



Department of the Treasury

2023 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) 2023 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 2022 through March 2023 (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 read "RLaw".

Ryan Law
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

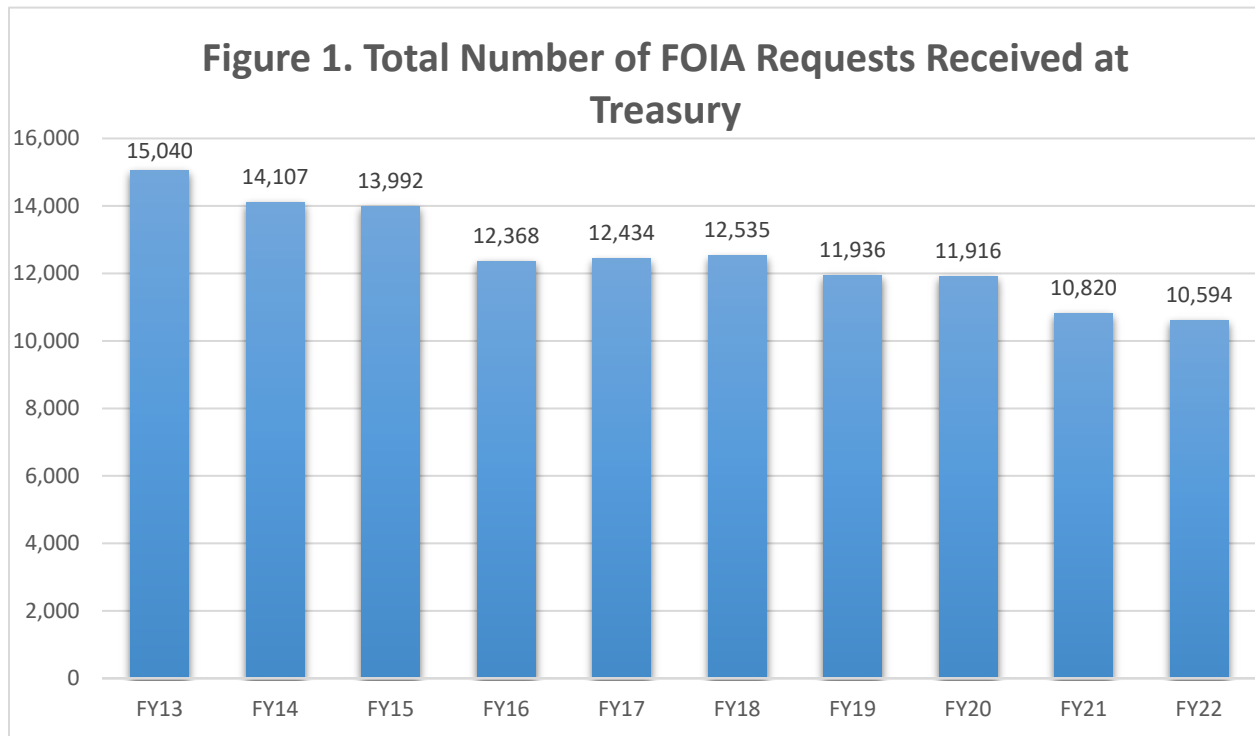
FOIA administration is decentralized at the Department of the Treasury. In other words, the nine bureaus that comprise the Department separately receive and respond to FOIA requests:

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.

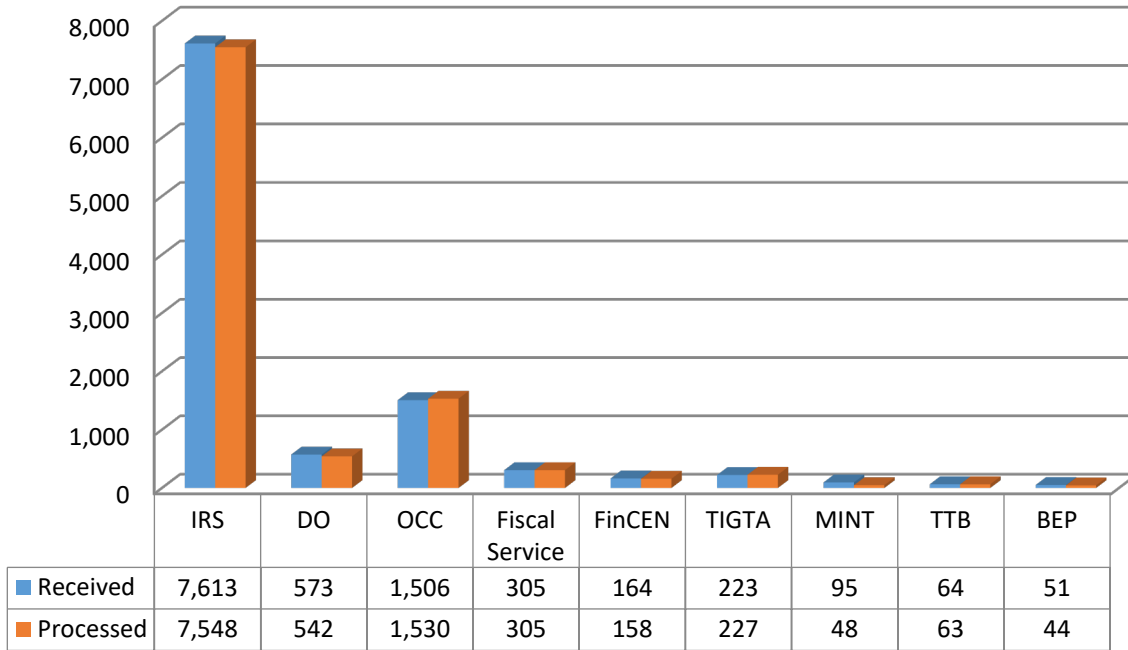
Treasury received 10,594 FOIA requests during Fiscal Year (FY) 2022. From FY 2013 through the present, Treasury received an average of 12,574 requests per fiscal year (See Figure 1).

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>.



In FY 2022, there was a wide disparity in the number of FOIA requests directed to individual Treasury bureaus. For example, IRS received 7,613 requests in FY 2022, or 72% 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).

Figure 2. Number of FOIA Requests Received and Processed During FY 2022 by Treasury Bureaus



The Department closed 10,465 requests in FY 2022. Fiscal Service, OCC, and TIGTA closed as many or more requests than they received in FY 2022.

Section 1: FOIA Leadership and Applying the Presumption of Openness

A. Leadership Support for FOIA

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. See 5 U.S.C. § 552(j)(1) (2018). 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.

Anna Canfield Roth, Acting Assistant Secretary for Management.

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

Treasury has incorporated transparency into its Strategic Plan for 2022-2026 by emphasizing transparency in the domestic and international financial system as an important tool for enhancing national security. FOIA is an important transparency mechanism that enables the Department to meet this goal.

IRS expanded these efforts by focusing on internal FOIA awareness activities. Specifically, activities such as messaging from the IRS Chief Privacy Officer, making all IRS employees aware of their responsibilities under FOIA and working with IRS business functions to ensure that they understand how to leverage the IRS FOIA Library to proactively disclose records to inform the public of IRS activities.

TIGTA's organizational culture emphasizes FOIA responsibilities across all employees which resulted in sufficient staffing and resources and expedited cross-departmental response times for records and other support requests which led to a minimal backlog.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

BEP, Fiscal Service, IRS, OCC, TIGTA, and TTB made updates to their letters per the updated guidelines.

DO and FinCEN have plans to update its response letters to contain language describing how the foreseeable harm standard was applied when reviewing records and applying exemptions.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response?

No

- b. If yes, please provide:

- i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible).

N/A

- ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

N/A

- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

Enhancements to the FOIA tracking system would be needed in order to track the use of *Glomar* in FOIA.

6. 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.

As the Department continues to implement the Coronavirus Aid, Relief, and Economic Security Act (CARES), the American Rescue Plan (ARP), and the Inflation Reduction Act (IRA), Treasury continues to proactively disclose records of interest to the public on its public webpages. Treasury increased the number of proactive disclosures by 106% in FY 2022 as compared to FY 2021.

Section II: Ensuring Fair and Effective FOIA Administration

A. FOIA Training

1. 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 and in-person format. For example, Treasury hosted its Virtual FOIA Training Summit during Sunshine Week which had over 300 employees in attendance. This summit consisted of

several panels of subject matter experts from across the Treasury and the Department of Justice (DOJ) to share updates on FOIA's application and best practices for FOIA administration. Additionally, Treasury staff members participated as subject matter expert panelists in support of training at the Department of Homeland Security (DHS) and the Department of Justice (DOJ).

BEP leveraged their Integrated Talent Management System to advertise FOIA training opportunities to all federal employees and contractors.

IRS facilitated training to IRS employees on a recurring basis through FOIA awareness presentations and FOIA training classes. Additionally, IRS FOIA professionals held quarterly FOIA forums for FOIA functional coordinators to discuss FOIA training needs, updated IRS FOIA procedures, and provided best practices for responding to FOIA requests. Many of the IRS offerings allowed for employees to review the processes and requirements of the FOIA at their own pace.

TIGTA and TTB required a computer-based-training for employees. The training provides a general overview of the FOIA, information about the statute's time limits, the importance of responding to requests promptly, conducting searches for records responsive to FOIA requests, and reviewing requested records for disclosure.

2. 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.

3. 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 DOJ, including seminars and workshops. DOJ topics included 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, OCC, and TIGTA attended the American Society of Access Professionals (ASAP) National Training Conference, which presented updated training on FOIA requirements.

4. 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.

5. 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

6. 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?

At DO, non-FOIA professionals were encouraged to attend the Treasury FOIA Training Summit held during Sunshine Week. Additionally, briefings were provided to incoming senior agency leadership upon onboarding. Individual FOIA briefings were held for offices that requested information on the agency’s FOIA resources, obligations, and expectations.

BEP and IRS issued a memorandum addressing basic FOIA and Privacy Act principals and obligations to help employees facilitate the FOIA process efficiently.

IRS and Fiscal Service employees were required to attend mandatory briefings and awareness presentations on employee obligations under the FOIA.

FinCEN provided non-FOIA professionals with a "Tip Sheet" as a tool to help non-FOIA professionals understand their responsibilities under the FOIA.

B. Outreach

7. 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.

Aside from routine communication with FOIA requesters about FOIA requests, TTB’s FOIA Officer engaged with frequent requesters on ways to improve the types of information the bureau makes available on its public webpages.

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

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

The Department encourages open communication with the requester community through the practice of proactively reaching out to requesters to discuss their FOIA requests. FOIA staff regularly communicated 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.

OCC leveraged a variety of electronic communication mechanisms to ensure that they were accessible to all requesters.

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 Fiscal Year 2022 (please provide a total number or an estimate of the number).

Treasury's FOIA Public Liaison received approximately 1,276 contacts from FOIA requesters in FY 2022.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

In an effort to improve the FOIA request process by improving response times and reducing the backlog, DO initiated Lean Six-Sigma methodology review of the current activities and resource allotments dedicated to FOIA. Challenges were defined, measured, analyzed, and improvements were identified.

DO announced and awarded a new contract for FOIA support services to meet current and future FOIA demands. The newly awarded contract's Performance Work Statement has a clause that enables the option to add additional personnel to support all areas of FOIA process, including intake, processing, appeals, and litigation support, as DO's staffing needs evolve over time. This mechanism is available to all DO program offices when there is a need for resources to support their FOIA requirements.

BEP, Fiscal Service, IRS, OCC, TIGTA, and TTB have or are in the process of onboarding additional staff resources to support the anticipated FOIA demands and to backfill vacated positions.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

As part of the Lean Six-Sigma methodology FOIA review project, DO leveraged data to validate challenges and areas of needed improvement. This led to the identification of parts of the FOIA workflow that did not add value to the overall quality of responses or response times for processing the FOIA request, enabling the FOIA team to eliminate those steps.

DO, BEP, Fiscal Service, IRS, OCC, and TTB leveraged their case management tool's reporting capabilities to monitor progress on FOIA cases. Specifically, OCC leveraged FOIA data and statistics to monitor their backlog reduction efforts, which resulted in a 70% reduction by the end of FY 2022.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

OCC initiated a benchmarking exercise to compare their FOIA program to fourteen other Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) agencies in light of the Garland Memorandum. This is an ongoing effort.

Section III: 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 by each bureau, 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.

Examples of the 9,376 records proactively posted during the FY 2022 reporting period included the following:

- [Active Enrolled Agents Listing](#)
- [Activities Permissible for National Banks and Federal Savings Associations](#)
- [Annual Federal Excise Tax \(Tobacco\) Liability Report and Quarterly breakdown of the Firearms and Ammunition Excise Tax \(FAET\) Collection](#)
- [Appeals Coordinated Issues \(ACI\)](#)
- [Bank Information Technology \(BIT\)](#)
- [Bank Secrecy Act \(BSA\)](#)
- [BEP American Council of the Blind \(ACB\) Status Report March 2022](#)
- [BEP Monthly Production Reports](#)
- [CDFI Fund Research and Data](#)
- [Comptroller's Handbook: Commercial Real Estate Lending](#)
- [Country-by-Country Reporting Guidance](#)
- [DO OIG](#)
- [Document 6209 – ADP and IDRS Information](#)
- [FHA Debentures](#)
- [Fiscal Service FOIA Logs](#)
- [IRS FOIA Logs](#)
- [IRS Internal Revenue Manual and Interim Guidance](#)

- IRS Privacy Impact Assessments (PIA)
- Limited Payability Cancellation Report
- List of Permittees
- Mortgage Metrics Report: Second Quarter 2022
- OCC 2022 Cybersecurity and Financial System Resilience Report
- OCC Assesses \$6 Million Civil Money Penalty Against Sterling Bank and Trust
- OCC Enforcement Actions and Terminations – October 20, 2022
- OCC Enforcement Actions and Terminations - September 15, 2022
- OCC Strategic Plan
- Previously Released FOIA Applications (10-5-18)
- Quarterly Report on Bank Trading and Derivatives: Second Quarter 2022
- Return Preparer PTIN Listing
- Semiannual Risk Perspective: Spring 2022
- Third Party Data Store (TPDS) Extracts
- TIGTA FOIA Logs

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. 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 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).

5. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes. Disclosure staff across the department coordinate with subject matter experts and Information Technology (IT) staff to proactively disclose records. Most of the IRS proactive disclosures are undertaken by the IRS business functions with authority over the underlying records. BEP coordinates with their Office of External Relations to assist with publishing records on BEP's social media accounts. TTB collaborates with senior officials, including the Office of Communications, Office of Analytics, and the National Revenue Center to identify documents for proactive disclosure.

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

IRS established a forum to meet quarterly with IRS business unit points of contact to discuss proactive disclosure requirements and FOIA processing. IRS routinely issues updated guidance, available to all IRS employees, to remind them of their responsibilities in proactively disclosing information whenever possible.

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 uses to support your FOIA program.

DO components continued their adoption of Treasury's electronic FOIA case management tool. Additionally, DO components, OCC, and IRS introduced e-Discovery tools into their FOIA workflow.

BEP is exploring a new email search software tool to efficiently identify records responsive to FOIA requests.

Treasury is planning to implement identity proofing software into the FOIA process for Privacy Act requesters in compliance with OMB Memorandum M-21-04, Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Some Treasury components incorporated e-Discovery software into their workflow which leverages automation to streamline responsiveness reviews of voluminous records. OCC obtained an Artificial Intelligence module that will provide technology assisted reviews of FOIA records.

4. 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.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2022 appear on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

N/A

7. 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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

Treasury's raw data for the Fiscal Year 2021 and 2022 Annual FOIA Reports are available on Treasury's website at <https://home.treasury.gov/footer/freedom-of-information-act/foia-reports>.

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Most Treasury components have established full interoperability with the National FOIA Portal on FOIA.gov. The Treasury Inspector General for Tax Administration (TIGTA) is working to resolve issues identified during testing that is delaying deployment.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

IRS continues to leverage its case management system to automate searches for, and redaction of, sensitive information more consistently than its prior manual processes. The use of e-Discovery technology helps to facilitate quicker internal review of documents and the removal of duplicate information. IRS continues to leverage the support of their IT administrators to ensure that FOIA professionals have the tools necessary to work complex requests, requests with voluminous records or with records provided on media other than paper. A continued challenge is that IRS is required to protect any information that meets the criteria of Title 26 USC §6103. This often results in delays and complications with any technology that does not meet the IT standards used to protect this sensitive information.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

A. Remove Barriers to Access

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

Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

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 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.

B. Timeliness

3. For Fiscal Year 2022, 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 2022 Annual FOIA Report.

The average number of days to adjudicate a request for expedited processing was 80.44 days.

4. 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 2022 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.

Treasury continues to evaluate requests for expedited processing at the time the request is first submitted. Efforts will also commence to ensure that data is recorded in bureau case management systems accurately, as this can be a data quality issue.

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

Yes.

6. 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 2022?

The average number of days to process a simple request was 15.97 days.

7. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

N/A

8. Please provide the percentage of requests processed by your agency in Fiscal Year 2022 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

20% of Treasury's processed requests were placed in the simple track.

9. 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?

According to the DOJ FOIA Annual Guide, the majority of IRS cases are identified as complex. Since IRS does not identify any cases as simple, their average number of days to process all complex requests was 52.93 days.

C. Backlogs

BACKLOGGED REQUESTS

10. If your agency had a backlog of requests at the close of Fiscal Year 2022, 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 2021?

No.

11. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

No.

12. If your agency's request backlog increased during Fiscal Year 2022, 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 185 fewer requests in FY 2022 than in FY 2021, four bureaus received more requests: BEP received 1 additional request, OCC received 58 additional requests, Fiscal Service received 45 additional requests, and Mint received 12 additional requests. Treasury closed 173 fewer requests in FY 2022 than in FY 2021, a decrease of 1.6%. Fiscal Service, IRS, and OCC closed more requests in FY 2022 as compared to FY 2021, while all other Treasury bureaus closed the same or fewer.

This shortfall was due, in part, to staff vacancies and the expiration of FOIA support contracts. FOIA requests became increasingly complex due to the involvement of Treasury's operational programs in areas such as the CARES Act, the American Rescue Plan, the Inflation Reduction Act, and sanctions leveraged in response to the conflict in Ukraine.

13. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This

number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

Treasury's proportion of backlogged requests compared to the total number of requests received in FY 2022 was 22.47%

BACKLOGGED APPEALS

14. If your agency had a backlog of appeals at the close of Fiscal Year 2022, 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 2021?

Treasury's backlog of FOIA appeals increased by 10 appeals from FY 2021 to FY 2022.

15. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2022 than it did during Fiscal Year 2021?

Treasury processed 27 more appeals in FY 2022 as compared to FY 2021.

16. If your agency's appeal backlog increased during Fiscal Year 2022, 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

Treasury's backlog of appeals increased incrementally due to shifting work priorities of the appellate authority.

17. 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 2022. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2022 and/or has no appeal backlog, please answer with "N/A."

Treasury's proportion of backlogged appeals compared to the number of appeals received in FY 2022 was 30.12%.

D. Backlog Reduction Plans

18. In the 2022 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2021 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 2022?

In the 2022 Chief FOIA Officer Report, Treasury outlined a backlog reduction plan which involved leveraging its new FOIA request tracking system to the greatest extent possible; discussing data driven bureau-specific goals for backlog reduction; encouraging bureaus to complete a FOIA self-assessment using DOJ's FOIA self-assessment toolkit; identifying challenges impacting the backlog and focus resources on reducing the overall number of backlogged requests, with continued interest in the ten oldest requests, appeals, and consultations; performing targeted training and outreach to improve the timeliness of searches.

During the reporting period, DO leveraged the Lean Six-Sigma methodology to assess its FOIA process and resource allotments. As part of this review, DO leveraged its FOIA request tracking system to generate reports to identify and target specific parts of the FOIA process that added delay to the overall response time and increased the backlog. Challenges were defined, measured, analyzed, and improvements were identified.

Improved training was a key element of the backlog reduction plan described in the 2022 Chief FOIA Officer Report. In March 2022, Treasury held its one-day department-wide FOIA Training Summit that provided information on best practices in FOIA administration, practical applications of recent Supreme Court decisions that affect FOIA processing, and information on the application of FOIA exemptions. Treasury also held monthly user engagement meetings for its FOIA case management system users to collaborate and improve the use of the system for efficient FOIA processing.

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 programs, which will be the focus of future efforts to reduce the backlog. For example, DO awarded a new FOIA services contract and began the process of onboarding contractor employee FOIA analysts with the aim of reducing the FOIA backlog.

19. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2022, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

At the end of FY 2022, Treasury had a backlog of 2,381 requests. Treasury's Chief FOIA Officer will take the following actions which target the reduction of the backlog and pending requests:

- Take actions to decrease processing times for incoming FOIA requests while continuing to focus on quality responses and reducing the existing backlog. This will help to limit the number of new backlogged requests being added while focusing on reducing the existing workload.
- Encourage bureaus to review and mature their FOIA processes by leveraging DOJ's FOIA self-assessment toolkit or applying other process review methodologies to evaluate their workflow. This will help to identify efficiencies and redundant areas of the process that don't add value to overall processing times toward backlog reduction.

- Place an emphasis on training all Treasury employees on the agency's obligation under the FOIA. Continue the practice of enhancing the training of FOIA professionals by providing routine training opportunities.

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

20. In Fiscal Year 2022, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2021 Annual FOIA Report?

No.

21. 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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Treasury closed 5 of its 10 oldest requests that were pending from the FY 2021 Annual FOIA Report.

22. 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 offices took steps to review pending cases and opened lines of communication to determine if requesters were still interested; addressed any challenges that hindered a final response; coordinated with appropriate parties to remove barriers and gain traction toward closing requests; and addressed unforeseen issues.

TEN OLDEST APPEALS

23. In Fiscal Year 2022, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2021 Annual FOIA Report?

No.

24. 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 2021 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Treasury did not close any of its 10 oldest appeals in Fiscal Year 2022.

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

DO implemented new processes for notifying the appellate authority about an incoming appeal to facilitate the appeal's efficient review and adjudication.

TEN OLDEST CONSULTATIONS

26. In Fiscal Year 2022, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2021 Annual FOIA Report?

No.

27. 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 2021 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Treasury closed 2 of its 10 oldest consultations in Fiscal Year 2022.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

28. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023.

Treasury continues to use its existing case management technology to drive accountability on processing activities of the ten oldest requests, appeals, and consultations. New technologies are scheduled to be implemented at some bureaus that facilitate the review of voluminous requests in an efficient matter. With COVID-19 restrictions easing, employees continue to return to the workplace which enables them to review cases containing classified records to the extent that they exist. Investments into technology and staffing along with enhanced accountability will be a focus of Fiscal Year 2023.

F. Additional Information about FOIA Processing

29. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.

Treasury recorded 34 requests which entered litigation during the reporting period.

Litigation processing varies widely across the department. Some bureaus defer their litigation processing to their offices of counsel, which frees up FOIA resources to process standard FOIA requests in a timely manner. The overall impact of litigation on FOIA processing efforts at these offices is limited.

Other bureaus use their FOIA resources to prepare and issue productions in FOIA litigation through their disclosure offices. This has a significant impact on the processing of standard FOIA requests and the amount of time it takes to complete a case. The impacts vary widely across the department due to the funding, staffing, volume, and the nature of the requests. Certain offices have complex classified security requirements that limit who can work on certain

records. Others have small disclosure offices where FOIA is only a small part of the employee's portfolio.

30. How many requests during Fiscal Year 2022 involved unusual circumstances as defined by the FOIA? (This information is available in your agency's FY22 raw data).

In Fiscal Year 2022, Treasury recorded 6,064 requests that involved unusual circumstances as defined by the FOIA.