Department of the Treasury

2021 Chief Freedom of Information Act Officer Report
to the Attorney General of the United States

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

On behalf of the Chief Freedom of Information Act Officer, I am pleased to present the Department of the Treasury's (Treasury or Department[1]) 2021 Chief Freedom of Information Act Officer Report to the Attorney General of the United States. This report summarizes Treasury initiatives to comply with the Freedom of Information Act[2] (FOIA) and to promote transparency and openness in its operations. This report covers the period of March 2020 through March 2021 (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.

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

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[1] In this report, the "Department" or "Treasury" includes all of the Treasury Department's bureaus and offices.
[2] 5 U.S.C. § 552

2021 Chief Freedom of Information Act Officer Report

To the Attorney General of the United States
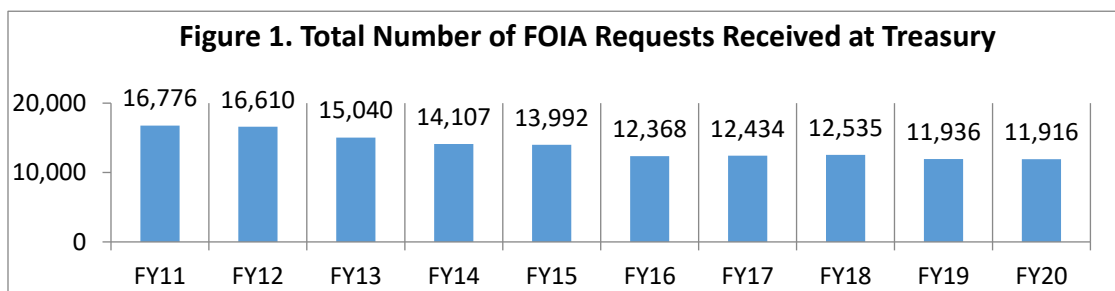
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FOIA at the Department of the Treasury

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

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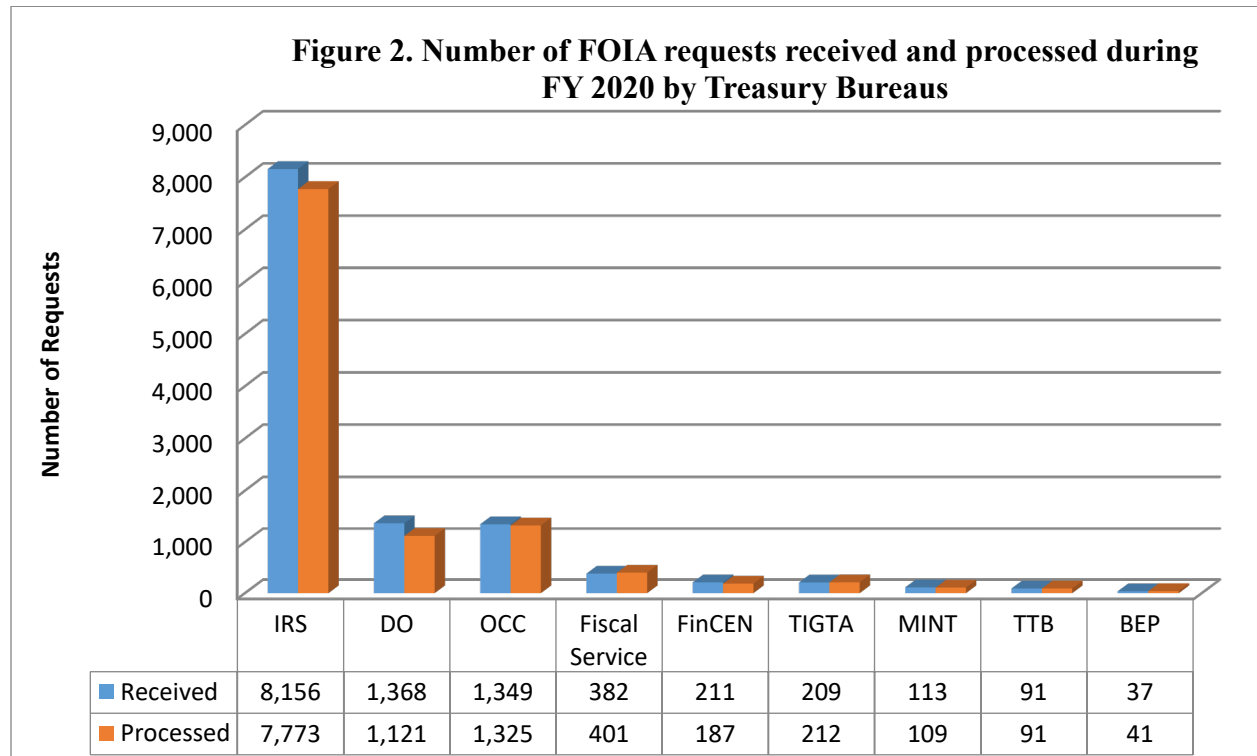8. Treasury Inspector General for Tax Administration (TIGTA)
9. United States Mint (Mint)

Departmental Offices encompasses a number of Treasury program and policy offices,[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 11,916 FOIA requests during Fiscal Year (FY) 2020. From FY 2011 through the present, Treasury received an average of 13,771 requests per fiscal year (See Figure 1).

Figure 1. Total Number of FOIA Requests Received at Treasury

	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
	16,776	16,610	15,040	14,107	13,992	12,368	12,434	12,535	11,936	11,916

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[3] DO also 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), 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 2020, there was a wide disparity in the number of FOIA requests directed to individual Treasury bureaus. For example, IRS received 8,156 requests in FY 2020, or 68% 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 2020 by Treasury Bureaus

	IRS	DO	OCC	Fiscal Service	FinCEN	TIGTA	MINT	TTB	BEP
Received	8,156	1,368	1,349	382	211	209	113	91	37
Processed	7,773	1,121	1,325	401	187	212	109	91	41

The Department closed 11,260 requests in FY 2020. BEP, Fiscal Service, TIGTA, and TTB closed as many or more requests than they received in FY 2020.

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. 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, IRS provided FOIA training to non-FOIA IRS employees on a reoccurring basis and upon request. Topics included conducting proper FOIA searches, review efforts when locating records in response to a FOIA request, and proactive disclosures to the public.

   The COVID-19 pandemic presented challenges to offering in-person training activities. Employees were encouraged to attend virtual DOJ FOIA training, participate in on demand FOIA training available in Treasury's Integrated Talent Management System, and attend the Department's annual FOIA summit.

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.*

   A number of Treasury FOIA professionals attended training opportunities provided by the Department of Justice (DOJ) including FOIA for Attorneys and Access Professionals, the Advanced FOIA Seminar, Introduction to the FOIA, and the Litigation Seminar. Treasury staff also participated in DOJ's online training modules for FOIA Professionals. Numerous topics covered were, including but not limited to, the FOIA's procedural requirements and exemptions, workshops on individual FOIA 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, overview of the FOIA, receiving and acknowledging FOIA requests, initial processing, statutory protections for sensitive information, advanced considerations for Exemptions 6 and 7(C), FOIA case law developments and advanced litigation considerations, basic principles for processing FOIA requests, communication with requesters, searching for and reviewing documents, preparing final determinations and responses, fee categories, foreseeable harm, reasonable searches and reasonable description of FOIA requests, and an Exemptions redaction workshop.
Several FOIA professionals attended the American Society of Access Professionals Virtual National Training Conference, which covered topics including FOIA procedures, FOIA Exemptions, FOIA litigation and recent court decisions, the Privacy Act, and foreseeable harm.

Also, Treasury's FOIA Professionals received training through various continuing education opportunities and other workshops. For example, FinCEN and Mint staff attended International Association of Privacy Professionals (IAPP) training.

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.*

One hundred percent (100%) 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

C. Outreach

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

The Department continues to encourage open communication with the requester community and the practice of routinely reaching out to requesters to discuss FOIA processes and the specifics of FOIA requests. Treasury FOIA staff communicated regularly with the public to provide guidance and insight into Treasury's FOIA processes, narrow the scope of a request to reduce or eliminate processing costs and reducing overall processing times, prioritize document searches, ensure appropriate consent is on file, and other issues that facilitate efficient FOIA administration.

IRS continued to enhance their FOIA Library layout to make the site easier for the general public to use. IRS leveraged social media platforms such as Twitter and Facebook to provide

outreach to the general public regarding the FOIA Library and information available to the public.

Treasury continued to work and collaborate with OGIS to facilitate dialogue with various FOIA requesters.

D. Other Initiatives

9. *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.*

Overall, Treasury has taken significant steps to ensure non-FOIA professionals have a full understanding of the FOIA requirements in order to provide every response with as much openness and transparency as possible. Non-FOIA professionals are informed through several training methods, including one-on-one, case-by-case, and group training sessions. Additionally, there are other avenues of informing non-FOIA professionals of their obligations under the FOIA, such as an 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 messages on TVs throughout Treasury's different locations; utilizing newsletter and electronic rotator announcements; new employees on-boarding training; supervisory-level training specific to their roles and responsibilities in the FOIA process; internal FOIA guides or quick reference guides; and attending mandatory briefings through presentations addressing FOIA obligations, e.g. proactive disclosures, documenting search efforts.

10. *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.*

Within Treasury, there are continuing initiatives to ensure openness throughout the Department. For example, the Secretary's calendars are posted to provide the public with detailed information regarding day-to-day activities of the Treasury Department and the Secretary. 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.

Openness is communicated effectively through official social media accounts and internal communications channels that distribute records; public datasets used to improve public knowledge of Treasury and its operations, such as weekly electronic newsletters and Industry circulars; reviews of investigatory and inspection records; and through the use of Treasury's FOIA Libraries.

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,

regardless of the criteria to post records requested by three or more requesters as required under 5 U.S.C. 552 (a)(2), in order to provide the public with the most current information on Treasury's activities. 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 2020, 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 2020 Annual FOIA Report.*

   Treasury's average number of days to adjudicate requests for expedited processing was less than 1 calendar day.

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

   N/A

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

   Yes. The types of methods used to conduct a self-assessment during the reporting period included the DOJ OIP FOIA Self-Assessment Toolkit, reviews of annual FOIA report data, the review of monthly case inventories, and assessments of FOIA tracking systems, tools, and internal processing procedures.

4. *Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.*

   a. *Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?*

      Treasury offices have SOPs that outline general processes for handling FOIA requests and appeals except for the Mint.

   b. *If not, does your agency have plans to create FOIA SOPs?*

      Mint has made plans to create FOIA SOPs.

c. *If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?*

The review of SOPs varies by Treasury Bureau and ranges from annual reviews to being reviewed on an as needed basis when substantial changes in law occur.

d. *In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?*

BEP, FinCEN, Fiscal Service, IRS, OCC, and TIGTA posts or otherwise describes standard processes for handling FOIA requests on their websites.

5. *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 2019 (please provide a total number or an estimate of the number).*

Treasury's FOIA Public Liaisons received more than 1,000 inquiries during the reporting period of which 76% were directed to the IRS' FOIA Public Liaison.

6. *Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?*

Yes. 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.

7. *The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. 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.

8. *Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.*

With the unprecedented COVID-19 pandemic, the Department of the Treasury worked hard to evaluate all FOIA workflows to ensure that requests were responded to within the limits imposed by the statute. A priority was made to continue to provide the requester community

with quality customer service while the majority of the Department's workforce was placed in a remote status. For example:

- IRS and TIGTA placed notices on their websites about potential delays in the processing of requests due to the COVID-19 pandemic.
- BEP, BFS, TIGTA, and DO worked with their IT departments to develop processes for rerouting telephone calls, converting faxes into e-mails, and developing efficient ways to scan hardcopy mail into an electronic format.
- DO, IRS, and TIGTA modified and converted FOIA letters to an electronic format to ensure their continued use, along with listing language about the effects of the COVID-19 pandemic on the processing of requests.
- DO began working to integrate Pay.gov into its FOIA processing software to accept electronic FOIA fee payments.
- OCC rethought the process of providing certified bank records electronically – without special paper, and gold seals. The OCC also slashed the cost for providing such records. As a result, the OCC has received much positive feedback from the disclosure community.

9. *Optional – Please describe.*

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

To ensure the agency's FOIA system operates effectively and efficiently and requesters receive responses as quickly as possible, Treasury decentralized its FOIA process to each Bureau and to certain specific Program Offices within DO. Once a request is received, an analysis of what the requester is seeking is conducted and terms are generated to conduct a search. After completing a search for records, analysts are assigned to determine responsiveness and provide recommendations to release to the appropriate authority. Upon approval, responses are submitted electronically to requesters. There is some variance among Treasury's Bureaus in how they process FOIA requests. However, each bureau collaborates with information technology experts, legal communities, internal organizations, as well as requesters to ensure the best releasable product is provided and made available to the public. Their electronic tracking systems are updated or being updated to ensure data is accurate in order to produce timely responses, track performance, and address backlog. Additionally, coordinating with Records Officers provides added value to the effectiveness of records searches, preserving information and retention policy, and identifying records for proactive disclosure.

In October 2020, DO launched commercial-off-the-shelf (COTS) FOIA processing and tracking software to replace its legacy system. The software has allowed DO to reimagine its processes and create efficiencies for responding to FOIA requests. For instance, FOIA requestors can submit requests on FOIA.gov or through 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. Also, the COTS product allows for all processing activities to occur within one system which helps to improve records management. The all-in-one system allows the staff to quickly identify the status of a request, thus improving the timeliness and quality of status updates for the requester

community. The Department has set a goal to launch the software to most of its Bureaus by Q4 of FY 2021.

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

FOIA requests continue to increase in overall complexity with the types of records being sought resulting in high volumes of documents being produced. Often these large document sets require a manual review and redaction of the files as Treasury lacks robust eDiscovery technology to automate these processes. This results in an increase in processing times and potential litigation.

Section III: Steps Taken to Increase Proactive Disclosures

1. *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:

- 2018 Office of Chief Counsel Report on Professionalism
- 2020 American Eagle Silver Bullion Coin Production
- Active Enrolled Agents Listing
- Appeals Coordinated Issues (ACI)
- Calendars and Travel of the Secretary
- Country-by-Country Reporting Guidance
- Document 6209
- Federal Alcohol Administration Act List of Permittees
- FinCEN FOIA Logs
- IRS FOIA Logs
- IRS General Record Schedules
- Matured, Unredeemed Debt and Unclaimed Moneys Reports
- Monthly FHA Debenture Reports
- Petition to Establish the San Luis Obispo Coast and SLO Coast American Viticultural Area
- Petition to Establish the Yucaipa Valley American Viticultural Area
- Quarterly FOIA Logs
- Quarterly Marijuana Banking Reports
- Return Preparer PTIN Listing
- Taxpayer First Act (TFA) Training and Reference Resources
- The Alcohol and Tobacco Tax and Trade Bureau Adverse Actions Handbook
- The Tax Exempt and Government Entities Division Report 2005-10-161
- The Tax Exempt and Government Entities Division Report 2003-10-217
- Third Party Data Store (TPDS) Extracts
- TIGTA Calendar Year 2019 FOIA Log

2. *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.

3. *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.*

   There are several on-going efforts to ensure the posted materials are Section 508 complaint and searchable. For example:

   - IRS completed an initiative to promote the FOIA Library through numerous methods such as social media outreach, newsletters to tax practitioners, and IRS.gov announcements. Information associated with the IRS FOIA Library is, to the extent feasible, posted in machine-readable format and made Section 508 compliant.
   - TIGTA's Disclosure Branch posts documents in commonly accessed formats, including PDF, CSV, and other popular Microsoft Office formats. TIGTA has also made documents searchable using Optical Character Recognition and includes relevant metadata when posting to the FOIA Library.

4. *Optional -- Please describe:*

   - *Best practices used to improve proactive disclosures.*

     - IRS established a 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 Internal Revenue Manuals to ensure procedural changes are appropriately disclosed on the FOIA Library. The IRS Disclosure Policy team has been involved in discussions with many IRS offices regarding the Taxpayer First Act and trending issues such as the Coronavirus Aid, Relief and Economic Security (CARES) Act to ensure that documents are posted proactively in a timely manner. The IRS Chief Privacy Officer issued the "FOIA Obligations and Transparency" memo to all IRS employees to remind them of their responsibilities in proactively disclosing information as well as releasing information directly to requesters who have a right to that information.

   - *Any challenges your agency faces in this area*

     - IRS and TTB FOIA requests primarily deal with records protected under Title 26, United States Code, §6103. These records are legally required to be protected and cannot be proactively disclosed.
     - Most requests directed to TIGTA seek law enforcement records on or about individuals, which cannot be disclosed publicly (i.e. information on complaints or investigations protected by the Privacy Act).

Section IV: Steps Taken to Greater Utilize Technology

1. *Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.*

   Yes. Treasury implemented a new COTS FOIA request tracking system and processing tool and is working to rollout the software to various Bureau offices during calendar year 2021. The new FOIA solution will enhance compliance with FOIA and Privacy Act laws, including the FOIA Improvement Act of 2016, as well as records retention policies. This system will replace Treasury's legacy FOIA software, increase operation efficiencies in processing FOIA cases, improve customer service by reducing response time to customer requests, enrich customer experience by allowing the public to submit and track FOIA cases, then receive documents via Treasury FOIA public website, provide interoperability with National FOIA Portal (FOIA.gov) and Pay.gov, enhance transparency through simplified release of 508-compliant documents to the public, and improve Treasury's annual and ad-hoc reporting process via automation and standardization.

   Additionally, DO, OCC, and Mint utilize eDiscovery software to assist with reviewing voluminous records in FOIA litigation cases. OCC has leveraged this capability to create an IT group that is responsible for conducting agency-wide e-mail searches and deduplicating e-mails when conducting searches for FOIA requests.

   TIGTA leverages a wiki, which allows the search of Disclosure policies and procedures by key words to locate instructions, training materials, templates, standard language, and guidance. The wiki continues to be a valuable research tool with all staff members contributing new content updates as needed.

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

   Yes.

3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2020?*

   Yes.

4. *If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2021.*

   N/A, all quarterly reports were successfully posted.

5. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.*

   Treasury's raw data for the Fiscal Year 2019 and 2020 Annual FOIA Reports are available on Treasury's website at https://home.treasury.gov/footer/freedom-of-information-act/foia-reports.

6. Optional -- Please describe:

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

     IRS leveraged its FOIA processing software's capabilities to modernize the FOIA process in areas such as automating searches for, and redaction of, sensitive information more consistently than manual processes of search and redacting previously used by FOIA professionals, tracking requests for documents, applying exemptions and documenting case processing actions. IRS Disclosure consistently works with Information Technology (IT) database administrators to ensure FOIA professionals have tools necessary to work complex requests, requests with voluminous responsive records or with responsive records provided on media other than paper. IRS continues to utilize Microsoft SharePoint to transfer documents between areas quickly and to ensure training is accessible to FOIA professionals on a continuous basis.

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

     IRS is required to protect any information that meets the criteria of Title 26, United States Code, §6103. This results in potential delays and complications with any technology that does not meet Information Technology standards to also protect the information.

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, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020?*

   Yes.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track.*

   At Treasury, 22% 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 days to process all non-expedited requests was 36.

B. Backlogs

BACKLOGGED REQUESTS

5. *If your agency had a backlog of requests at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?*

   No.

6. *If not, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?*

   No.

7. *If your agency's request backlog increased during Fiscal Year 2020, 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.*
   - *Any other reasons – please briefly describe or provide examples when possible.*

   Although Treasury received 20 fewer requests in FY 2020 than in FY 2019, two Bureaus received more requests: DO received 173 more requests and IRS received 28 more requests. Treasury closed 661 fewer requests in FY 2020 than in FY 2019, a decrease of 6%. Except for the Fiscal Service, all Treasury Bureaus closed fewer FOIA requests in FY 2020. This shortfall was due, in part, to staff vacancies and processing delays caused by the pandemic.

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 2020.*

Treasury's backlog percentage is 18 percent.

BACKLOGGED APPEALS

9. *If your agency had a backlog of appeals at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?*

Yes. Treasury's backlog of FOIA appeals decreased 51% from 100 in FY 2019 to 49 in FY 2020.

10. *If not, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?*

N/A.

11. *If your agency's appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*
    - *An increase in the number of incoming appeals.*
    - *A loss of staff.*
    - *An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.*
    - *Any other reasons – please briefly describe or provide examples when possible*

    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 2020.*

Treasury's appeal percentage is 30 percent.

C. Backlog Reduction Plans

13. *In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2019 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 2020?*

In FY 2019 Treasury had a backlog of 1,427 requests and implemented a backlog reduction plan for FY 2020. Treasury established and communicated bureau-specific goals and targets, encouraged Bureaus to conduct FOIA self-assessments using DOJ's FOIA self-assessment toolkit, and made plans to establish a rapid response team of FOIA Analysts to address

significant and high-profile cases. Treasury's FOIA Officer identified challenges affecting the backlog and focused resources on reducing the overall number of backlogged requests, with specific emphasis on the ten oldest requests, appeals, and consultations. In addition, the FOIA Officer conducted outreach to program areas and followed up with programs who had overdue search responses.

14. *If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, please explain your agency's plan to reduce this backlog during Fiscal Year 2021.*

At the end of FY 2020, Treasury had a backlog of 2,123 requests, Treasury's Chief FOIA Officer will take the following actions targeted to reduce the backlog of pending requests:

- Implement a new FOIA request tracking system.
- Establish and communicate 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 specific 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 2020, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2019 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 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.*

Treasury closed 6 of its 10 oldest requests in Fiscal Year 2019.

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 FOIA 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 2020, did your agency close the ten oldest appeals that were reported pending in Section VII.C.5. of your Fiscal Year 2019 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 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.*

   Treasury closed 8 of its 10 oldest appeals in Fiscal Year 2019.

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, which demonstrated a 54% decrease in its FOIA backlog, 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 2020, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2019 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 2019 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 in Fiscal Year 2020.

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 2019.*

   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, collaboration on the use of exemptions, and determining records for proactive disclosure. 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 originate from other federal agencies. These complexities affect the timeliness of reviews and how quickly the agency responds 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 due to retirements and different job opportunities.

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

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 2021.*

    During FY 2021, Treasury will take the following actions targeted to reduce the backlog of pending requests, appeals, and consultations:

    - Implement a new FOIA request tracking system.
    - Establish and communicate 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 specific emphasis on the ten oldest requests, appeals, and consultations.
    - Conduct targeted training and outreach to improve the timeliness of searches.
    - Monitor metrics and increase the frequency of case status updates on the oldest ten requests, appeals, and consultations.

F. Success Stories

Out of all the activities undertaken by your agency since March 2020 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, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Internal Revenue Service

The COVID-19 pandemic presented challenges to the ways that FOIA training was traditionally presented. Limits to travel caused delays in training along with the implementation of IRS' new FOIA processing system. Without the ability to travel, IRS created an entirely new training plan to help with implementing the new FOIA software in a timely fashion, and to allow for the further modernization of the FOIA process. IRS FOIA professionals and trainers adapted to an entirely new format of training for both new and experienced FOIA professionals. Training occurred virtually in various locations across the country, requiring countless hours of hard work by numerous employees. Despite these challenges, IRS successfully trained over 130 employees on the new FOIA processing system and has fully implemented the tool for all current and future FOIA requests.

Treasury Inspector General for Tax Administration

TIGTA's early adoption of electronic record keeping facilitated a smooth transition to remote work for an extended period during the COVID-19 pandemic. Efforts such as increasing the use of videoconferencing software, providing virtual internal FOIA training, and listing early and informative notifications on public facing webpages about the expected delays caused by the pandemic led to a successful year. TIGTA finished FY 2020 closing 97% of all FOIA cases within 20 business days of receipt and maintained an average processing time of eleven (11) days.

Alcohol and Tobacco Tax and Trade Bureau

TTB continued proactively posting American Viticultural Area (AVA) records in a dedicated reading room on TTB's website. In the past, AVA petitions, notices of proposed rulemaking (NPRMs), public comments, and Treasury Decisions were only made available to those who submitted a FOIA request. To make the information more useable and informative, TTB created an AVA Map Explorer to display the boundaries of all established and proposed AVAs. The Map Explorer contains information about each AVA, including its state and county, when it was established, what other AVAs it contains or is within, and a link to its codified official boundary description.

Office of the Comptroller of the Currency

Due to the restrictions imposed by the COVID-19 pandemic, OCC had to rethink how bank records were certified. Without the ability to hand-emboss certificates, featuring the signature of the head of the agency with gold seals and printed on special paper for a fee of $100 per seal, OCC developed a process to produce and deliver the documents electronically. These efforts cut the price of producing the certificates from $100 per seal to $10 per seal and allowed for these highly sought-after documents to be more accessible to the public. The response from the public on this updated process has been exceedingly positive.

Mint

Mint historically receives numerous FOIA requests related to the American Eagle (AE) silver bullion coins when they are produced. With coin production limitations imposed at the West Point Mint stemming from the COVID-19 pandemic, the Philadelphia Mint was tasked with producing a limited number of AE silver bullion coins. Later in the year, the San Francisco Mint was also tasked with producing a limited run of AE silver bullion coins.

When the FOIA office learned of these plans, understanding the historical volume of FOIA requests received on this topic and anticipating future requests, they contacted staff in the Numismatics and Manufacturing departments and asked that records documenting the production of the coins be provided to the FOIA office for proactive disclosure in the Mint's FOIA Library. These actions led to three positive results. First, they satisfied the information needs of the public, namely coin collectors and dealers who are interested in the Mint's coins. Second, the FOIA office helped Mint staff avoid having to engage in after-the-fact document searching by proactively posting the records before the coins were minted. Finally, the FOIA office familiarized Mint offices with the benefits of proactive disclosures.

Departmental Offices

In FY 2020, DO undertook a major effort to procure and launch new FOIA software to replace its legacy system. Employing an enterprise FOIA software solution provides numerous benefits to include increasing productivity, enhanced reporting capabilities, interoperability with FOIA.gov and Pay.gov, and the ability to streamline many manual processes. This effort required the collaboration between FOIA staff and personnel within various Treasury offices. Major efforts commenced to migrate all case information from the legacy system into the new software to allow for a one-stop-shop for FOIA information management. Coinciding with this effort, Treasury updated its public facing webpages to make it clear to FOIA requestors on where to submit a request to each of the various Bureaus.

DO launched the new FOIA software in Q1 FY 2021 and immediately began to see improvements to FOIA processing times and the elimination of several manual functions of the process. This has freed up resources to provide support to other areas focused on backlog reduction efforts. The effort has also cut down on the number of misdirected FOIA requests submitted throughout the Department which has also helped to improve response times. While the system is still being proven, DO is confident that these efforts will help to improve the overall metrics while providing a high-quality work product to the public. The Department has set a goal to launch the software to most of the Bureaus by Q4 of FY 2021 and to decommission its legacy system in FY 2022.