



# Department of the Treasury

2016 Freedom of Information Act Annual Report





## 2016 Freedom of Information Act Annual Report to the Attorney General of the United States

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## I. Basic Information Regarding this Report

1. Questions regarding this report may be directed to:

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Washington, DC 20220

2. This report is publicly available and can be downloaded from [Treasury's Freedom of Information Act website](#).
3. Paper copies of this report may be obtained by contacting the Office of Privacy, Transparency, and Records at the address above.

## II. Making a FOIA Request

### 1. Contact Information

The current names, addresses, and contact information for Treasury's FOIA Officers can be found on [Treasury's Freedom of Information Act website](#).

#### Departmental Offices (DO)

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#### Alcohol and Tobacco Tax and Trade Bureau (TTB)

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#### Bureau of Engraving and Printing (BEP) Disclosure Officer

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FOIA and Transparency  
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#### Bureau of the Fiscal Service (Fiscal Service)

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Disclosure Office  
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#### Office of the Comptroller of the Currency (OCC)

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Disclosure Services  
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#### Financial Crimes Enforcement Network (FinCen)

Mr. Gilbert Paist  
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(703) 905-5034 Phone

#### Internal Revenue Service (IRS) Stop 211

P.O. Box 621506  
Atlanta, GA 30362-3006  
(801) 620-7638 Phone

#### United States Mint (Mint)

Ms. Kathleen Saunders-Mitchell  
ATTN: FOIA Request  
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Washington, DC 20220  
(202) 354-4600 Phone  
(202) 756-6153 Fax

Treasury Inspector General for Tax Administration (TIGTA)  
Ms. Amy Jones  
ATTN: FOIA Request  
TIGTA Chief Counsel  
1401 H Street, N.W., Suite 469  
Washington, DC 20005  
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(202) 622-3339 Fax

## **2. Brief description of why requests are not granted**

The Treasury Department may not grant full access to records because of several reasons. Some records are specifically exempt from disclosure pursuant to statute, such as records that contain Bank Secrecy Act information or certain tax return information. This information falls within the scope of Exemption 3. Other records and information that are obtained from private businesses and submitted in confidence or that contain proprietary information fall within the scope of Exemption 4. Internal agency communications representing the pre-decisional process, attorney work product, or attorney-client records fall within the scope of Exemption 5. Private information obtained from individuals may fall within the scope of Exemptions 6 and/or 7(C). Treasury also cites Exemption 7(E) to protect information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could be expected to risk circumvention of the law. Finally, Treasury protects information and records contained in or related to the examination or the supervision of financial institutions under the authority of Exemption 8.

## **3. FOIA Regulations**

Treasury's FOIA regulations are codified at 31 CFR Part 1, Subpart A, and can be accessed on [Treasury's Freedom of Information Act website](#).

The Financial Stability Oversight Council (FSOC) FOIA regulations are codified at 12 CFR Part 1301.

### III. Acronyms, Definitions, and Exemptions

#### 1. Agency-specific acronyms used in this Report:

Component Abbreviation	Component Name
BEP	Bureau of Engraving and Printing
DO <sup>1</sup>	Departmental Offices
FinCEN	Financial Crimes Enforcement Network
Fiscal Service	Bureau of the Fiscal Service
IRS	Internal Revenue Service
MINT	United States Mint
OCC	Office of the Comptroller of the Currency
TIGTA	Treasury Inspector General for Tax Administration
TTB	Alcohol Tobacco Tax and Trade Bureau

#### 2. Basic terms used in this Report

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now

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<sup>1</sup> DO includes the Offices of Domestic Finance, Economic Policy, Financial Research, General Counsel, International Affairs, Legislative Affairs, Management, Public Affairs, Tax Policy, Terrorism and Financial Intelligence, and the Treasurer of the United States. DO statistics in this report also include requests made to the Financial Stability Oversight Council, an entity chaired by the Secretary of the Treasury, the Treasury Office of the Inspector General, and the Office of the Special Inspector General for the Troubled Asset Relief Program.

requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not however, include records for which the agency has received a consultation from another agency (Consultations are reported separately in Section XII of this Report).
- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- i. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- ii. **Expedited processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - iii. **Simple request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iv. **Complex request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- k. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- l. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- m. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- n. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- o. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- p. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a "perfected" FOIA request).



### 3. Descriptions of the nine FOIA Exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information
- b. **Exemption 2:** information that is related solely to the internal rules and practices of an agency
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law
- d. **Exemption 4:** trade secrets and other confidential business information
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. **Exemption 8:** information relating to the regulation or supervision of financial institutions
- i. **Exemption 9:** geological information on wells

#### IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
26 U.S.C. § 6103	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	<i>Church of Scientology v. IRS</i> , 484 U.S. 9, 15 (1987); <i>Leonard v. Dep't of the Treasury</i> , 590 F. App'x 141, 143-44 (3d Cir. 2014); <i>Pac. Fisheries, Inc. v. United States</i> , 395 F. App'x 438, 440 (9th Cir. 2010)	DO	18	2,318
			Fiscal Service	2	
			TTB	29	
			IRS	2,231	
			TIGTA	38	
31 U.S.C. § 5319	Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	<i>Ortiz v. DOJ</i> , 67 F. Supp. 3d 109, 117-18 (D.D.C. 2014); <i>Rosenberg v. ICE</i> , 13 F. Supp. 3d 92, 114-15 (D.D.C. 2014); <i>Hulstein v. DEA</i> , No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); <i>Council on Am.-Islamic Relations v. FBI</i> , 749 F. Supp. 2d 1104, 1117 (S.D. Cal. 2010); <i>Berger v. IRS</i> , 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), aff'd on other grounds, 288 F. App'x 829 (3d Cir. 2008)	DO	1	488

			FinCEN	387	
			IRS	98	
			OCC	1	
			TIGTA	1	
41 U.S.C. § 253(b)(m)(1) (currently 41 U.S.C. § 4702)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<i>Sinkfield v. HUD</i> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <i>Margolin v. NASA</i> , No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <i>Hornbostel v. Dep't of the Interior</i> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)	FinCEN	1	2
			MINT	1	
21 U.S.C. § 1904(e)(3)	Information related to foreign narcotics traffickers	N/A	DO	8	8
10 U.S.C. § 424	Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency	<i>Physicians for Human Rights v. DOD</i> , 778 F. Supp. 2d 28, 36-37 (D.D.C. 2011); <i>Miller v. DOJ</i> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <i>Wickwire Gavin, P.C. v. Def. Intelligence Agency</i> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004)	DO	2	2
50 U.S.C. § 4565(c)	Information or documentary material filed with the Committee on Foreign Investment in the United States	N/A	DO	3	3
21 U.S.C. § 1903-1905	Records related to foreign narcotics traffickers	N/A	DO	1	1
18 U.S.C. § 701	Likeness of any badge, identification card, or other insignia,	<i>Jones v. IRS</i> , No. 06-CV-322, 2008 WL 1901208, at *3-4 (W.D. Mich.	IRS	1	1

	of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof	Apr. 25, 2008)			
26 U.S.C. § 6105	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	<i>Leonard v. Dep't of the Treasury</i> , 590 F. App'x 141, 143-44 (3d Cir. 2014); <i>Pac. Fisheries, Inc. v. IRS</i> , 395 F. App'x 438, 440 (9th Cir. 2010); <i>Tax Analysts v. IRS</i> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002)	IRS	26	26
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings	<i>Sussman v. USMS</i> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <i>Fund for Constitutional Gov't v. Nat'l Archives &amp; Records Serv.</i> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <i>Durham v. Atty. Gen.</i> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <i>Cozen O'Connor v. Dep't of the Treasury</i> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008)	IRS	19	19

## V. FOIA Requests

### V.A. FOIA Requests – Received, Processed, and Pending FOIA Requests

Agency / Component	Number of Requests Pending as of Start of Fiscal Year <sup>2</sup>	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
BEP	10	58	64	4
DO	442	894	720	616
FinCEN	9	417	399	27
Fiscal Service	15	280	284	11
IRS	882	8,825	8,791	916
MINT	0	97	97	0
OCC	82	1,432	1,434	80
TIGTA	22	262	277	7
TTB	3	103	105	1
AGENCY OVERALL	1,465	12,368	12,171	1,662

<sup>2</sup> The number of requests pending at the start of the fiscal year was updated from last year's report for BEP, FinCEN, Fiscal Service, IRS, and TTB: BEP increased by two, FinCEN decreased by four, Fiscal Service decreased by two, IRS decreased by 17, and TTB decreased by two.

**V.B.(1). Disposition of FOIA Requests – All Processed Requests**

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
BEP	23	15	2	6	1	0	1	3	7	3	3	0	64
DO	79	110	25	105	119	43	8	98	36	43	37	17	720
FinCEN	8	55	258	48	0	6	0	1	4	2	10	7	399
Fiscal Service	49	88	6	32	18	12	6	33	8	21	6	5	284
IRS	2,204	2,793	125	953	20	193	43	24	2,140	15	244	37	8,791
MINT	18	14	2	9	1	2	3	10	5	32	1	0	97
OCC	1,098	35	23	57	0	54	27	16	16	60	13	35	1,434
TIGTA	23	119	18	16	27	7	1	0	43	18	5	0	277
TTB	23	15	23	18	1	7	0	4	3	5	5	1	105
AGENCY OVERALL	3,525	3,244	482	1,244	187	324	89	189	2,262	199	324	102	12,171

**V.B.(2). Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other Than Exemptions”**

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
BEP	N/A	0	0
DO	Request Opened in Error	2	17
	Records Publicly Available	10	
	Closed in Litigation	5	
FinCEN	Records Publicly Available	2	7
	Request Opened in Error	5	
IRS	Request Opened in Error	13	37
	Closed in Litigation	24	
MINT	N/A	0	0
OCC	Request Opened in Error	35	35
TIGTA	N/A	0	0
TTB	Records Publicly Available	1	1
Fiscal Service	Request Opened in Error	3	5
	Records Publicly Available	2	
AGENCY OVERALL			102

**V.B.(3). Disposition of FOIA Requests – Number of Times Exemptions Applied**

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
BEP	0	0	0	0	4	15	0	0	3	0	0	0	0	0
DO	43	6	33	199	208	414	38	1	154	6	30	2	8	0
FinCEN	0	1	387	7	75	27	3	0	40	9	59	0	4	0
Fiscal Service	0	0	2	10	42	49	0	0	0	0	1	0	0	0
IRS	0	7	2,243	26	612	464	550	3	1,043	21	1,256	4	0	0
MINT	0	5	2	10	15	31	0	0	6	0	8	2	0	0
OCC	0	2	1	16	16	27	1	0	6	1	0	0	29	0
TIGTA	0	0	36	2	12	114	3	0	111	8	6	0	0	0
TTB	0	1	29	9	6	15	0	0	1	1	0	0	0	0
AGENCY OVERALL	43	22	2,733	279	990	1,156	595	4	1,364	46	1,360	8	41	0



## VI. Administrative Appeals

### VI.A. Administrative Appeals of Initial Determinations of FOIA Requests – Received, Processed, and Pending Administrative Appeals

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year <sup>3</sup>	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
BEP	0	3	3	0
DO	95	18	26	87
FinCEN	2	9	11	0
Fiscal Service	2	11	13	0
IRS	5	190	192	3
MINT	0	1	1	0
OCC	1	7	7	1
TIGTA	2	15	15	2
TTB	0	4	3	1
AGENCY OVERALL	107	258	271	94

<sup>3</sup> The number of appeals pending at the start of the fiscal year was updated from last year's report for FinCEN, Fiscal Service, and TTB: FinCEN increased by one, Fiscal Service decreased by one, and TTB decreased by four.

## VI.B. Disposition of Administrative Appeals – All Processed Appeals

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
BEP	3	0	0	0	3
DO	22	1	1	2	26
FinCEN	8	0	0	3	11
Fiscal Service	8	2	2	1	13
IRS	191	1	0	0	192
MINT	0	0	1	0	1
OCC	2	1	0	4	7
TIGTA	13	2	0	0	15
TTB	2	1	0	0	3
AGENCY OVERALL	249	8	4	10	271

**VI.C.(1). Reasons for Denial on Appeal – Number of Times Exemptions Applied**

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
BEP	0	0	0	0	1	2	0	0	0	0	0	0	0	0
DO	1	0	2	3	3	0	0	0	0	0	0	0	2	0
FinCEN	0	0	8	0	0	0	0	0	1	1	1	0	0	0
Fiscal Service	0	0	0	0	0	2	0	0	0	0	1	0	0	0
IRS	0	2	82	2	39	33	42	2	47	8	51	1	1	0
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCC	0	0	0	0	1	0	0	0	0	0	0	0	2	0
TIGTA	0	0	2	0	0	10	0	0	10	0	1	0	0	0
TTB	0	0	2	0	1	1	0	0	1	1	1	1	0	0
AGENCY OVERALL	1	2	96	5	45	48	42	2	59	10	55	2	5	0

**VI.C.(2). Reasons for Denial on Appeal – Reasons Other Than Exemptions**

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
BEP	0	0	0	0	0	0	0	0	0	0	0
DO	0	0	0	0	0	0	0	0	0	0	2
FinCEN	0	0	0	0	0	0	0	0	0	0	3
Fiscal Service	1	0	0	1	0	0	0	0	0	0	0
IRS	45	2	0	7	0	21	0	1	0	1	0
MINT	0	0	0	0	0	0	0	0	0	0	0
OCC	0	0	1	0	0	0	0	1	0	0	2
TIGTA	0	0	0	0	0	0	0	0	0	0	0
TTB	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	46	2	1	8	0	21	0	2	0	1	7

**VI.C.(3). Reasons for Denial on Appeal – “Other” Reasons**

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
BEP	N/A	0	0
DO	Moot	2	2
FinCEN	Improper Appeal	2	3
	Adequate Search Performed	1	
Fiscal Service	N/A	0	0
IRS	N/A	0	0
MINT	N/A	0	0
OCC	Improper Appeal	1	2
	No Response to Adjudicate	1	
TIGTA	N/A	0	0
TTB	N/A	0	0
AGENCY OVERALL			7

**VI.C.(4). Response Time for Administrative Appeals**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	16.00	16.00	1.00	16.00
DO	243.00	370.00	2.00	1,420.00
FinCEN	44.00	54.00	26.00	118.00
Fiscal Service	20.00	19.00	10.00	44.00
IRS	11.00	11.52	2.00	28.00
MINT	37.00	37.00	1.00	37.00
OCC	27.00	26.75	1.00	53.00
TIGTA	13.00	12.00	1.00	19.00
TTB	1,035.00	1,035.00	1.00	1,035.00
AGENCY OVERALL	27.00	175.70	1.00	1,420.00

**VI.C.(5). Ten Oldest Pending Administrative Appeals**

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
BEP	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
DO	Date of Appeal	2010-06-07	2010-04-06	2010-03-16	2010-03-16	2010-02-23	2010-02-02	2009-11-09	2009-11-05	2009-04-29	2008-10-29
	Number of Days Pending	1597	1641	1656	1656	1671	1686	1747	1749	1885	2015
FinCEN	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
Fiscal Service	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
IRS	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2016-09-27	2016-09-26	2016-09-19
	Number of Days Pending	0	0	0	0	0	0	0	3	4	9
MINT	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OCC	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2016-12-07
	Number of Days Pending	0	0	0	0	0	0	0	0	0	57
TIGTA	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2016-09-14	2016-09-08
	Number of Days Pending	0	0	0	0	0	0	0	0	12	16
TTB	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-05-27
	Number of Days Pending	0	0	0	0	0	0	0	0	0	1426
AGENCY OVERALL	Date of Appeal	2010-06-07	2010-04-06	2010-03-16	2010-03-16	2010-02-23	2010-02-02	2009-11-09	2009-11-05	2009-04-29	2008-10-29
	Number of Days Pending	1597	1641	1656	1656	1671	1686	1747	1749	1885	2015

## VII. Processed and Pending FOIA Requests

### VII.A. FOIA Requests – Response Time for All Processed Perfected Requests

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	13	29.94	1	89	37.5	47.27	2	130	6	6	6	6
DO	3	24.31	1	550	106.5	208.23	1	2262	499	499	499	499
FinCEN	1	2.8	1	32	22	38.5	1	218	N/A	N/A	N/A	N/A
Fiscal Service	15	15.9	1	87	21	21.1	4	67	N/A	N/A	N/A	N/A
IRS <sup>4</sup>	N/A	N/A	N/A	N/A	18	31.42	1	1111	13	39.41	4	679
MINT	1	1.5	1	15	1	2.91	1	23	N/A	N/A	N/A	N/A
OCC	7	10.6	1	122	27	39	1	294	24	21.8	<1	38
TIGTA	6.5	8	1	25	19	19.6	1	110	18	19.67	6	35
TTB	5	7.69	1	61	17	17.69	1	35	N/A	N/A	N/A	N/A
AGENCY OVERALL	6	11.72	1	550	18	36.58	1	2262	15	42	<1	679

<sup>4</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.



## VII.B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	13	18.33	3	82	65	58.14	2	130	6	6	6	6
DO	21	49.97	1	264	83.5	124.5	3	574	499	499	499	499
FinCEN	4.5	6.6	1	26	33.5	60.3	6	215	N/A	N/A	N/A	N/A
Fiscal Service	19	18.5	5	58	24	22.7	4	67	N/A	N/A	N/A	N/A
IRS <sup>5</sup>	N/A	N/A	N/A	N/A	21	37.8	1	1111	28	65.6	8	679
MINT	1	2.42	1	15	1	1	1	15	N/A	N/A	N/A	N/A
OCC	6	9.8	1	80	42.5	66.5	9	294	26	27	17	38
TIGTA	16	16	7	25	20	24.4	1	110	35	35	35	35
TTB	5	7.09	1	17	17	17.58	2	30	N/A	N/A	N/A	N/A
AGENCY OVERALL	7	11.85	1	264	21	42.3	1	1111	28	71	6	679

<sup>5</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.

### VII.C. Processed Simple Requests – Response Time in Day Increments

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	25	5	2	0	3	0	0	0	0	0	0	0	0	35
DO	267	20	13	6	7	1	4	1	1	2	4	1	5	332
FinCEN	348	3	0	0	0	0	0	0	0	0	0	0	0	351
Fiscal Service	150	53	5	1	1	0	0	0	0	0	0	0	0	210
IRS <sup>6</sup>	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MINT	70	0	0	0	0	0	0	0	0	0	0	0	0	70
OCC	1,112	199	13	2	0	0	1	0	0	0	0	0	0	1,327
TIGTA	17	1	0	0	0	0	0	0	0	0	0	0	0	18
TTB	50	1	1	0	0	0	0	0	0	0	0	0	0	52
AGENCY OVERALL	2,039	282	34	9	11	1	5	1	1	2	4	1	5	2,395

<sup>6</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.

### VII.C. Processed Complex Requests – Response Time in Day Increments

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	3	6	4	3	0	1	1	0	0	0	0	0	0	18
DO	49	23	22	12	12	16	11	8	8	6	34	15	37	253
FinCEN	19	15	3	1	2	0	0	0	2	0	1	0	0	43
Fiscal Service	16	15	1	1	0	0	0	0	0	0	0	0	0	33
IRS <sup>7</sup>	3,544	1,483	657	289	178	98	57	50	42	27	65	27	20	6,537
MINT	11	1	0	0	0	0	0	0	0	0	0	0	0	12
OCC	23	25	11	6	1	0	0	0	0	0	3	0	0	69
TIGTA	159	40	7	2	4	1	0	0	0	0	0	0	0	213
TTB	31	15	0	0	0	0	0	0	0	0	0	0	0	46
AGENCY OVERALL	3,855	1,623	705	314	197	116	69	58	52	33	103	42	57	7,224

<sup>7</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.

### VII.C. Processed Requests Granted Expedited Processing – Response Time in Day Increments

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	1	0	0	0	0	0	0	0	0	0	0	0	0	1
DO	0	0	0	0	0	0	0	0	0	0	0	0	1	1
FinCEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fiscal Service	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS <sup>8</sup>	54	16	5	2	3	1	4	2	0	2	0	0	1	90
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCC	2	4	0	0	0	0	0	0	0	0	0	0	0	6
TIGTA	2	1	0	0	0	0	0	0	0	0	0	0	0	3
TTB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	59	21	5	2	3	1	4	2	0	2	0	0	2	101

<sup>8</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.

## VII.D. Pending Requests – All Pending Perfected Requests

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
BEP	1	12	12	3	354	279	0	N/A	N/A
DO	74	159.5	177	457	306	370	0	N/A	N/A
FinCEN	0	N/A	N/A	4	91	116.8	0	N/A	N/A
Fiscal Service	6	5	5	4	1	1	0	N/A	N/A
IRS <sup>9</sup>	0	N/A	N/A	916	18	58.25	0	N/A	N/A
MINT	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
OCC	66	11	21	8	30	121	1	50	50
TIGTA	0	N/A	N/A	7	7	8	0	N/A	N/A
TTB	0	N/A	N/A	2	9	9	0	N/A	N/A
AGENCY OVERALL	147	46	105.3	1400	44	160.3	1	50	50

<sup>9</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.

## VII.E. Pending Reqeusts – Ten Oldest Pending Perfected Requests

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
BEP	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2016-09-29	2016-09-15	2015-05-11	2014-11-06
	Number of Days Pending	0	0	0	0	0	0	2	12	354	481
DO	Date of Receipt	2011-08-22	2011-08-10	2011-08-10	2011-07-27	2011-05-31	2011-05-09	2011-02-09	2010-07-27	2008-09-18	2008-01-28
	Number of Days Pending	1287	1295	1295	1305	1345	1360	1422	1561	2044	2212
FinCEN	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2016-08-22	2016-07-21	2016-03-31	2015-09-30
	Number of Days Pending	0	0	0	0	0	0	30	52	130	255
Fiscal Service	Date of Receipt	2016-09-30	2016-09-23	2016-09-19	2016-09-16	2016-09-15	2016-09-14	2016-09-14	2016-09-06	2016-08-25	2016-08-17
	Number of Days Pending	1	5	9	10	11	12	12	18	25	31
IRS <sup>10</sup>	Date of Receipt	2014-09-03	2014-08-08	2014-08-06	2014-07-23	2014-07-21	2014-06-23	2014-05-29	2014-04-08	2014-04-03	2013-07-22
	Number of Days Pending	270	287	289	299	301	320	337	373	376	551
MINT	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OCC	Date of Receipt	2016-07-11	2016-07-06	2016-07-01	2016-06-20	2016-06-14	2016-06-09	2016-02-22	2015-12-09	2015-09-21	2014-07-15
	Number of Days Pending	58	61	63	72	76	79	156	205	259	557
TIGTA	Date of Receipt	N/A	N/A	N/A	2016-09-30	2016-09-28	2016-09-27	2016-09-21	2016-09-20	2016-09-02	2016-09-02
	Number of Days Pending	0	0	0	0	2	3	7	8	19	19
TTB	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2016-09-26	2016-09-14
	Number of Days Pending	0	0	0	0	0	0	0	0	5	13
AGENCY OVERALL	Date of Receipt	2011-08-22	2011-08-10	2011-08-10	2011-07-27	2011-05-31	2011-05-09	2011-02-09	2010-07-27	2008-09-18	2008-01-28
	Number of Days Pending	1287	1295	1295	1305	1345	1360	1422	1561	2044	2212

<sup>10</sup> Due to system limitations, the IRS has used the date received to calculate processing times. All other bureaus used the date perfected to calculate processing times.

## VIII. Requests for Expedited processing and fee Waiver

### VIII.A. Requests for Expedited Processing

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
BEP	1	1	3.5	3.5	2
DO	1	40	1	1.1	41
FinCEN	0	5	1	1	5
Fiscal Service	0	7	1	1	7
IRS	9	98	7	7.67	91
MINT	0	0	0	0	0
OCC	8	1	1	1	9
TIGTA	5	11	2.5	5	14
TTB	0	6	1	1	6
AGENCY OVERALL	24	169	3	5	175

**VIII.B. Requests for Fee Waiver**

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BEP	1	0	8	8
DO	49	71	1	1.9
FinCEN	0	0	N/A	N/A
Fiscal Service	1	0	1	1
IRS	115	29	3	17.35
MINT	0	5	4	10.4
OCC	5	1	1	1
TIGTA	0	0	N/A	N/A
TTB	6	6	2	1
AGENCY OVERALL	177	112	1	9



## IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
BEP	0	3.34	3.34	\$284,831.00	\$0.00	\$284,831.00
DO	27	6.76	33.76	\$4,231,383.58	\$331,905.32	\$4,563,288.90
FinCEN	1	1	2	\$379,518.00	\$0.00	\$379,518.00
Fiscal Service	2	11	13	\$1,208,459.00	\$0.00	\$1,208,459.00
IRS	10	61.26	71.26	\$9,728,225.21	\$766,602.19	\$10,494,827.40
MINT	1	0.5	1.5	\$174,576.00	\$0.00	\$174,576.00
OCC	9	0	9	\$1,617,373.20	\$0.00	\$1,617,373.20
TIGTA	0	4.88	4.88	\$620,000.00	\$25,229.48	\$645,229.48
TTB	1	0.59	1.59	\$185,599.61	\$0.00	\$185,599.61
AGENCY OVERALL	51	89.33	140.33	\$18,429,965.60	\$1,123,736.99	\$19,553,702.59

## X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
BEP	\$285.90	0.10%
DO	\$6,488.96	0.15%
FinCEN	\$0.00	0.00%
Fiscal Service	\$14,314.73	1.18%
IRS	\$28,205.65	0.29%
MINT	\$0.00	0.00%
OCC	\$158,193.40	9.78%
TIGTA	\$3,535.33	0.57%
TTB	\$1,274.61	0.69%
AGENCY OVERALL	\$212,298.58	1.15%

## **XI. Use of Subsection (c) Exclusions and Proactive Disclosures**

### **XI.A. Number of Times Subsection (c) Used**

Agency / Component	Number of Times Subsection (C) Used
BEP	0
DO	0
FinCEN	0
Fiscal Service	0
IRS	0
MINT	0
OCC	0
TIGTA	0
TTB	0
AGENCY OVERALL	0

## XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of (a)(2) Records Posted by the FOIA Office	Number of (a)(2) Records Posted by Program Offices
BEP	2	2
DO	74	0
FinCEN	6	0
Fiscal Service	6	0
IRS	3	9
MINT	1	0
OCC	103	0
TIGTA	4	130
TTB	4	8
AGENCY OVERALL	203	149

## **XII. Backlogs, Consultations, and Comparisons**

### **XII.A. Backlogs of FOIA Requests and Administrative Appeals**

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
BEP	2	0
DO	531	63
FinCEN	3	0
Fiscal Service	0	0
IRS	334	0
MINT	0	0
OCC	23	1
TIGTA	0	0
TTB	0	1
AGENCY OVERALL	893	65

## XII.B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year <sup>11</sup>	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
BEP	0	0	0	0
DO	9	39	28	20
FinCEN	0	28	28	0
Fiscal Service	0	1	1	0
IRS	30	161	181	10
MINT	0	0	0	0
OCC	0	0	0	0
TIGTA	1	5	6	0
TTB	0	1	1	0
AGENCY OVERALL	40	235	245	30

<sup>11</sup> The number of consultations pending at the start of the fiscal year was updated from last year's report for IRS and TTB: IRS increased by six, and TTB decreased by one.

**XII.C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at the Agency**

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
BEP	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
DO	Date	2016-09-29	2016-09-27	2016-09-02	2016-07-25	2016-07-08	2016-05-31	2016-05-16	2016-01-12	2015-12-18	2015-10-28
	Number of Days	1	3	19	48	59	86	96	183	198	233
FinCEN	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
Fiscal Service	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
IRS	Date	2016-09-29	2016-09-26	2016-09-23	2016-09-19	2016-09-14	2016-08-30	2016-08-25	2016-08-08	2016-07-25	2016-04-18
	Number of Days	1	4	5	9	12	22	25	38	48	116
MINT	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCC	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
TIGTA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
TTB	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date	2016-08-08	2016-07-25	2016-07-25	2016-07-08	2016-05-31	2016-05-16	2016-04-18	2016-01-12	2015-12-18	2015-10-28
	Number of Days	38	48	48	59	86	96	116	183	198	233

**XII.D.(1). Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received and Processed**

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
BEP	82	58	83	64
DO	771	894	627	720
FinCEN	392	417	390	399
Fiscal Service	327	280	327	284
IRS	10,197	8,825	10,416	8,791
MINT	95	97	96	97
OCC	1,638	1,432	1,634	1,434
TIGTA	312	262	308	277
TTB	108	103	106	105
AGENCY OVERALL	14,107	12,368	13,987	12,171



**XII.D.(2). Comparison of Number of Requests from Previous and Current Annual Report – Backlogged Requests**

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
BEP	4	2
DO	396	531
FinCEN	8	3
Fiscal Service	3	0
IRS	348	334
MINT	0	0
OCC	8	23
TIGTA	0	0
TTB	0	0
AGENCY OVERALL	767	893

**XII.E.(1). Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received and Processed**

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
BEP	4	3	4	3
DO	26	18	9	26
FinCEN	16	9	16	11
Fiscal Service	18	11	2	13
IRS	236	190	240	192
MINT	2	1	2	1
OCC	10	7	18	7
TIGTA	20	15	21	15
TTB	0	4	0	3
AGENCY OVERALL	332	258	312	271

**XII.E.(2). Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Backlogged Appeals**

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report <sup>12</sup>	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
BEP	0	0
DO	91	63
FinCEN	1	0
Fiscal Service	2	0
IRS	1	0
MINT	0	0
OCC	1	1
TIGTA	0	0
TTB	0	1
AGENCY OVERALL	96	65

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<sup>12</sup> The number of backlogged appeals pending at the end of fiscal year 2015 was updated for IRS, TIGTA, and TTB: IRS increased by one, TIGTA decreased by two, and TTB decreased by four.