



Department of the Treasury

2018 Chief Freedom of Information Act Officer Report
to the Attorney General of the United States



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



On behalf of the Chief Freedom of Information Act Officer, I am pleased to present the Department of the Treasury's (Treasury or Department¹) 2018 Chief Freedom of Information Act Officer Report to the Attorney General of the United States. This report summarizes Treasury initiatives to comply with the Freedom of Information Act² (FOIA) and to promote transparency and openness in its operations. This report covers the period of March 2017 through March 2018 (the reporting period).

Inquiries about this report may be directed to the Office of Privacy, Transparency, and Records via phone at (202) 622-0930 or via e-mail at FOIA@treasury.gov. This report, as well as previous reports, can be found on the Department's FOIA website, www.treasury.gov/foia.



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¹ In this report, the "Department" or "Treasury" includes all of the Treasury Department's bureaus and offices.

² 5 U.S.C. § 552



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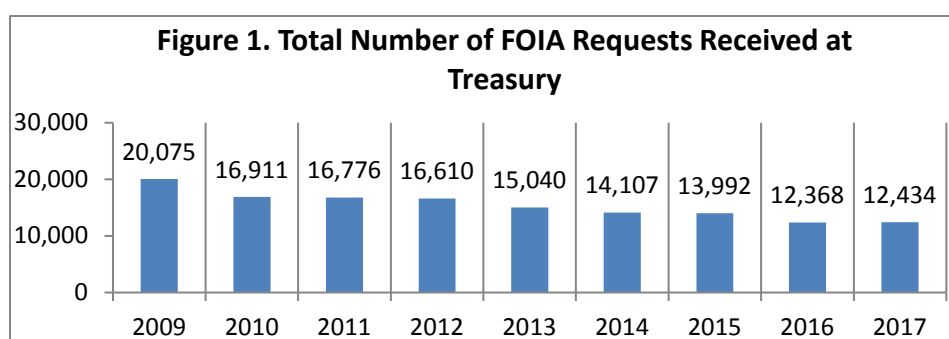
FOIA at the Department of the Treasury

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

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

Departmental Offices encompasses a number of Treasury program and policy offices,³ including, for example, the Office of Foreign Assets Control (OFAC). The Office of Privacy, Transparency, and Records (OPTR), situated within DO, functions as the centralized DO resource for FOIA administration. OPTR is also responsible for Treasury-wide policy, guidance, and compliance with the FOIA. The Deputy Assistant Secretary for Privacy, Transparency, and Records leads OPTR, and reports to the Assistant Secretary for Management, Treasury's Chief FOIA Officer.

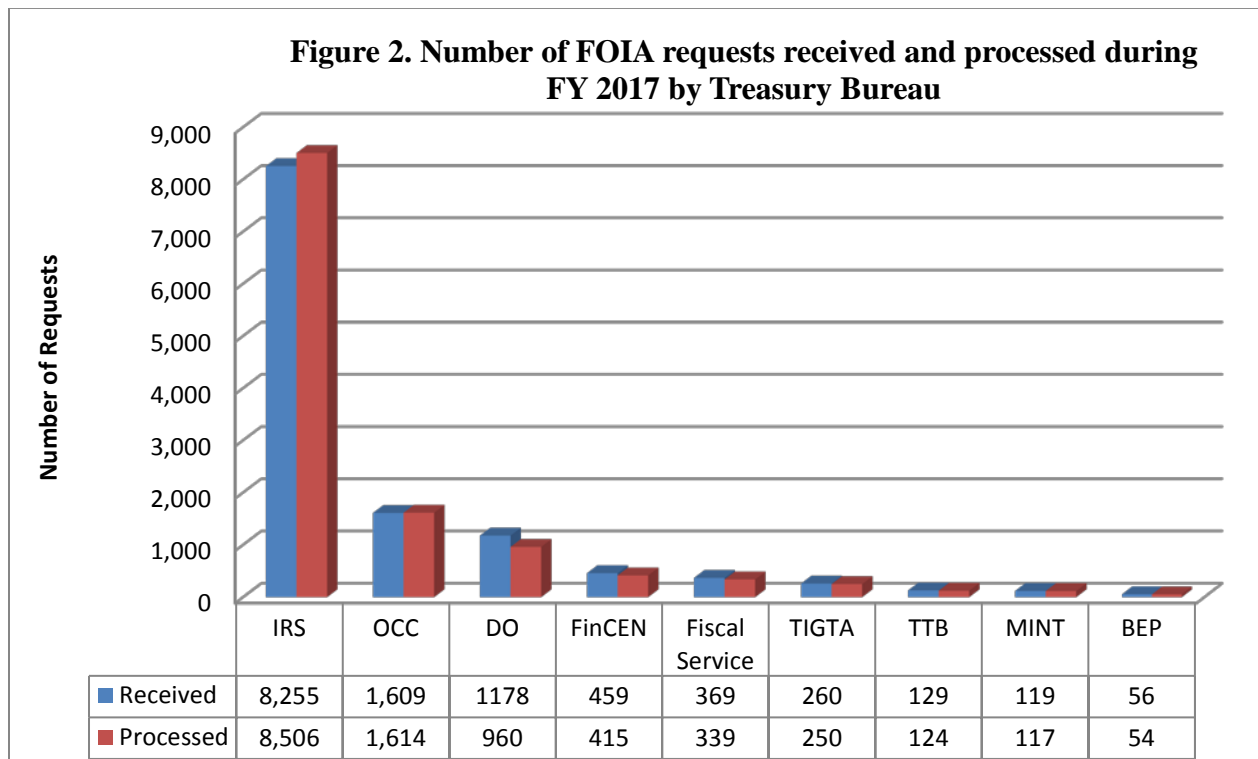
Treasury received 12,434 FOIA requests during Fiscal Year (FY) 2017. This figure represents a less than 1% percent increase from FY 2016 and a shift upwards from a downward trend in recent years. From FY 2009 through the present, Treasury received an average of 15,368 requests per fiscal year (See Figure 1).



In FY 2017, there was a wide disparity in the number of FOIA requests directed to individual Treasury bureaus. For example, IRS received 8,255 requests in FY 2017, or 66% of Treasury's

³ DO also includes the Offices of the Secretary, 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 (FSOC, an entity chaired by the Secretary of the Treasury), the Treasury Inspector General (OIG), and the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP). For more information, please visit Treasury's webpage at www.treasury.gov/about/organizational-structure/Pages/default.aspx.

total FOIA requests. On the other hand, TTB, Mint, and BEP each received fewer than 150 requests during the same period (See Figure 2).



The Department closed 12,379 requests in FY 2017, or 99.6% of the requests received in FY 2017. IRS and OCC closed more requests than they received in FY 2017.

Section I: Steps Taken to Apply the Presumption of Openness

A. FOIA Training

1. *Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?*

Yes.

2. *If yes, please provide a brief description of the type of training attended or conducted and the topics covered.*

During this reporting period, Treasury FOIA professionals attended each of the training opportunities provided by the Department of Justice (DOJ), including but not limited to Introduction to the Freedom of Information Act, FOIA for Attorneys and Access Professionals, Freedom of Information Act Litigation Seminar, Continuing Freedom of Information Act Education, Annual FOIA Report Refresher Training, and Chief FOIA Officer Report Refresher Training. FOIA staff also attended DOJ's Best Practices Workshop entitled "Collaborating for Results: Agencies and Requesters Working Together Throughout the FOIA Process."

A number of Treasury FOIA professionals attended the American Society of Access Professionals 10th Annual National Training Conference held July 24-26, 2017 in Arlington, Virginia. The Department's conference participants attended training sessions on FOIA processing, FOIA exemptions, the FOIA Improvement Act of 2016, backlogs, and FOIA as it relates to Capstone.

Treasury FOIA professionals also attended a number of FOIA related technology courses including FOIAXpress Basic Training, the 2017 FOIAXpress User Group Conference and Technology Summit, Accurant: Review and Redact, and IRS Disclosure Web Page training.

Treasury FOIA professionals and staff participated in FOIA training via the Treasury Learning Management System (TLMS).

IRS held a number of Disclosure Continuing Professional Education (CPE) training opportunities for IRS FOIA professionals, covering technical processing matters to enhance FOIA case processing, including "Phase I Disclosure Training" and "Tax Law Specialist Training." A CPE course designed specifically for disclosure managers covering FOIA case processing was also provided. The IRS also issued several technical updates to staff on topics including the FOIA Improvement Act of 2016, fees, referrals and consultations, and basic introduction to disclosure.

Additionally, through its Enterprise Learning Management System, IRS employees participated in electronic coursework that included the following topics: TIGTA FOIA audit review, the use of 'out of scope' for withholding information, unauthorized disclosures, discretionary disclosures, and FOIA response letters.

DO FOIA professionals attended a forum hosted by Georgetown University Law Center entitled “Cops and Cameras: Complexities of Body Worn Camera Usage and Access.” Participants included Treasury FOIA professionals, members of the Metropolitan Police Department, Georgetown University Law Center students, the Director of the DC Office of Human Rights, the press, representatives from numerous community groups, and members of the general public.

In March of 2018 Treasury hosted its fourth annual FOIA Summit. More than 50 FOIA professionals attended a day long program which included participants from all of Treasury’s nine bureaus as well as staff from DOJ’s Office of Information Policy (OIP) and the National Archives and Records Administration’s Office of Government Information Services (OGIS). Facilitators from a wide variety of federal FOIA offices provided training in the areas of fees, dispute resolution, FOIA exemption 4, and the interface between FOIA, Privacy Act, and Federal Records Act.

3. *Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.*

During the reporting period, more than 90% of Treasury’s FOIA professionals and staff with FOIA responsibilities attended substantive FOIA training.

4. *OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.*

N/A

B. Outreach

5. *Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?*

Treasury’s FOIA professionals engaged in outreach and dialogue with the requester community in FY 2017. Treasury encourages open communication with the requester community and continued the practice of routinely reaching out to requesters to discuss FOIA administration and the particulars of various FOIA requests. These communications consisted of providing guidance and insight into Treasury’s FOIA processes, narrowing the scope of a request to reduce processing fees and overall processing time, prioritizing document searches, and other issues that facilitate efficient FOIA administration.

Additionally, the Department continued to work and collaborate with the Office of Government Information Services (OGIS) to facilitate dialogue with various FOIA requesters.

C. Other Initiatives

6. *Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.*

During the reporting period, Treasury's FOIA professionals hosted various training and awareness events to educate non-FOIA professionals of their obligations under the FOIA.

OCC recognizes FOIA annually through an Annual FOIA Awareness Day. The agency provides copies of its *FOIA Policies and Procedures Manual Issuance* and a host of other quick tips and bookmarks to help all employees understand their FOIA responsibilities.

TIGTA's Office of Chief Counsel strongly encouraged all senior executives to watch the DOJ video for senior executives providing a general overview of the FOIA, emphasizing the importance of leadership to support and achieve a successful agency FOIA program. TIGTA's Office of Chief Counsel also worked with its Office of Management Services to arrange for all employees to take DOJ developed FOIA training for non-FOIA professionals through Treasury's Learning Management System.

BEP's Office of the Chief Counsel-FOIA and Transparency Services provided all BEP Associate Directors, Office Chiefs, and Managers a memorandum addressing basic FOIA and Privacy Act tips to help offices process requests more efficiently. The Office encouraged Office Chiefs and Managers to share and discuss the memorandum with non-FOIA professionals involved in the FOIA/PA process. In addition, BEP's Office of the Chief Counsel-FOIA and Transparency Services provided a two-hour training to Office Chiefs addressing BEP's FOIA policies, Treasury's FOIA regulations, and the changes to the process as a result of the FOIA Improvement Act.

BEP's Office of the Chief Counsel-FOIA and Transparency Services developed and displayed FOIA awareness posters at different locations in its Washington, D.C. and Fort Worth, TX facilities. In addition, hard copy and electronic flyers were distributed among employees and contractors. Finally, the Office of the Chief Counsel-FOIA and Transparency Services published an article in its employee newsletter reminding employees and contractors that FOIA is everyone's responsibility.

IRS Disclosure employees delivered training to all business units within IRS providing FOIA instruction to assist employees in searching, reviewing, and producing IRS agency records in response to FOIA requests. The training sessions covered topics including what an IRS agency record is and how to search for separated employees' records.

FinCEN's FOIA Office released an Intranet-based Employee Support Toolkit which explains the FOIA request and search processes, bureau and employee obligations, and FOIA requester appeal and litigation rights and processes.

DO continued to conduct internal outreach and awareness training sessions that focused on Treasury's FOIA process and emphasized each employee's responsibility in ensuring compliance with the FOIA.

Within DO, OFAC FOIA staff hosted mandatory FOIA training for OFAC staff that highlighted each person's FOIA responsibilities, provided an overview of the FOIA program, and outlined the duties and responsibilities of the OFAC FOIA Office. Additionally, the Office of Financial Research (OFR) provided multiple FOIA lunch and learn sessions to federal and contractor staff advising them of their responsibilities under the FOIA and Records Management Act.

7. *If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.*

As part of mandatory training for all IRS employees, the IRS Disclosure Office issued guidance promoting direct responses to requests for tax information where permissible as part of its "Respond Directly" initiative. The IRS Disclosure Office also provided various on-line resources to support the initiative. In an effort to promote the initiative, the IRS Deputy Commissioner for Services and Enforcement and the IRS Deputy Commissioner for Operations Support jointly issued a memorandum to all employees affirming IRS's commitment to transparency and openness. The memorandum advised that "Respond Directly" promotes transparency, provides good customer service, and in many cases eliminates the need for individuals to submit FOIA requests.

In an effort to promote openness and transparency, BEP's Office of the Chief Counsel-FOIA and Transparency Services worked with BEP's Office of External Relations to use its official social media accounts to more widely distribute BEP records.

Section II: Steps Taken to Ensure that Treasury has an Effective System in Place for Responding to Requests

1. *For Fiscal Year 2017, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2017 Annual FOIA Report.*

During FY 2017, Treasury's average number of calendar days for adjudicating requests for expedited processing was three days.

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

N/A

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

BEP and TIGTA conducted self-assessments of their FOIA programs using OIP's FOIA Self-Assessment Toolkit.

4. *The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).*

Treasury's FOIA Public Liaisons received more than 2,200 inquiries during the reporting period of which 98% were directed to the IRS's FOIA Public Liaison.

5. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.*

During the reporting period, OCC took action to update its FOIA request tracking system to install patches and updates and upgraded its hardware.

DO conducted a review of its case management technology and with the assistance of the Office of the Chief Information Officer, implemented numerous patches and upgrades to increase speed and make the system more user friendly. DO also conducted a review of its intake processes, focusing on the perfection and acknowledgement processes and expedited processing. As a result, office procedures were streamlined and updated and staffing was adjusted to improve intake efficiency and workflow.

Section III. Steps Taken to Increase Proactive Disclosures

1. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

- OIG/TIGTA/SIGTARP Inspector General Reports, <https://www.oversight.gov/reports>
- BEP Privacy Impact Assessments:
https://www.moneyfactory.gov/images/PIA_MUTS2.pdf
- BEP Status Report in the ABC Litigation:
https://www.moneyfactory.gov/images/17th_Status_Report_2017-3-16.pdf
- BEP Monthly Currency Production Reports:
<https://www.moneyfactory.gov/resources/productionmonthly.html>
- Fiscal Service Purchase Card Holder Listing:
<https://www.treasurydirect.gov/foia/PurchaseCardHolderListing.pdf>
- Fiscal Service Monthly FHA Debenture Reports
https://www.treasurydirect.gov/foia/foia_fhadr.pdf

- Treasury DO Multi-Tracks and Queues: https://www.treasury.gov/FOIA/Pages/reports_index2.aspx
- Treasury Quarterly FOIA Reports: https://www.treasury.gov/FOIA/Pages/reports_index2.aspx
- DO Quarterly FOIA Logs, <https://www.treasury.gov/FOIA/Pages/other-index.aspx>
- IRS General Records Schedules: <https://www.irs.gov/pub/irs-utl/d12829.pdf>
- Active Enrolled Agents Listing: <https://www.irs.gov/tax-professionals/enrolled-agents/active-enrolled-agents-and-the-freedom-of-information-act>
- Return Preparer PTIN Listing: <https://www.irs.gov/tax-professionals/ptin-information-and-the-freedom-of-information-act>
- IRS Quarterly FOIA logs for FY2017: <https://www.irs.gov/privacy-disclosure/document-6209-adp-and-idrs-information>
- IRS Third Party Data Store Extracts: <https://www.irs.gov/privacy-disclosure/third-part-data-store-tpds-extracts>
- IRS Country-by-Country Reporting Guidance: <https://www.irs.gov/businesses/international-businesses/country-by-country-reporting-guidance>
- IRS Annual Report to Joint Committee on Taxation – Disclosures of Tax Information: <https://www.irs.gov/default-channel/no-value/annual-report-to-the-joint-committee-on-taxation-of-disclosures-of-tax-information-under-internal-revenue-code-6103>
- FinCEN Quarterly U.S. Marijuana Banking updates: <https://www.fincen.gov/frequently-requested-foia-processed-records>
- FinCEN Quarterly FOIA logs: <https://www.fincen.gov/fincen-foia-logs>
- FinCEN Bank Secrecy Act Resource Center Procedures: <https://www.fincen.gov/frequently-requested-foia-processed-records>
- FinCEN Trump Taj Mahal records: <https://www.fincen.gov/frequently-requested-foia-processed-records>
- OIG Audit and Other Work Products: <https://www.treasury.gov/about/organizational-structure/ig/Pages/default.aspx>
- SIGTARP Quarterly Reports and Congressional Testimonies: <https://www.sigtar.gov/Pages/Reports-Testimony-Home.aspx>
- SIGTARP Audit Reports: <https://www.sigtar.gov/Pages/Audits-Home.aspx>
- TTB Petition for Use of Health Claims for Alcohol Beverages Infused with NTX: <https://www.ttb.gov/pdf/bellion-spirits-llc-petition-health-claims-under-27cfr-70-701-7-54e.pdf>
- Treasury Secretary Lew's Calendars: <https://www.treasury.gov/FOIA/Pages/calendars.aspx>
Treasury Secretary Mnuchin's Calendars: <https://www.treasury.gov/FOIA/Pages/calendars.aspx>

2. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.*

Treasury used various means to publicize or highlight important proactive disclosures for public awareness, including the use of its websites. Treasury routinely posts press releases, statements, speeches, and readouts from bilateral meetings, Congressional testimony, and

other items on Treasury.gov. In addition, Treasury's Twitter handle publicizes the Secretary's interactions with business leaders, foreign counterparts, and journalists.

The Mint received numerous requests regarding the shipping of American Eagle Silver Bullion Coins. Mint's Disclosure Office worked with its Office of Corporate Communications to publicize updated information regarding this issue.

FinCEN created a new web page called "Frequently Requested FOIA-Processed Records."

IRS posted in its FOIA Library as a proactive disclosure the Preparer Tax Identification Number Listing. The Return Preparer Office notified tax professional partner organizations and other external customers of its availability.

3. *Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?*

Yes.

4. *If yes, please provide examples of such improvements.*

During FY 2017, Treasury conducted a review of the Department's online FOIA library and proposed changes to improve the availability of posted information. For example, Treasury is consolidating materials currently posted on multiple pages to implement a more streamlined search feature that will allow the public to target searches more accurately. Many of Treasury's various bureaus and offices have built in mechanisms for receiving public feedback on their individual web pages. Additionally, several of the Department's bureaus have collaborated with their respective technology and communications offices in an effort to identify new and innovative ways of posting information online.

5. *If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?*

The IRS conducted a review of its requests that do not implicate IRC 6103⁴ records to determine if any of the responsive documents have a public interest and can be proactively disclosed. In addition, during FOIA training for all IRS business units, proactive disclosures was the subject of a training session, reinforcing awareness amongst all IRS business units.

Mint's Disclosure Office routinely monitors its FOIA logs to identify frequently requested records. Additionally, the Mint's Disclosure Office routinely collaborates with its Office of

⁴ IRC Section 6103 protects your tax information from disclosure to other parties by the Internal Revenue Service.

Corporate Communications and its Numismatic and Bullion Directorate to determine what information would be appropriate for proactive release to the public.

Section IV: Steps Taken to Greater Utilize Technology

- 1. Has your agency identified any best practices to leverage 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? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.*

OCC has employed the use of a commercially available FOIA database and companion software to optimize its FOIA processes. Using this system, the agency is able to monitor activity on its website, audit activity inside within its database, provide a vehicle to deliver documents through internet downloads, and provide a secure way for requesters to monitor the progress of their cases.

TIGTA recently acquired software that allows employees to sort, compare, and de-duplicate documents. It also compares and contrasts similar documents and the redactions on those documents. It is anticipated that the software will significantly reduce overall processing time by eliminating the need for time intensive manual de-duping and the checking of redactions for consistency of application.

OIG employed the use of *Barracuda* software to facilitate the timely search of emails containing specified key words or involving specified persons. The use of this software significantly reduced OIG's overall search time by eliminating the need for time intensive manual searches and less advanced electronic searches.

IRS has begun a project to replace its current inventory management system with a vendor-hosted, cloud-based platform that will provide several benefits to taxpayers submitting FOIA requests. The new inventory management system is a comprehensive, web-based, customized commercial off-the-shelf application specifically designed to manage FOIA requests government-wide. This will enable both administrative and system enhancements that serve to streamline overall FOIA efficiency. The program also has a robust search and find feature that will minimize case cycle time thereby increasing customer and employee satisfaction and business results. An advanced document review feature will allow for de-duplication of documents to minimize the amount of information requiring review, saving an abundance of time for case reviews on large case files. Automatic updates and pushes for changes in FOIA statutory requirements will be performed by the vendor which saves IT resources and minimizes the risk of misinterpretation or overlooking DOJ FOIA requirement changes that currently must be manually adopted into our processes. The project schedule currently projects FOIA processing on the new system to begin no later than October 1, 2018.

OFAC sought to improve its overall search process by collaborating with Treasury's IT department in the development of a FOIA search application to search the email accounts of employees for cases that have a large volume of search terms. The application is user friendly

and allows the user to run the application and obtain search results on all search terms in a fraction of conventional search time.

2. *Did your agency successfully post all four quarterly reports for Fiscal Year 2017?*

Yes.

3. *If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2018.*

N/A

4. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.*

https://www.treasury.gov/FOIA/Pages/reports_index2.aspx

5. *If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.*

OCC employed the use of a new payment module that interfaces directly between its FOIA request tracking system and www.Pay.gov. As a result, OCC has been able to accept electronic payment at the time a request for certified documents is received. Thus, the agency no longer has to wait for checks to clear. Further, with that module connected to its online ordering system, OCC no longer has to worry about inputting cases, but rather, this is done by the requester at the time of submission. As a result, the agency has seen a dramatic drop in the number of requests submitted by U.S. mail. In addition, the agency has gone to only electronic payment for its FOIA processing. This has also cut down the amount of time staff uses to contact requesters to arrange for payment. The new module also allows staff to monitor when payments are actually received.

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

A. Simple Track

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

BEP, DO, FinCEN, Fiscal Service, Mint, OCC, TTB, and TIGTA utilize a separate track for simple requests. IRS does not utilize a separate track for simple requests.

2. *If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?*

During FY 2017, the average processing time for simple requests was 18 working days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.*

IRS is the only Treasury Bureau that does not utilize a separate track for simple requests. Of the requests processed during FY 2017 by BEP, DO, FinCEN, Fiscal Service, Mint, OCC, TTB, and TIGTA (non IRS), 70% (2,726 of 3,873) of processed requests were placed in the simple track. For Treasury Bureaus as whole 22% of the bureau's processed requests (2,726 of 12,379) were placed in the simple track.

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

IRS is the only Treasury Bureau that does not utilize a separate track for simple requests. The average processing time for IRS for non-expedited requests was 33 working days.

B. Backlogs

BACKLOGGED REQUESTS

5. *If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

No. Treasury's FOIA request backlog increased during FY 2017.

6. *If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*

- *An increase in the number of incoming requests.*
- *A loss of staff.*
- *An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.*
- *Any other reasons – please briefly describe or provide examples when possible.*

Six of nine Treasury bureaus experienced an increase in the number of requests received when compared to the previous year. DO and Fiscal Service experienced a 24% increase, TTB a 20% increase, Mint an 18% increase, OCC an 11% increase, and FinCEN a 9% increase of incoming requests.

During the reporting period, Treasury experienced a loss of FOIA professionals in key positions. Some positions remain vacant.

During the reporting period, DO experienced an increase in case volume and complexity. The increase can be attributed to increased public interest in the proposed tax legislation, Presidential transition activities, information concerning national security issues, and Treasury's sanctions activities.

Treasury also experienced an increase in FOIA litigation during the reporting period. The precise case load is constantly in flux as new cases are filed and old cases settle or are otherwise resolved. These lawsuits often require reallocation of resources away from the processing of FOIA requests at the administrative level in order to meet court-ordered production deadlines.

7. *If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2017.*

The percentage of requests that make up the backlog out of the total number of requests received at Treasury during FY 2017 was 8.8%.

BACKLOGGED APPEALS

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

Treasury's appeals backlog increased during FY 2017.

9. *If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors:*

- *An increase in the number of incoming requests;*
- *A loss of staff;*
- *An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase;*
- *Any other reasons – please briefly describe or provide examples when possible.*

Treasury's appeal backlog increased during FY 2017 due to an increased volume and complexity of incoming FOIA requests, loss of experienced FOIA staff, and increased FOIA litigation.

10. *If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."*

The percentage of appeals that make up the backlog out of the total number of appeals received at Treasury during FY 2017 was 48.9%.

C. Backlog Reduction Plans

11. In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?

Treasury's backlog was fewer than 1,000 requests at the end of FY 2016.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?

At the end of FY 2017, Treasury had a backlog of 1,048 requests. During FY 2018, Treasury will take the following actions targeted to reduce the backlog of pending requests:

- Treasury's Chief FOIA Officer will establish and communicate bureau-specific goals for backlog reduction.
- Conduct FOIA self-assessments using DOJ's FOIA self-assessment toolkit.
- Identify challenges affecting the backlog and focus on reducing the overall number of backlogged requests, with specific emphasis on the ten oldest requests, appeals, and consultations.
- Conduct targeted training and outreach to improve the timeliness of searches.
- Develop plans to establish a rapid response team of FOIA staff to address significant and high profile cases.

D. Status of Ten Oldest Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

13. In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

No.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Treasury closed five of the ten oldest FOIA requests that were reported pending in the FY 2016 annual report.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

Three of the ten oldest cases were closed because the request was withdrawn by the requester. For these three requests, Treasury provided interim responses to the requesters.

TEN OLDEST APPEALS

16. In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

Yes.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?

No.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Treasury closed six of the ten oldest consultations reported pending in the FY 2016 annual report.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

As described above, Treasury experienced challenges in closing its ten oldest pending requests, appeals, and consultations due to an increased volume and complexity of incoming FOIA requests, loss of experienced FOIA staff, and increased FOIA litigation.

In addition, Treasury faces the complexity and/or classification of the requested records and invoking the submitter notice process.

Treasury possesses records that are classified, national security sensitive, law enforcement sensitive and confidential business information, as well as information that originated from other federal agencies. Consultation is required with the originating agencies concerning the release of these records. Often, the originating agencies must conduct a declassification review before they can provide a release determination. This adds significant time to the processing of these cases.

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

21. *If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

FOIA Request Number	Date initially received	Date of initial consultation	Date you last contacted the consulting agency
2007-09-058	1/28/2008	01/29/2016	01/18/2018
2011-05-183	5/31/2011	4/11/2012	10/27/2017

22. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2017.*

In addition to the backlog plan set forth in #12 above, efforts are in place to address Treasury’s oldest pending cases. In fact, Departmental Offices is aggressively monitoring metrics and increasing the frequency of status updates on older cases. These cases are often complicated and demand high concentration and focus from staff in order to successfully provide appropriate responses to requesters.

F. Success Stories

Out of all the activities undertaken by your agency since March 2017 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas noted above. OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

During the reporting period, the Treasury Office of Inspector General (OIG), the Treasury Inspector General for Tax Administration (TIGTA), and the Special Inspector General for the Troubled Asset Relief Program (SIGTARP) posted copies of more than 164 Inspector General Reports online. These reports are available on Treasury's websites and are searchable at www.oversight.gov. Since 2009, OIG, TIGTA, and SIGTARP have posted more than 582 reports online.

In an effort to increase transparency and openness in government, Treasury publicly releases the calendars of the Secretary of the Treasury by posting them in its electronic reading room. The release is intended to provide the public with detailed information regarding the day-to-day activities of the Treasury Department and the Secretary. During this reporting period, Treasury posted former Secretary Lew's remaining calendars and began posting Secretary Mnuchin's calendars.