported in a prior year. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. 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.

Departmental Offices

In October 2020, DO launched a new COTS FOIA request tracking system to replace its legacy tool. Having proven the efficiency of the software through increased productivity, enhanced reporting capabilities, and interoperability with FOIA.gov and Pay.gov, DO launched the software within five bureaus in July 2021 as an enterprise offering. This effort required the coordination and collaboration between bureau offices to ensure that the software functioned within Treasury's complex IT infrastructure. DO initiated an effort for each bureau to complete a fulsome review of migrated data to ensure that each FOIA request reflected an updated status. New training initiatives surrounding the use of the new software system were implemented, including the launch of the User Group Community Engagement series, a monthly virtual gathering of all system users to share updates, provide training, and encourage collaboration. With all bureaus operating on updated FOIA technology, the department has been able to improve services for the requester community.

Bureau of Engraving and Printing

Due to health and safety restrictions stemming from the COVID-19 pandemic, BEP had to rethink how to process and retain records in accordance with applicable records management requirements. In FY 2021, in conjunction with Treasury's implementation of the new FOIA request tracking system, BEP began using the new software to replace its paper-based

system. The new software allowed personnel to avoid physically entering BEP factories to retrieve request processing files needed to satisfy FOIA requests. Leveraging the new FOIA software solution has provided numerous benefits to include an increase in productivity through streamlining many manual processes. Additionally, BEP saw improvement in satisfying requester's information needs and was able to provide quality customer service.

Internal Revenue Service

IRS worked diligently throughout FY 2021, and into FY 2022, to introduce a complete overhaul of its FOIA training program for both new and experienced FOIA professionals across the organization. This overhaul included the development of an entirely new and centralized Internal Revenue Manual designed to incorporate all of the new processing procedures that IRS FOIA professionals needed to complete their work. The overhaul also included a new FOIA Phase 1 and Phase 2 training program that was developed for new FOIA professionals to better prepare them for the complex and technical work involved in processing IRS FOIA requests. Finally, disclosure offices across the country received a new technical specialist who focuses on assisting new and experienced FOIA professionals with complex FOIA requests, provides answers to FOIA questions, and holds discussions with requesters to improve the FOIA process.

Alcohol and Tobacco Tax and Trade Bureau

As a result of another unprecedented year in FOIA administration due to the COVID-19 pandemic, the TTB rose to the many challenges presented by the remote work environment through agile and progressive methods. All workflows were converted to virtual processes, and measures were implemented to ensure that any requests and/or correspondence submitted to the TTB through standard mail services would be timely and efficiently processed by designated staff who were responsible for scanning and forwarding applicable correspondence to the TTB FOIA Officer electronically. In conjunction with Treasury's implementation of the new FOIA request tracking system, TTB began leveraging the software to complete FOIA work. The web-based tracking and case-management system allowed requesters to track the status of their request from initial receipt to final delivery of the response. This functionality greatly improved TTB's communication with the requester community and has allowed TTB to streamline its internal tracking, review, and redaction process.