



Chief FOIA Officer Report 2012

Department of the Treasury



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Chief FOIA Officer Report

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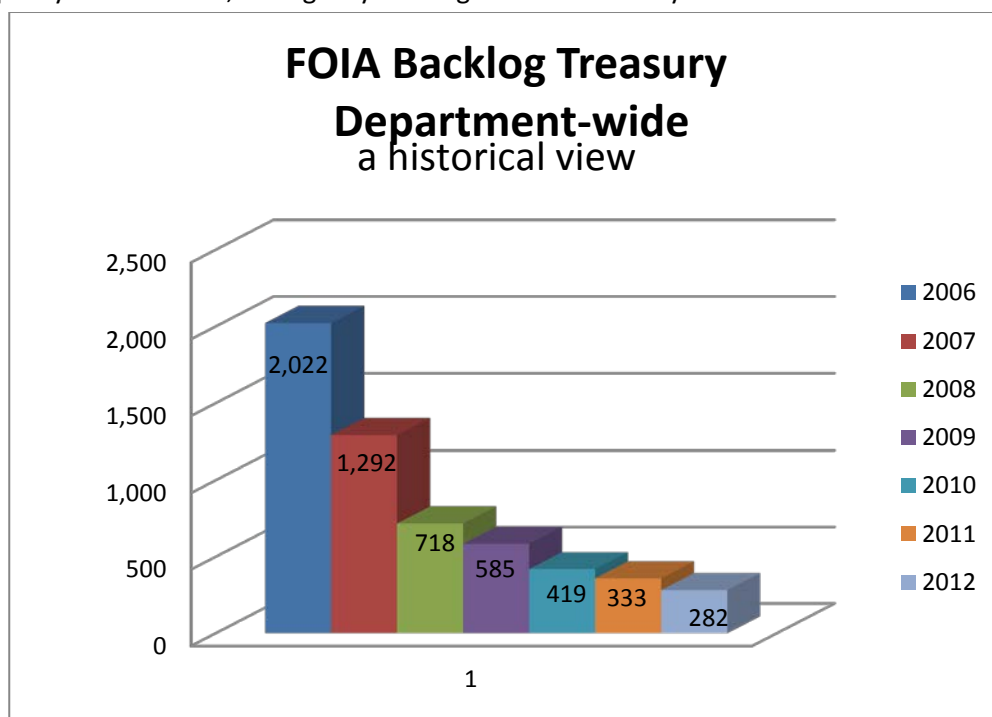
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Message from the Chief FOIA Officer

The Department's activities in support of the economic recovery efforts have increased the proactive disclosure of information of wide interest, including, for example, the calendars of key officials and information on meetings related to the financial reform efforts. Leveraging technologies across bureaus and exploring efficiencies in cloud solutions are two ways in which Treasury seeks to take FOIA technology to a new level. In 2012, we implemented our shared document technology called *goFOIA*, exploring and advising other federal agencies' efforts for a central federal FOIA tracking system as well as offering our cloud solution as a federal shared service solution for other agencies to utilize in support of the federal CIO's federal cloud first policy. Meanwhile, our agency backlog has decreased by 86% since 2006.



I look forward to continuing to work with the Treasury bureaus and offices to improve processes, to enhance the citizen FOIA experience, and to further advance the principles of open and transparent government in the Treasury Department.

Nani A. Coloretti
Chief FOIA Officer
Assistant Secretary for Management

DEPARTMENT OF THE TREASURY OFFICES AND BUREAUS

The Departmental Offices (DO)

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Office of the Comptroller of the Currency (OCC)

Bureau of Engraving and Printing (BEP)

Financial Management Service (FMS)^{1*}

Internal Revenue Service (IRS)

United States Mint (MINT)

Bureau of the Public Debt (BPD)*

Treasury Inspector General for Tax Administration (TIGTA)

Financial Crimes Enforcement Network (FinCEN)

¹ Asterisks note bureaus merged to form the Bureau of the Fiscal Service

Section I: Steps Taken to Apply the Presumption of Openness

The Department has focused this past year on providing the most relevant information to the public on activities supporting the nation's economy, through practices including proactive disclosure of information on FinancialStability.gov, Recovery.gov, [Making Home Affordable.gov](http://MakingHomeAffordable.gov), and Treasury.gov for Wall Street reform activities.

1. a. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

In FY12, the Department conducted a number of training sessions on the new FOIA guidelines as well as transparency and open government principles. During the Department's activities in Records and Information Management Month (RIMM), which occurs every April, the Office of Privacy, Transparency, and Records (OPTR) hosted five training sessions and a panel discussion highlighting international privacy issues, training on OPEN.gov and Data.gov and training on the *goFOIA* document management collaboration tool.

Treasury employees were encouraged to register for two online training tools that included information on the President's Memorandum and the Attorney General's Guidelines, and FOIA, privacy, and records principles and practices, and how these principles interrelate and support transparency and open government. These courses are available to all Treasury employees on Treasury's Online Learning Management System (TLMS).

- The IRS Disclosure Office conducted several virtual training sessions for Disclosure employees entitled "Disclosure Technical Updates" covering a variety of FOIA topics. In addition, 20 employees attended Phase I and Phase II Disclosure Specialist Training to complete their basic FOIA training.
- The IRS continued its agency-wide FOIA and OPEN awareness campaign by developing, publishing and marketing a web-based video presentation emphasizing each employee's FOIA responsibilities, including providing records directly to taxpayers when asked.
- Employee FOIA responsibilities were incorporated into the Compliance Functions (Examination & Collection) New Hire administrative orientation. This training is conducted for each class of new hires in every business unit.
- FOIA-related messages were incorporated into functionally specific articles, web pages, and other outreach efforts to enhance awareness among specific groups of IRS employees.

- DO Disclosure Services, within the Office of Privacy, Transparency and Records, met with a delegation from Nigeria, which passed a recent law similar to the Freedom of Information Act, to discuss best practices and lessons learned.

DO Disclosure Services met with GSA's FOIA team to discuss FOIA administrative processing and electronic technology advancements.

TIGTA's Office of Audit and Office of Chief Counsel provided a disclosure presentation to the IRS relating to redactions of Audit Reports for public release (proactive disclosures). TIGTA's Chief Counsel gave presentations on Federal Confidentiality Laws to foreign delegations from Cambodia and Croatia.

b. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Departmental Office staff attended the Department of Justice training on FOIA and technology working group roundtables for information sharing and best practices.

IRS attended the following American Society of Access Professionals (ASAP) training sessions:

- 2 employees attended the Annual National Training Conference in March 2012
- 5 employees attended the Basic FOIA and Privacy Act Training in August of 2012
- 2 employees attended the FOIA and Privacy Act Workshop in September of 2012

IRS attended the following Department of Justice training:

- 1 employee attended the DOJ Annual FOIA Report and Annual Chief FOIA Officer Report training offered by the Department of Justice in October 2012
- 2 employees attended a DOJ lecture series event entitled "FOIA Fundamentals" in June 2012.
- 2 employees attended DOJ Freedom of Information Act for Attorneys and Access Professionals in December 2012.

In addition, the Treasury Learning Management System offered online training for employees.

2. Did your agency make any discretionary releases of otherwise exempt information?

Yes. Treasury regularly makes discretionary releases of internal, deliberative information that would otherwise be exempt from release under FOIA exemption 5. In some cases, Treasury released information exempt from release under exemption 7.

For example, FinCEN provided FinCEN case numbers of investigations to aide requesters searching for information.

Similarly, TIGTA waived exemption 5 for notes contained in investigations which were deemed to have no foreseeable harm if released to the subject.

3. What exemptions would have covered the information that was released as a matter of discretion?

FinCEN waived exemption 7 (E) for its case numbers.

TIGTA waived exemption 5 for its investigatory notes.

IRS released information waiving exemptions 2, 5 and 7.

4 Provide a narrative description or some examples of the types of information your agency has released as a matter of discretion.

- FinCEN provided discretionary release of FinCEN investigation case numbers in order to assist requesters seeking information.
- IRS performs a foreseeable harm analysis on all pre-decisional documents prior to applying exemption 5. Although draft documents can be withheld under exemption 5, if a review reflects no differences between the draft and final, then IRS will release the draft.

5. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

The Department of the Treasury strongly supports increased transparency in government and has made great strides in advancing transparency and open government principles. Examples include the proactive publication of senior officials' calendars, and activities related to the establishment of the Consumer Financial Protection Bureau (CFPB.)²

² Treasury was charged with assisting the establishment of the Consumer Financial Protection Bureau by the Dodd- Frank Wall Street Reform and Consumer Protection Act. [P.L. 111-203, July 21, 2010]

In particular, the Secretary has committed to implementing the historic Dodd-Frank Wall Street Reform and Consumer Protection Act in an open and transparent manner. Treasury proactively discloses meetings with private sector individuals or entities and nongovernmental organizations, with the exception of meetings with members of the media that are set up for the purpose of discussing policy implementation of the Dodd-Frank Act. This disclosure policy applies to in-person meetings participated in by Treasury Departmental Offices employees who are at the Deputy Assistant Secretary or higher rank, including Counselors to the Secretary and Special Advisors to the Secretary. Meeting disclosures are posted to the Department's FOIA library and include information such as: the date of the meeting, names of all covered Treasury participants, names and affiliations of all non-Treasury participants, and a list of the primary topics of conversation related to Dodd-Frank implementation.

In the interest of furthering these efforts, the Department is working on amending its FOIA regulations to include provisions of the OPEN Government Act and policy memos; incorporating proactive systemic process changes by bifurcating business submitter applications before a FOIA request arrives; and ensuring all new employees working on FOIA matters take online training to fully understand their vital roles and responsibilities for FOIA processing.

IRS FOIA personnel consistently review redaction proposals with functional offices to ensure that any reasonable expectation of harm is clearly articulated and that records are released to their fullest extent.

A FOIA-related message was incorporated into an IRS Business Unit's Fraud Digest that included information on direct release of case-related records when asked by taxpayers or their authorized representatives.

SECTION II: Steps taken to ensure that Your Agency has an Effective System for Responding to Requests

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

Information Technology (IT) support for electronic searches to assist with gathering and collecting information is provided in DO through our CIO with additional contract support assistance. The Treasury Web team also assists with providing information access through the Treasury Web site, organizing the site, and making it user-friendly. All Treasury components have sufficient IT support, not only with downloading to the Web, but also with assistance to conduct electronic searches.

The tracking and assignment solution is just the first step in this major redesign effort. The Enterprise Content Management (ECM) initiative is being leveraged to develop and implement an electronic collaborative processing workflow based on streamlined process re-engineering. These workflow findings integrate with the tracking system to facilitate timelier processing and reporting. Additional monitoring of the intake process of online submissions demonstrates added benefits of reduced paper, decreased use of U.S. Mail, and streamlined FOIA intake. Leveraging this tool across components will also provide larger scale cost savings.

The second phase for DO is the *goFOIA* solution. *goFOIA* functions as a document management solution that is based on a collaborative shared platform to review records. Additional features include work flows indicators for the document review process in order to ascertain the progress of a request. The collaborative environment allows multiple offices working on the same request and functions to communicate the progression of each office's progress, and allows multi-party view of the proposed redactions.

IRS FOIA professionals have sufficient IT support to accomplish their mission. During 2012, the IRS fully utilized the Automated Freedom of Information Act (AFOIA) management information system for an entire annual reporting cycle covering all offices within their organization. This system is used for all aspects of FOIA work, which includes monitoring receipts, inventory delivery, applying redactions, maintaining responsive documents, and provides automated report and statistical generation. The FOIA program continues to receive IT funding and resource support for AFOIA improvements which is directly used to better serve the public.

In addition, IRS IT organization is moving toward SharePoint version 2010, and we anticipate that this will relieve reliability issues, and accommodate FOIA program's high-level usage within a shared platform.

2. Do your IT professionals work with your agency OPEN Government Team?

Interaction with the Chief FOIA Officer at Treasury takes place through weekly and monthly reporting. Bureau head meetings are held regularly, where FOIA and other topics are addressed. The Deputy Assistant Secretary for Privacy, Transparency, and Records presides over the OPEN Government team and also coordinates the FOIA operations at Treasury for the Chief FOIA Officer. This facilitates embedding transparency and openness principles into the disclosure process. Other communication are usually distributed through the FOIA Council, where goals and strategies can be shared down the chain of command to the points of contact actually processing FOIA, as well as with various council members.

The IRS's HQ Disclosure Office is tasked with the policy and regulatory implementation of FOIA, PA and IRC 6103 aspects of both protecting and releasing government information. This function works with the Agency Wide Shared Services (AWSS) Records and Information Management function to provide an infrastructure for Open Government.

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration?

Department Offices (DO), includes Treasury's policy offices. Many of these offices have employees with FOIA as an assigned duty. Some policy offices regularly receive FOIA requests while others receive a few per year. DO utilizes FOIA contract support to supplement FOIA staffing for offices when the need arises such as voluminous projects of review and redaction or to conduct a surge to reduce an office backlog.

The IRS Disclosure staff consisted of approximately 155 employees at the end of Fiscal Year 2012. This staffing level balances optimal resources while affording adequate staffing for current case inventories and receipts. IRS assesses staffing levels at regular intervals through data extracted from the AFOIA inventory system, permitting managerial determination of optimal labor resources. This provides for the proper management of the IRS FOIA backlog inventory, while allowing for other outreach and review efforts within IRS as well as with other agencies using Federal Tax Information data.

Two Treasury bureaus—FMS and BPD—have merged to create the Bureau of the Fiscal Service. FOIA staffing was assessed in consideration of the merger.

Other bureaus do not have a significant inventory of FOIA requests in a given year to warrant additional staffing.

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

The *goFOIA* document management collaboration tool was implemented among participating Treasury bureaus (those using the cloud tracking system), and allows shared reviews and redactions in a portal environment, behind the agency firewall. DO has implemented its *goFOIA* document management system. Training on the collaboration tool began at the end of FY 2011. Work with the IT staff of the bureaus participating on the system began early in FY 2011 to establish certain integration and connectivity capability referred to as trusts. The FOIA staff is currently urged to upload the documents to review the FOIA process on the collaboration site, *goFOIA*.

Acknowledging requests electronically with an electronic signature is an additional efficiency instituted in FY2012 in Departmental Offices.

Treasury participated in the development of the FOIA online module to gain benefits from a government-wide FOIA tracker in efficiency and cost savings.

The Automated Freedom of Information Act (AFOIA) information management system has successfully been operational for all IRS Disclosure Offices during the entire fiscal year. AFOIA replaced the previous IRS system and allows centralized electronic case inventory control from start to finish. This system permits implementation of a centralized intake center, a national inventory delivery approach, maintenance of records and archiving, and report generation. IRS continues to build on its extensive electronic library of FOIA pattern response letters and specific paragraphs used for unique FOIA requests. These response letters are embedded within AFOIA and are easily updated when statutory or procedural changes occur. IRS actively manages a national inventory balancing program to optimize caseloads to available staff and resources. IRS continued to receive favorable reports from the Treasury Inspector General for Tax Administration (TIGTA) in its statutorily-mandated annual review of the IRS FOIA program. The Lean Six Sigma (LSS) team made significant improvements to the Disclosure Scanning Operation (DSO), which is the centralized intake site. The team also reviewed FOIA processes in its Disclosure Offices and is currently implementing best practices to achieve consistency among offices. These efforts are expected to produce backlog reductions. IRS's Business Unit (BU)

reports are used to notify the different functions of pending FOIA requests, permitting immediate high level management intervention on gathering responsive records.

Section III: Steps Taken to Increase Proactive Disclosure

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of material that your agency posted to your website since last year.

DO began a digitization project to provide access to the Treasury library online during 2012. Once uploaded to our cloud solution, the volume of material quickly exceeded our storage capacity on the cloud. Alternative technology solutions were explored and an integrated library service was procured. See Item 2 below for more information.

TIGTA posted new audit reports, press releases and a semi-annual report.

IRS has several new media tools that it uses to communicate with the public.

- YouTube — Short, informative videos on various tax-related topics in English, American Sign Language (ASL), and a variety of foreign languages
- Twitter — Various tax-related announcements, news for tax professionals and hiring initiatives tweeted daily on five IRS Twitter accounts
- iTunes — Audio files for use in podcasts
- IRS2Go — A smartphone application allows taxpayers to interact with the IRS using their mobile devices
- IRS Facebook — While the IRS does not engage the public on this site, it uses this media to post urgent information
- IRS Return Preparer Office Facebook — IRS engages with the return preparer audience to share relevant information
- LinkedIn — Current LinkedIn sites include IRS, IRS Return Preparer and IRS Recruitment
- Tumbler — A micro blog site where strategically focused pieces of IRS information are shared

The IRS YouTube channel had over 1.8 million views in 2012, an increase of 66% over last year. Twitter followers of the three IRS accounts grew to over 45,000. The IRS2go mobile app has nearly 500,000 downloads to Smartphones since the launch of Version 2 in February 2012. The app allows taxpayers to view IRS YouTube videos on English, American Sign Language, and Multilingual Channels. Taxpayers can also get the latest news from IRS, put in a request for their tax records, check their refund status, follow IRS on Twitter, and get tax tips.

In the past year, the IRS Corporate Facebook page had 6000 "Likes" during the peak tax filing season. A Tumblr micro blog was launched and will become active during the 2013 tax filing season. Over 800,000 widgets were viewed on topics such as the American Opportunity Credit, Getting Transcripts, EITC and VITA.

IRS has fully implemented Exempt Organizations Select Check, an on-line search tool for researching exempt organizations, their federal tax status and filings. This consolidates three former search sites, providing expanded search capability and a more efficient way to search for organizations.

2. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

DO is procuring an integrated library system that will allow keyword searches of library information. Digitizing records is the key to the success of this tool. Digitization projects to enable search capabilities are ongoing. There are plans to connect the FOIA virtual library to this tool soon. An integrated library system provides advantages of robust search capability on a hosted solution at low cost. The search capability will give the public the ability to refine the search based on the types and categories of hits.

TiGTA is making its audit reports searchable by more than just chronology.

3. If so, provide example of such improvements.

In late August, 2012, IRS completed its portal migration and launched the new IRS.gov. The new platform:

- Provides a more intuitive and comprehensive intent-based navigation structure;
- Facilitates better positioning and association of content;
- Improves search functionality through new tools and management techniques (e.g. Google); and
- Supports independent development of tools/content areas.

Content improvement will be an ongoing activity. To date, the IRS has improved content for notice, payment, installment agreement, offer-in-compromise, and 1099-K reporting. Improvements to installment agreement and offer-in-compromise content resulted in greater performance, as measured by page visits, rank and search accuracy. To promote usage and understanding, the IRS also redesigned content associated with several online tools. Finally, the IRS identified 17 areas for improvement through 2013, including information about forms, publications, credits and refunds, as well as information targeted to tax professionals.

IRS also has a Service-wide Social Media Governance Council that ensures social media is effectively managed throughout the Service. As technology evolves and younger taxpayers get their information in new ways, the IRS will keep innovating to make it easy for taxpayers to access helpful information.

4. Describe any other steps taken to increase proactive disclosures at your agency.

The IRS updated its smart phone app, IRS2Go. The update included a new, sleeker home screen and the addition of three new features to allow taxpayers to request their transcripts, get the latest news and watch IRS videos. The mobile app is available for both iOS and Android devices and has been downloaded by over 400,000 users. Prior IRS2Go features allow taxpayers to check refund status, follow IRS on Twitter, get contact information, and subscribe to filing season updates.

DO has procured the services of an integrated library system to provide a vehicle for a virtual library in a cloud at low cost with robust search capabilities.

Section IV: Steps Take to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes, The Office of the Comptroller of the Currency was the first to pioneer online FOIA submissions at Treasury. From the web page, requesters have the ability to submit FOIA requests and check the status of a request and receive online help through FAQ's designed to make the requester system self-reliant.

DO has created a FOIA Citizen Web portal similar to that of OCC, except that it is a cloud hosted solution. The advantage of the hosted solution, from an Enterprise Content Management (ECM) standpoint, is to leverage the host through licensing, so that components may opt into the host solution. The Department is implementing its *goFOIA* solution which will absorb the document management of FOIA processing and reporting functions including TTB, BPD, BEP, MINT, the Fiscal Service, and FinCEN. Requests to these entities can currently only be received by mail, fax, or as a scanned document with signature via email. Because 90% of IRS FOIA requests contain confidential tax information, the IRS is not currently using a government web portal; however, long-term plans call for looking at an IRS FOIA web submission process.

The features of the Citizen Web portal would allow those bureaus participating on the cloud data base to have the submission request populated to the database within their designated inventory.

2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?

Yes, DO has a cloud solution from a FOIA specific cloud-Citizen Web portal. Citizens' requests may be assigned to the respective bureau for disposition.

This task was shifted to FOIA online, a government owned cloud solution for online submission capability in December 2012. Bureau-specific tracking solutions include:

- i. DO- cloud solution
- ii. TTB- cloud solution
- iii. BPD- cloud solution
- iv. FMS- began cloud solution in May 2011
- v. MINT- cloud solution
- vi. IRS- AFOIA (Automated Freedom of Information Act): currently in implementation
- vii. OCC-FOIA specific tracking software
- viii. BEP- cloud solution
- ix. TIGTA: FOIA specific tracking software
- x. FinCEN- cloud solution

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

Yes, Do has a cloud solution on the Citizen Web portal, which affords the opportunity for the requester to register, create a PIN, and electronically enter the data base to check the status of requests using a PIN and case number access restriction. Beginning in December 2012, the FOIA online tool will have similar capabilities for requesters to seek the status of a request.

4. If so, describe the information that is provided to the requester through the tracking system?

The Citizen Web portal provided indications to the requester on status such as *imperfect, active, on hold, and closed*. The FOIA Online tool has similar indicators of status such as *evaluation, in process, hold, and closed*.

Use of technology to facilitate processing of requests:

5. In particular, does your agency tracking system provide the requester with an estimated date of completion?

The Citizen Web portal does allow for a projected due date for the requester. If that date is lapsed, the system needs to have another date entered if the requester seeks an estimated date of completion.

FOIA Online has a similar capability of provided the initial due date and entry capability for additional estimated dates.

6. If your agency does not provide online capacity, is your agency taking steps to establish this capacity?

See above.

Use of Technology to facilitate processing of requests

7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

The Integrated Library System (ILS) is a cloud tool which will give the public access to both FOIA related documents and Treasury Library's digitized collections in one system. Additionally, the new ILS will have an enhanced FOIA reading room design which will include a metasearch capability. This updated search capability will search within content

and will allow for links and documents to appear in search results. The tool has been used by universities and libraries which handle large amounts of data.

Internally, the new ILS will give Treasury the ability to monitor metrics and track and apply records retention schedules. Treasury is moving forward to implement this feature for the FOIA online participating bureaus.

Treasury also continues to leverage e-discovery tools to conduct electronic searches for information. The IRS has provided an enterprise license procurement for a search collection tool that Treasury used in 2012.

8. If so, describe the technological improvements being made.

Treasury has implemented the *goFOIA* collaboration platform to enhance multi-office review of requests and sharing of administrative process work flows. GoFOIA will also provide robust analytics and reporting capabilities for weekly and monthly reporting within Treasury.

Records Management features on the *goFOIA* system will enhance the NARA retention schedule and provide behind the scene tagging of records that will be seamless to the user.

The ILS mentioned in item 7 above provides the robust search capability the public wants and the analytics the government needs to provide customer service oriented information.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's

fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

Treasury does use a multi-track format which includes a separate simple track. IRS, on the other hand, does not.

- b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

The average number of days to process simple requests agency overall was less than 20 days (17.26).

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

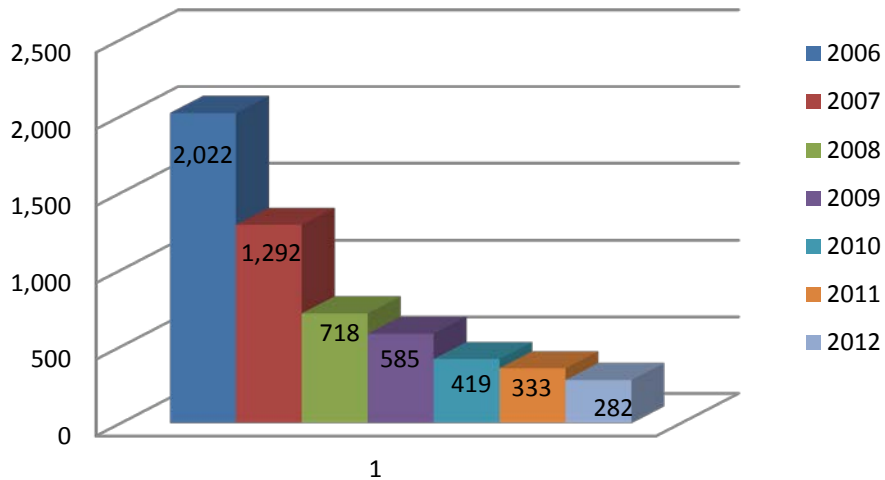
The IRS average number of days was 21.87.

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Years 2011 and Fiscal Year 2012 should be used for this section.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

FOIA Backlog Department -wide

a historical view



Yes, Treasury's backlog decreased from 333 to 282, a 15% decrease overall.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

Yes, Treasury's overall appeals backlog dropped by 37% from 51 to 32.

- c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

Treasury closed 20% of the agency's ten oldest requests.

- d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

Treasury closed 90% of the oldest appeals in FY2012

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

N/A

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

N/A.

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

N/A

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?
Ongoing FOIA litigation absorbs staff resources and may divert them from ten oldest cases.

N/A

Administrative Appeal Backlog: N/A

- a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

N/A

- b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

N/A

- c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

N/A

- d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

N/A

4. If your agency had a backlog, please provide a number of the backlog cases which had a substantive, interim response during the fiscal year even though the request was not closed.

At the end of Fiscal Year 2012, the IRS had FOIA backlog cases. During the past year it provided 419 interim responses to requesters to release responsive records as they became available.

DO provided 4 interim responses in separate requests.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c) (1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

Treasury did not invoke the exclusion in FY 12.

2. If so, what is the total number of times exclusions were invoked?

N/A

Spotlight on Success

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

DO implemented *goFOIA*, the document management tool for FOIA, which is more than a mere tracking system. It provides a collaborative work flow environment for document processing and collaboration.

The IRS continued its agency-wide FOIA and OPEN awareness campaign by developing, publishing and marketing a web-based video presentation building on the joint Deputy Commissioner memo to all IRS employees. The video emphasizes each employee's responsibilities with regard to FOIA, including timely responses to records requests from Disclosure and providing records directly to taxpayers when asked. The presentation is augmented with companion guides developed to support the major job classifications within IRS as employees provide records directly to the taxpayers with whom they are working. This line of products were implemented in January 2013.

The IRS2go mobile app has nearly 500,000 downloads to Smartphones since its version 2 launch in February 2012. The app allows taxpayers to view the IRS's YouTube videos on their English, American Sign Language and Multilingual Channels.

Updated: March 2013

