



U.S. DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT

ANNUAL REPORT TO THE ATTORNEY GENERAL

FOR FISCAL YEAR 2012

Disclosure Services

December 7, 2012

DEPARTMENT OF THE TREASURY

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)

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)

Consumer Financial Protection Bureau (CFPB)



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 FOR FISCAL YEAR 2012

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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2012 Freedom of Information Act (FOIA) Report for the Department of the Treasury. For purposes of the FOIA this year, the Department was divided into 10¹ bureaus. Each bureau is responsible for those records under its control, and each bureau will post its report on its own web site. Disclosure Services prepared this report in collaboration with the bureau FOIA Officers.

¹ This report also includes information for the Consumer Financial Protection Bureau (CFPB). Although CFPB is not a Treasury bureau, Treasury was responsible for CFPB's FOIA administration for a portion of FY 12. The data for Departmental Offices (DO) also includes data for the Financial Stability Oversight Council (FSOC), a separate agency whose FOIA requests were processed in FY12 by DO.

Questions about this report may be directed to:

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FOIA Request

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Treasury Department FOIA Home Page: www.treas.gov/foia/

Paper copies of this report may be obtained by contacting Disclosure Services
or by downloading from the Treasury FOIA website at: [insert Web site after posting]

MAKING A FOIA REQUEST.

The Department of the Treasury's Guide to Accessing Treasury Records is available at www.treas.gov/foia/, or by contacting Disclosure Services, as described above.

1. Contact information for Treasury bureau FOIA officers.

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2. Brief description of why some requests are not granted and an overview of certain general categories of the Department's records to which the FOIA exemptions apply.

The most common reasons reported by the bureaus regarding why requests for records could not be granted include: (1) protecting personal privacy; (2) deliberative process privilege; (3) the records reflected the internal practices involved in investigations or inspections; (4) the records contained confidential taxpayer information and other statutorily protected information; and (5) the records contained contractor confidential and proprietary commercial information. Others: records did not exist; procedural requirements were not followed.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-specific acronyms or terms used in this Report:

BEP	Bureau of Engraving and Printing
BPD	Bureau of the Public Debt
CFPB	Consumer Financial Protection Bureau
DO	Departmental Offices
FinCEN	Financial Crimes Enforcement Network
FMS	Financial Management 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 and 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 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 entirety 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.
- k. **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.
 - i. **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.
 - ii. **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.
 - iii. **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.
- l. **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.

- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected 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.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **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

A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	Type of Information Withheld	Case Citation	Component	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
26 U.S.C. 6103	Certain tax information information	None	DO	1	2554
		None	FMS	29	
		<i>The Church of Scientology of California v. IRS</i>	IRS	2446	
			OCC	2	
			TIGTA	57	
		None	TTB	19	

Statute	Type of Information Withheld	Case Citation	Component	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
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.	Cuban v. Securities and Exchange Commission, 2011 U.S. Dist. LEXIS 71064 *45 (D.D.C. July 1, 2011) (SARs); Berger v. Internal Revenue Service, 487 F. Supp. 2d 482, 496-97 (D. N.J. 2007, aff'd on other grounds, 288 F. App's 829 (3d Cir. 2008), cert. denied, 129 S. Ct. 2789 (U.S. 2009); Sciba v. Bd. Of Governors of the Fed. Reserve Sys., No 04-1011, 2005 WL 3201206, at *6 (D.D.C. Nov. 4, 2005) (SARs and CTRs); Davis v. U.S. Dept. of Justice, 2003 U.S. Dist. LEXIS 27467 *14 (D.D.C. March 21, 2003) (BSA records); Maydak v. U.S. Department of Justice, 2004 U.S. Dist. Lexis 27538 *12 (D.D.C. Aug. 23, 2004) (CTRs); Radcliffe v. Internal Revenue Service, 536 F. Supp.2d 423, 431 (S.D.N.Y. 2008) (CTRs); Linn v. U.S. Department of Justice, 1995 WL 631847 *30 (D.D.C. Aug. 22, 1995) (CTRs); Small v. Internal Revenue Service, 820 F. Supp. 163 (D.N.J. 1992); Vosburgh v. Internal Revenue Service, 1994 WL 564699 *4 (D.Ore. July 5, 1994) (CTRs).	FinCEN	197	250
		Small v. IRS, 820 F. Supp 163 (D.N.J. 1992)	IRS	53	

Statute	Type of Information Withheld	Case Citation	Component	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
41 U.S.C. 4702(b)	Contractor proposals that are in possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<i>Hornbostel v. US Dept of the Interior</i>	MINT	3	4
			BPD	1	
26 U.S.C. 6105	Certain tax convention information	Tax Analysts v. IRS, 217 F.Supp.2d 23 (D.D.C. 2002)	IRS	55	55
Rule 6(e) of the Federal Rules of Criminal Procedure P.L. 95-78, 91 Stat. 319	Certain records related to Grand Jury proceedings		IRS	2	2

V. FOIA REQUESTS.

A. Received, Processed and Pending FOIA Requests.

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed Fiscal Year	Number of Requests Pending as of End of Fiscal Year
BEP	7 ²	57	57	7
BPD	2 ³	117	117	2
CFPB	8 ⁴	184	176	16
DO	231 ⁵	1221	1297	155
FinCEN	2	252	254	0
FMS	24	281	259	46
IRS	822	12137	12198	761
MINT	6	128	127	7
OCC	67 ⁶	1933	1924	76
TIGTA	15	227	226	16
TTB	0	73	70	3
AGENCY OVERALL	1184	16610	16705	1089

² BEP had one case in suspense end FY11; perfected

³ BPD had one case in suspense end of FY11; perfected

⁴ CFPB had three cases in suspense end FY11; perfected

⁵ DO had 52 appeals inadvertently mixed in pending at FY start; six cases in suspense end FY11; closed

⁶ OCC had seven cases in suspense end FY11; perfected

B. (1) Disposition of FOIA Requests – All Processed Requests (continued below)

	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	12	20	0	13	3	2	1	5	0	0	1	0	57
BPD	9	17	4	44	12	2	0	1	5	22	1	0	117
CFPB	50	65	5	23	2	5	2	2	3	17	2	0	176
DO	103	192	234	44	349	96	202	0	1	2	68	6	1297
FinCEN	10	71	117	41	2	0	0	0	9	4	0	0	254
FMS	30	98	1	21	2	48	1	0	2	44	12	0	259
IRS	4272	2772	214	793	46	128	142	639	2687	35	470	0	12198
MINT	56	15	2	28	5	2	3	1	7	3	5	0	127
OCC	1339	133	78	75	10	46	1	11	64	117	19	31	1924
TIGTA	14	84	21	18	24	3	2	0	50	8	2	0	226
TTB	16	21	10	14	2	1	2	1	3	0	0	0	70
Agency Overall	5911	3488	686	1114	457	333	356	660	2831	252	580	37	16705

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions (from Section V. B (1) Chart

Component	Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon.	TOTAL
DO	Aggregated similar requests- 6	6
OCC	NOT FOIA- 17, Records previously furnished- 3 N0-Records exist-11	31
Agency Overall		37

B. (3) Disposition of FOIA Requests - Number of Times Exemptions Applied:

	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	N/A	2	N/A	4	7	15	N/A	N/A	N/A	1	N/A	N/A	N/A	N/A
BPD	N/A	N/A	1	5	1	11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CFPB	N/A	3	N/A	4	26	56	5	N/A	2	3	1	N/A	5	N/A
DO	5	2	7	13	27	50	1	N/A	4	N/A	N/A	N/A	N/A	N/A
FinCEN	N/A	N/A	197	2	5	18	1	1	29	7	41	1	3	N/A
FMS	N/A	N/A	29	7	4	56	N/A	N/A	N/A	N/A	2	N/A	N/A	N/A
IRS	N/A	86	2463	31	518	420	368	7	1051	58	1100	16	N/A	N/A
MINT	N/A	1	3	3	4	9	N/A	N/A	N/A	N/A	1	1	N/A	N/A
OCC	N/A	2	2	89	46	53	N/A	N/A	N/A	N/A	N/A	N/A	174	N/A
TIGTA	N/A	N/A	48	2	6	91	6	N/A	92	16	13	N/A	N/A	N/A
TTB	N/A	1	19	17	13	20	2	N/A	1	N/A	3	N/A	N/A	N/A
AGENCY OVERALL	5	97	2769	177	657	799	383	8	1179	85	1161	18	182	N/A

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed, and Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	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	0	0	0
BPD	0	0	0	0
CFPB	0	12	8	4
DO	52	23	22	53
FinCEN	0	14	13	1
FMS	2	6	7	1
IRS	4	184	178	10
MINT	0	3	3	0
OCC	12	47	54	5
TIGTA	3	23	25	1
TTB	0	1	1	0
AGENCY OVERALL	73	313	311	75

B. Disposition of Administrative Appeals – All Processed Appeals

	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	0	0	0	0	0
BPD	0	0	0	0	0
CFPB	6	1	1	0	8
DO	9	6	4	3	22
FinCEN	11	1	0	1	13
FMS	5	2	0	0	7
IRS	178	0	0	0	178
MINT	2	1	0	0	3
OCC	11	25	10	8	54
TIGTA	17	6	1	1	25
TTB	0	1	0	0	1
AGENCY OVERALL	239	43	16	13	311

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

	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	0	0	0	0	0	0	0	0	0	0
BPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CFPB	0	0	0	0	1	4	0	0	0	0	0	0	0	0
DO	0	0	1	1	2	2	0	0	0	0	0	0	1	0
FinCEN	0	0	10	0	0	1	0	0	2	0	3	0	0	0
FMS	0	0	1	1	0	1	0	0	0	0	0	0	0	0
IRS	1	4	67	0	29	14	10	1	15	4	15	1	0	0
MINT	0	0	2	0	1	0	0	0	0	0	0	0	0	0
OCC	0	0	0	9	9	18	0	0	12	0	0	1	8	0
TIGTA	0	0	9	0	1	21	3	0	22	0	4	0	0	0
TTB	0	0	0	0	1	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	1	4	90	11	44	61	13	1	51	4	22	2	9	0

C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

	No Records	Records Referred at Initial Request Level	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	0	0	0	0	0	0	0	0	0
BPD	0	0	0	0	0	0	0	0	0
CFPB	0	0	0	0	0	0	0	0	0
DO	3	0	0	1	0	0	0	0	0
FinCEN	0	0	0	0	0	1	0	0	0
FMS	1	0	0	0	0	0	3	0	0
IRS	48	6	0	2	0	15	0	0	11
MINT	0	0	0	0	0	0	0	0	0
OCC	0	0	1	0	0	0	2	1	3
TIGTA	2	0	0	0	0	1	0	0	0
TTB	0	0	0	0	0	0	0	0	0
Agency Overall	54	6	1	3	0	17	5	1	14

C(2) cont.....	Request in litigation	Appeal Denial /Expedited Processing
BEP	N/A	N/A
BPD	N/A	N/A
CFPB	N/A	N/A
DO	N/A	1
FINCEN	N/A	N/A
IRS	N/A	N/A
FMS	N/A	N/A
MINT	N/A	N/A
OCC	N/A	N/A
TIGTA	N/A	N/A
TTB	N/A	N/A
overall	N/A	1

C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI. C (2) Chart

	Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied Upon.	TOTAL
OCC	Not FOIA-1;	3
	Records previously furnished-2	
IRS	9-late filed,	11
	2-not authorized	
Overall		14

C. (4) response Time for Administrative Appeals

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	0	0	0	0
BPD	0	0	0	0
CFPB	19.50	18.25	10	24
DO	25	70	3	255
FinCEN	12	14	3	34
FMS	19	18	13	20
IRS	17	18	3	62
MINT	17	14	6	19
OCC	44	86	0	537
TIGTA	16	16	2	21
TTB	13	13	13	13
AGENCY OVERALL	18	33	0	537

C. (5) Ten Oldest Pending Administrative Appeals

		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
BEP TTB BPD 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	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CFPB	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	9/11/11	9/10/12	9/7/12	8/23/12
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	13	14	15	25
DO	Date of Receipt	7/15/11	6/13/11	6/10/11	6/7/11	4/15/10	4/6/11	12/29/10	11/30/10	11/03/10	6/8/08
	Number of Days Pending	316	340	341	344	381	388	458	479	498	1125
FinCEN	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12/9/19
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8
FMS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12/7/10
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	57
IRS	Date of Receipt	9/26/12	9/24/12	9/24/12	9/21/12	9/21/12	9/20/12	9/17/12	9/17/12	9/14/12	9/6/12
	Number of Days Pending	3	5	5	6	6	7	10	10	11	17
OCC	Date of Receipt	N/A	N/A	9/24/12	9/18/12	8/27/12	8/27/12	8/27/12	7/31/12	7/27/12	1/19/11
	Number of Days Pending	N/A	N/A	4	8	23	23	23	42	296	428
TIGTA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/26/12
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2
Agency Overall	Date of Receipt	7/15/11	6/13/11	6/10/11	6/7/11	4/15/10	4/6/11	12/29/10	11/30/10	11/03/10	6/8/08
	Number of Days Pending	316	340	341	344	381	388	458	479	498	1125

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests

	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	2	6	1	34	14	19	23	45	3	3	3	3
BPD	0	0	0	0	4	6	1	34	13	10.3	1	20
CFPB	8	8.5	1	39	48	48.5	1	180	0	0	0	0
DO	199	39	0	398	1268	54	0	2536	562	587	230	895
FinCEN	1	1	0	6	5	6	0	64	N/A	N/A	N/A	N/A
FMS	12	12	1	118	9	12	1	46	0	0	0	0
IRS	0	0	0	0	17	21.87	0	757	8	10	11	22
MINT	8	10	1	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCC	3	9	0	254	26	39	0	187	21	26	0	139
TIGTA	4	4	1	8	16	15	1	109	10	12	7	20
TTB	5	7.25	2	19	13	14.23	1	30	2	2	2	2
Agency Overall	5	17.26	0	398	14	25.75	0	2536	6	31.8	0	895

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

	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	8	10	2	18	10	15	22	44	N/A	N/A	N/A	N/A
BPD	0	0	0	0	7	9.92	1	34	16	15	1	20
CFPB	8	10.32	1	39	24	35.79	1	114	0	0	0	0
DO	200	80	2	398	1268	181	0	2536	562	587	230	895
FinCEN	1	1	0	4	3	6	0	64	N/A	N/A	N/A	N/A
FMS	14	16	3	118	20	19	2	46	N/A	N/A	N/A	N/A
IRS	N/A	N/A	N/A	N/A	17	22.8	0	757	7	7	11	11
MINT	8	10	1	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCC	3	8	0	254	34	51	4	197	22	27	0	107
TIGTA	0	0	0	0	20	25	4	109	12	12	7	19
TTB	3	4.43	2	10	15	15.85	2	30	2	2	2	2
Agency Overall	5	12.8	0	398	17	32.06	0	2536	10	22.18	0	895

C. Processed Requests – Response Time in Day Increments

Simple Requests

	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	27	6	0	0	0	0	0	0	0	0	0	0	0	33
BPD	115	2	0	0	0	0	0	0	0	0	0	0	0	117
CFPB	90	14	0	0	0	0	0	0	0	0	0	0	0	104
DO	81	12	6	3	3	1	2	2	2	0	5	4	0	121
FinCEN	133	0	0	0	0	0	0	0	0	0	0	0	0	133
FMS	188	19	0	0	0	0	0	0	0	0	0	0	0	208
IRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MINT	127	0	0	0	0	0	0	0	0	0	0	0	0	127
OCC	1526	152	24	12	8	6	4	3	2	1	2	0	0	1740
TIGTA	2	0	0	0	0	0	0	0	0	0	0	0	0	2
TTB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	2289	205	30	15	11	8	6	5	4	1	7	4	0	2585

Complex Requests

	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	12	5	0	0	0	0	0	0	0	0	0	0	0	17
BPD	115	2	0	0	0	0	0	0	0	0	0	0	0	117
CFPB	22	14	12	0	6	4	0	0	1	0	0	0	0	59
DO	801	73	48	36	26	27	12	12	9	12	28	14	37	1135
FinCEN	119	0	0	1	0	0	0	0	0	0	0	0	0	120
FMS	38	12	1	0	0	0	0	0	0	0	0	0	0	51
IRS	5516	1829	520	160	49	26	24	12	8	4	13	11	7	8179
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCC	46	32	17	6	4	5	2	2	0	2	0	0	0	116
TIGTA	180	28	3	4	0	2	0	0	0	0	0	0	0	217
TTB	41	16	0	0	0	0	0	0	0	0	0	0	0	57
Agency Overall	6890	2011	601	207	85	64	38	26	18	18	41	25	44	10068

Requests Granted Expedited Processing

	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
BPD	13	0	0	0	0	0	0	0	0	0	0	0	0	13
CFPB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DO	0	0	0	0	0	0	0	0	0	0	1	1	2	4
FinCEN	0	0	0	0	0	0	0	0	0	0	0	0	0	3
FMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS	3	0	0	0	0	0	0	0	0	0	0	0	0	3
MINT	6	0	0	0	0	0	0	0	0	0	0	0	0	6
OCC	47	31	9	5	2	1	2	0	0	0	0	0	0	97
TIGTA	7	0	0	0	0	0	0	0	0	0	0	0	0	7
TTB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	77	31	9	5	2	1	2	0	0	0	1	1	2	131

D. Pending Requests

1.

	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	0	0	0	4	9	10.25	N/A	N/A	N/A
BPD	N/A	N/A	N/A	2	9.5	9.5	N/A	N/A	N/A
CFPB	6	22.5	18	10	18	27	N/A	N/A	N/A
DO	25	46	120	206	263	446	2	283	283
FinCEN	0	0	0	0	0	0	N/A	N/A	N/A
FMS	8	13	12	3	121	100	N/A	N/A	N/A
IRS	0	0	0	761	13	22.04	0	0	120
MINT	6	11	12	N/A	N/A	N/A	N/A	N/A	N/A
OCC	75	5	7	2	14	14	3	15	13
TIGTA	0	0	0	15	3	5	1	3	3
TTB	0	0	0	3	24	25	N/A	N/A	N/A
Agency overall	120	21	31	1006	13	109	6	3	101.33

E. Pending Requests – Ten Oldest Pending Perfected Requests

Date of Receipt of Ten Oldest Pending	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
BEP	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/24/12 4	9/17/12 9 days	9/17/12 9 days	8/31/12 19 days
BPD	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/26/2012 3 days	9/7/2012 16 days
CFPB	9/7/2012 15	8/29/2012 21	8/29/2012 21 days	8/24/2012 24 days	8/24/2012 24 days	8/23/2012 25 days	8/21/2012 27 days	8/16/2012 30 days	7/30/12 43 days	4/4/12 124 days
DO	3/5/2007 1429 days	2/13/2007 1443 days	1/22/2007 1459 days	10/3/2005 1799 days	9/12/2005 1814 days	8/8/2005 1839 days	6/9/2005 1881 days	12/6/2004 2014 days	11/18/2003 2288 days	10/30/2003 2301 days
FinCEN	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A
FMS	9/19/2012 7 days	9/19/2012 7 days	9/19/2012 7 days	9/11/2012 13 days	9/6/2012 16 days	9/5/2012 17 days	9/4/2012 18 days	7/17/2012 52 days	4/9/2012 121 days	3/29/2012 128 days
IRS	12/28/2011 191 days	11/29/2011 211	10/31/2011 230 days	9/29/2011 251 days	8/26/2011 274 days	7/25/2011 298 days	7/7/2010 311 days	6/7/2011 331 days	5/6/2011 352 days	9/27/10 504 days
MINT	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/19/2012 8 days	9/19/2012 8 days	9/18/2012 9 days	9/12/2012 13 days	9/12/2012 13 days	8/28/2012 24 days
OCC	9/11/2012 13 days	9/11/2012 13 days	9/11/2012 13 days	9/7/2012 15 days	8/31/2012 19 days	8/30/2012 20	8/17/2012 29 days	8/6/2012 38	7/24/2012 47 days	7/20/2012 49 days
TIGTA	9/26/2012 2 days	9/25/2012 3 days	9/25/2012 3 days	9/21/2012 5 days	9/21/2012 5 days	9/17/2012 9 days	9/12/2012 12 days	9/12/2012 12 days	9/11/2012 13 days	9/11/2012 13 days
TTB	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A	9/5/2012 18	8/31/2012 19	8/29/12 22
Agency Overall	3/15/2007 1429	2/13/2007 1443	1/22/2007 1459 days	10/3/2005 1799 days	9/12/2005 1814 days	8/8/2005 1839 days	6/9/2005 1881 days	12/6/2004 2014 days	11/18/2003 2288 days	10/30/2003 2301 days

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
BEP	1	2	5	4	3
BPD	12	1	16	10.3	6
CFPB	0	8	6.5	11.12	5
DO	5	47	6	2	51
FinCEN	0	0	0	0	0
FMS	0	3	8	8	2
IRS	3	18	7	6	20
MINT	2	4	5	6	2
OCC	108	116	0	0	219
TIGTA	8	4	2	6	11
TTB	1	3	7	6	4
Agency Overall	140	206	5	1.79	323

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BEP	1	5	1	2
BPD	13	0	16	10.3
CFPB	4	7	1	.55
DO	15	445	65	65
FinCEN	0	0	0	0
FMS	1	3	7	8
IRS	74	42	6	17
MINT	2	7	8	14
OCC	4	8	0	2.5
TIGTA	10	6	1	3
TTB	0	4	5	5
Agency Overall	124	527	6	49.58

IX. FOIA PERSONNEL AND COSTS

	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	04.55	4.55	\$356,941.20	\$0.00	\$356,941.20
BPD	1	0.20	1.20	\$ 160,000	\$0.00	\$160,000
CFPB	4	0.12	4.12	\$397,139	\$0.00	\$397,139
DO	15	5.10	20.10	\$2,524,941	\$112,399.64	\$2,637,340.64
FinCEN	0	1.22	1.22	\$145,430	\$0	\$145,430
FMS	0	6	6	\$557,185.78	\$0	\$557,185.78
IRS	10.85	53.63	64.48	\$8,974,782.85	\$240,427.08	\$9,215,209.93
MINT	1	1	2	\$201,081.67	\$0.00	\$201,081.67
OCC	9	2.00	11.00	\$167,069	\$0.00	\$167,069
TIGTA	0	3.31	3.31	\$477,085	.00	\$477,085
TTB	1	.36	1.36	\$149,923.99	\$0.00	\$149,923.99
Agency Overall	41.85	77.49	119.34	\$14,111,579.49	\$352,826.72	\$14,464,406.21

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
BEP	\$600.61	.17%
BPD	\$0	0
CFPB	\$2,602	.66%
DO	\$28,901.76	1.14%
FinCEN	\$0	0
FMS	\$16,187.36	2.91%
IRS	\$260,520.34	2.90%
MINT	\$472.71	.24%
OCC	\$165,910	99.31%
TIGTA	\$773.28	.16%
TTB	\$0	0%
Agency Overall	\$475,968.06	3.37%

XI. FOIA REGULATIONS

DO: http://www.access.gpo.gov/nara/cfr/waisidx_09/31cfr1_09.html

TTB: <http://www.ttb.gov/foia/>

OCC: <http://www.occ.treas.gov/foia/foia.htm> and <http://www.occ.treas.gov/foia/foiafees.htm>

BEP: <http://www.moneyfactory.gov/section.cfm/14>

FMS: <http://fms.treas.gov/foia>

IRS: <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=26&PART=601&SECTION=702&TYPE=TEXT>

MINT: www.usmint.gov

BPD: <http://www.treasurydirect.gov/foia.htm> and http://edocket.access.gpo.gov/cfr_2001/julqtr/pdf/31cfr1.7.pdf

OCC: <http://www.ots.treas.gov/?p=FreedomOfInformationAct>

TIGTA: http://www.treas.gov/tigta/important_foia.shtml

FinCEN: http://www.fincen.gov/foia/foia_fees.html and http://www.fincen.gov/foia/foia_policies.html

CFPB: <http://www.federalregister.gov/articles/2011/07/28/2011-19038/disclosure-of-records-and-information>

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year (FY2012)	Number of Backlogged Appeals as of End of Fiscal Year (FY2012)
BEP	N/A	N/A
BPD	N/A	N/A
CFPB	6	0
DO	155	27
FinCEN	N/A	N/A
FMS	3	1
IRS	118	0
MINT	N/A	N/A
OCC	0	4
TIGTA	N/A	N/A
TTB	N/A	N/A
Agency Overall	282	32

Note: N/A applies to components with no backlog carried forward from prior year.

3. Discuss/explain the backlog here (optional).

Treasury continues to eliminate our FOIA request backlog and achieved a 15.3% reduction overall this year.

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

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year (FY2012)	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year (FY2012)	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year (FY2012)	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year (FY2012)
BEP	0	0	0	0
BPD	0	0	0	0
CFPB	0	2	2	0
DO	19	38	40	17
FinCEN	0	10	10	0
FMS	2	63	57	8
IRS	9	206	212	3
MINT	0	0	0	0
OCC	0	0	0	0
TIGTA	0	4	4	0
TTB	0	1	1	0
Agency Overall	30	324	326	28

C. Consultations on FOIA Requests – Ten Oldest Consultations received from other agencies and Pending at your Agency

		10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
BEP BPD CFPB	Date Received	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DO	Date Received	N/A	N/A	9/28/2012	9/27/2012	9/25/2012	9/5//2012	2/1/2012	1/25/2012	8/23/2011	2/1/2011
	Number of Days Pending	0 days	0days	1 days	2 days	4 days	18 days	141 days	265 days	278days	420 days
FinCEN	Date Received	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FMS	Date Received	N/A	N/A	9/27/2012	9/5/2012	9/5/2012	8/22/2012	7/18/2012	7/17/2012	7/17/2012	3/29/2012
	Number of Days Pending	N/A	N/A	1	17	17	26	51	52	52 days	128 days
IRS	Date Received	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/5/2012	9/5/2012	8/30/2012
	Number of Days Pending	N/A	0 days	17 days	17days	20 days					
OCC TIGTA MINT TTB	Date Received	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	Date Received	8/30/2012	8/22/2012	7/18/2012	7/17/2012	7/17/2012	3/29/2012	2/1/2012	1/25/2012	8/23/2011	2/1/2011
	Number of Days Pending	20 days	26 days	51 days	52 days	52 days	128 days	141 days	265 days	278 days	420 days

D. Comparison of numbers of requests from previous and current annual report – requests received, processed, and backlogged

	Number Received During Fiscal Year from Last Year's Annual Report (FY2011)	Number Received During Fiscal Year from Current Annual Report (FY2012)	Number Processed During Fiscal Year from Last Year's Annual Report (FY2011)	Number Processed During Fiscal Year from Current Annual Report (FY2012)
BEP	65	57	59	57
BPD	187	117	187	117
CFPB	18	184	7	176
DO	938	1221	999	1297
FinCEN	195	252	194	254
FMS	301	281	290	2259
IRS	12242	12137	12028	12198
MINT	83	128	81	127
OCC /OTS	2453	1933	2535	1924
TIGTA	219	227	227	226
TTB	75	73	76	70
Agency Overall	16776	16610	16683	16705

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report (FY2011)	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report (FY2012)
BEP	0	0
BPD	0	0
CFPB	3	6
DO	178	155
FinCEN	0	0
FMS	0	3
IRS	146	118
MINT	0	0
OCC	6	0
TIGTA	0	0
TTB	0	0
Agency Overall	333	282

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged.

E (1)	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report (FY2011)	Number Received During Fiscal Year from Current Annual Report (FY2012)	Number Processed During Fiscal Year from Last Year's Annual Report (FY2011)	Number Processed During Fiscal Year from Current Annual Report (FY2012)
BEP	1	0	1	0
BPD	5	0	5	0
CFPB	0	12	0	8
DO	57	23	37	22
FinCEN	10	14	10	13
FMS	3	6	1	7
IRS	199	184	230	178
MINT	4	3	4	3
OCC	35	47	35	54
TIGTA	24	23	21	25
TTB	5	1	5	1
Agency Overall	347 ⁷	313	354 ⁸	311

⁷ OTS had 4 received.

⁸ OTS had 5 processed.

E (2)	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report (FY2011)	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report (FY2012)
BEP	0	0
BPD	0	0
CFPB	0	0
DO	34	27
FinCEN	0	0
FMS	0	1
IRS	4	0
MINT	0	0
OCC	13	4
TIGTA	0	0
TTB	0	0
Agency Overall	51	32

F. Discussion of Other FOIA Activities (Optional)

1. Provide any further agency efforts to improve FOIA administration

- a. Treasury implemented a Citizen Web portal in April FY11 for online FOIA request submission which allows requesters to submit online rather than through email boxes. The information is directly populated into the cloud tracking system.
- b. Benefits of this portal are a decrease in the amount of imperfect requests because of the required fields; faster citizen input for requests; and less data entry, which results in less of an encumbrance on the intake process. In FY12, the public submitted 6 times more online requests than the previous fiscal year FY11.

<http://www.treas.gov/foia/reading-room/foia-improvement-plan.pdf>