



Department of the Treasury

2016 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) 2016 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 2015 through March 2016 (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 TreasFOIA@treasury.gov. This report, as well as previous reports, can be found on the Department's FOIA website, www.treasury.gov/foia.

A handwritten signature in black ink that reads "Helen Goff Foster". The signature is written in a cursive, flowing style.

Helen Goff Foster
Deputy Assistant Secretary
Privacy, Transparency, and Records
U.S. Department of the Treasury

¹ In this report, the "Department" or "Treasury" means the entire agency, including all bureaus (components) and offices.

² 5 U.S.C. §552



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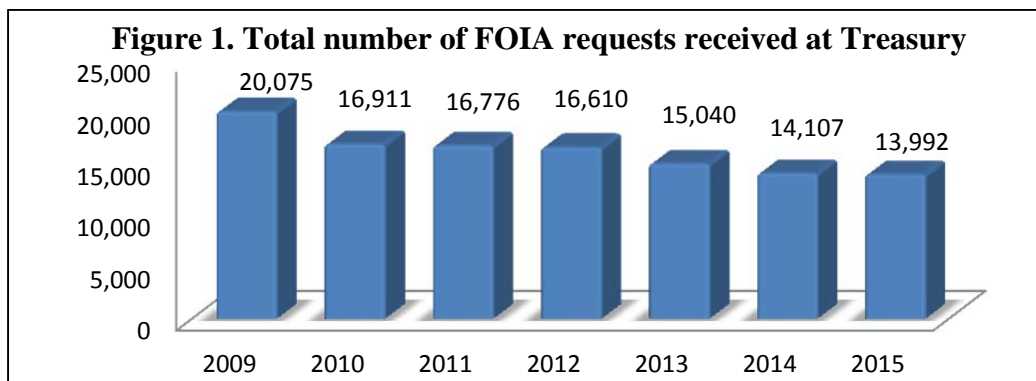
FOIA at the Department of the Treasury

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

1. Alcohol, Tobacco Tax and Trade Bureau (TTB)
2. Bureau of Engraving and Printing (BEP)
3. Bureau of the Fiscal Service (Fiscal Service³)
4. Departmental Offices (DO)
5. Financial Crimes Enforcement Network (FinCEN)
6. Internal Revenue Service (IRS)
7. Office of the Comptroller of the Currency (OCC)
8. Treasury Inspector General for Tax Administration (TIGTA)
9. United States Mint (Mint)

Departmental Offices encompasses a number of Treasury program and policy offices,⁴ 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 directly to the Treasury Chief FOIA Officer.

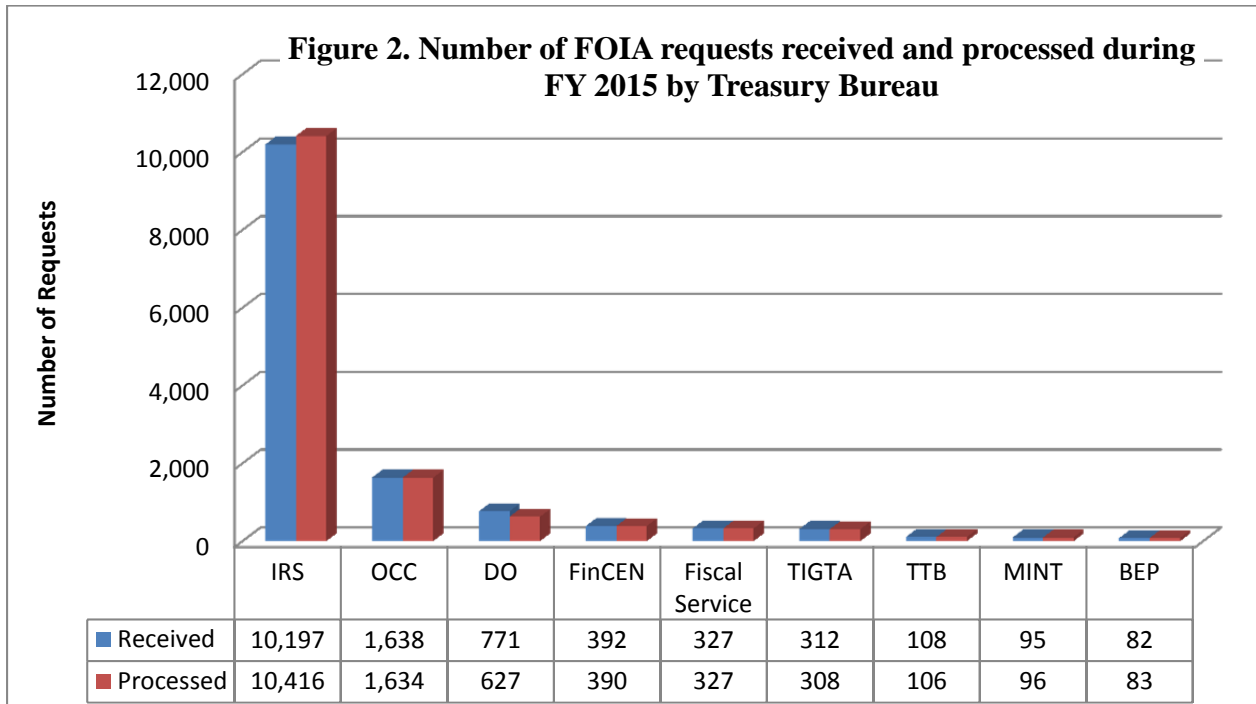
Treasury received 13,992 FOIA requests during Fiscal Year (FY) 2015. This figure represents a 0.8% percent decrease from FY2014 and continues a downward trend in recent years. From FY 2009 through the present, Treasury received an average of 16,216 requests per fiscal year (See Figure 1).



³ In 2013, the Bureau of the Public Debt and the Financial Management Service were consolidated to create the Bureau of the Fiscal Service.

⁴ DO also include 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. For more information, please visit Treasury's webpage at www.treasury.gov/about/organizational-structure/Pages/default.aspx.

In FY 2015, there was a wide disparity in the number of FOIA requests directed to individual Treasury Bureaus. For example, IRS received 10,197 requests in FY 2015, or 73% of Treasury’s total FOIA requests. On the other hand, BEP, Mint, and TTB each received fewer than 150 requests during the same period (See Figure 2).



The Department closed 13,987 requests in FY 2015, or 99.53% of the requests received in FY 2015. BEP, IRS, and Mint closed more requests than they received in FY 2015.

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Training

1. *Did your agency conduct FOIA training during the reporting period for FOIA professionals?*

Yes

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

In October 2015, the Department hosted three days of comprehensive FOIA training. Thirty FOIA professionals attended. The training was provided by Mr. Richard Huff, an instructor from the USA Graduate School. Topics covered included FOIA administration, exemptions, appeals, and the Privacy Act.

On December 2, 2015, the Department held its second annual FOIA Summit. More than 40 FOIA professionals attended. The Department of Justice Office of Information Policy (OIP) and the National Archives and Records Administration Office of Government Information Services (OGIS) provided training in the areas of Exemption 5, discretionary releases, proactive disclosure, customer service, dispute resolution, and accuracy and accountability in FOIA processing. Additionally, the Director for FOIA and Transparency reviewed and discussed the FOIA commitments in the Third Open Government National Action Plan, and reviewed DOJ Guidance concerning “Limitations on Use of ‘Still-Interested’ Inquiries”, and “Proactive Disclosures of Non-Exempt Agency Information: Making Information Available Without the Need to File a FOIA Request”.

Additionally, IRS held a number of training opportunities for IRS’ FOIA professionals:

- In June and October 2015, IRS held “Basic Introduction to Disclosure” and “New Hire Case-Worker Training”. In total, more than 40 employees attended.
- All IRS Disclosure Office employees attended “Disclosure Technical Updates” training. Topics covered during the training included discretionary release (presented by OIP), error trends in IRS FOIA processing, and IRS FOIA processing guidance. Additionally, IRS employees watched the [DOJ Executive Briefing on the FOIA](#). In addition, all IRS Disclosure Office employees were provided an overview of OGIS services and training on FOIA best practices and communication (hosted by OGIS).
- Additionally, IRS conducted targeted training for groups of Disclosure Office employees:
 - All IRS FOIA Tax Law Specialists attended training on national-level FOIA processing.
 - FOIA Case Workers attended training that focused on FOIA searches; specifically, FOIA cases seeking database extracts of certain public information.
 - Senior FOIA Disclosure Specialists received training on FOIA referrals and consultations.

3. *If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.*

N/A

4. *Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice (DOJ)?*

Yes. Treasury FOIA professionals participated in training opportunities offered by DOJ during the reporting period, including:

- Introduction to the FOIA
- FOIA for Attorneys and Access Professionals
- Advanced FOIA Seminar
- FOIA Litigation Seminar
- FOIA Annual Report Training
- Best Practices Workshops:
 - Best Practices for Small Agencies FOIA Workshop
 - Self-Assessments and Internal Reviews
 - Reducing Backlogs and Improving Timeliness
 - FOIA Processing Workshop
 - Best Practices from the Requester's Perspective

BEP FOIA professionals attended FOIA training offered by the District of Columbia Bar Continuing Legal Education Office on May 13, 2015.

OCC and TIGTA FOIA professionals attended OGIS' "Dispute Resolutions Skills Training" in June 2015 and October 2015.

IRS, OCC, TIGTA, and TTB FOIA professionals attended the ASAP FOIA Training Conference in Arlington, Virginia during July 2015.

OCC FOIA professionals attended the FOIAXpress Users Group Conference in August 2015.

IRS and OCC FOIA professionals attended the ASAP FOIA Training Conference in Chicago, Illinois during September 2015.

FinCEN and DO FOIA professionals attended FOIA and Privacy Act training offered by the USA Graduate School during the reporting period.

BEP, DO, and TIGTA FOIA professionals participated in a webinars offered by the American Society of Access Professionals (ASAP); including:

- Introduction to the FOIA
- Exemption 5 and Discretionary Disclosures
- Fees and Fee Waivers

5. *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, 100% of Treasury’s full-time FOIA professionals attended substantive FOIA training.

6. *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 less than 80% of your FOIA professionals attended training, explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next report year.*

N/A

Outreach:

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

Yes. As outlined below, Treasury met and collaborated with the requester community during the reporting period:

- Treasury’s FOIA staff met and engaged with civil society groups as part of the Open Government working group sessions. Topics discussed at the quarterly meetings included the proactive disclosure of information, the open data initiative, digital government strategy requirements, and the National Open Government Action Plan.
- Departmental Offices FOIA Staff conducted targeted outreach to frequent FOIA requesters. For example, upon receipt of ten FOIA requests from one individual, a FOIA Case Manager proactively contacted the requester to discuss the FOIA requests and to answer any questions.
- The IRS Governmental Liaison, Disclosure and Safeguards Associate Director for Disclosure Joyce Peneau met with a small group of executives and employees of Jackson-Hewitt, Inc., the second-largest tax-preparation service in the United States and a frequent FOIA-requester. Ms. Peneau delivered a high-level presentation on the IRS FOIA program, and discussed topics such as how to make a valid FOIA request, how requesters can gain direct access to records from open compliance cases under the rules of Internal Revenue Code (IRC) § 6103, the roles of IRS FOIA liaisons and how they can assist with the resolution of FOIA request issues, and information available on IRS’ website and FOIA Library.

8. *If you did not conduct any outreach during the reporting period, please explain why.*

N/A

Discretionary Releases:

9. *Does your agency have a distinct process or system in place to review records for discretionary release? If yes, please briefly describe this process. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?*

The Department's administration of FOIA is decentralized. All Treasury Bureaus make discretionary release determinations on a case-by-case basis and follow the Attorney General's FOIA Guidelines in making such determinations to ensure that information is released unless the disclosure creates a reasonable expectation of foreseeable harm. The Bureaus have embedded reviews for discretionary releases in standard operating procedures. For example, within DO and TIGTA - as part of its normal review processes - a supervisory FOIA analyst in collaboration with the program office will consider whether a document, or portions of that document, may be released as a matter of discretion.

Within IRS, the Internal Revenue Manual (which provides IRS procedures and instructions to staff) instructs FOIA case workers to make discretionary releases of information where possible and that information should not be withheld solely because it falls within the scope of a FOIA exemption.

10. *During the reporting period, did your agency make any discretionary releases of information?*

Yes.

11. *What exemption(s) would have covered the material released as a matter of discretion?*

Exemptions 5 and 8.

12. *Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.*

The Department released the following types of information as a matter of discretion during the reporting period:

DO, IRS, TIGTA, and TTB released draft and pre-decisional documents that contained the deliberative opinions and recommendations of agency employees in situations where it was determined that the release of the information would not cause harm. Such information qualified for protection under Exemption 5 of the FOIA.

OCC released certain legal interpretations, memoranda, and letters that contained information about defunct banks. The banks in question had been closed for more than 25 years, and had

no living successor. Due to the age of the records and the status of the banks, OCC determined that the disclosure of the information would not cause harm. Such information qualified for protection under Exemptions 5 and 8 of the FOIA.

13. If your agency was not able to make any discretionary releases of information, please explain why.

Due to the nature of the records requested, BEP, FinCEN, and Mint were not able to make any discretionary releases of information during the reporting period. The majority of requests submitted to BEP, FinCEN, and Mint pertained to personnel matters and involved records that if publicly disclosed would cause an unwarranted invasion of privacy.

Other Initiatives:

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

During the reporting period, DO, FinCEN, Fiscal Service, Mint, TIGTA, and TTB FOIA professionals conducted internal outreach and awareness training sessions that focused on each Treasury employee's responsibility in ensuring compliance with the FOIA. For example, FinCEN FOIA professionals met with Associate Directors to explain the FOIA process, regulations, and answer FOIA related questions.

During March and April of 2015, Treasury held a FOIA awareness campaign entitled "FOIA is Everyone's Responsibility". The campaign involved a broadcast message to all Treasury employees from the Department's Chief FOIA Officer, as well as electronic and paper posters that were posted at Headquarters entryways, on Treasury's intranet page, and were distributed electronically to the Bureaus. Additionally, DO's FOIA Staff conducted one-on-one and group training sessions for program points of contact and held an appreciation event for Bureau FOIA Staff.

During the reporting period, Treasury employees were encouraged to register for the online training course "FOIA for Government Employees", which was developed by DOJ OIP. In May 2015, Treasury made this course available to all Treasury employees via the online Treasury Learning Management System (TLMS) and IRS's Electronic Learning Management System (ELMS).

Within BEP, the Office of the Chief Counsel and FOIA and Transparency Services distributed to all BEP Associate Directors and Office Chiefs a memorandum that addressed basic FOIA and Privacy Act procedures and best practices and encouraged distribution of the memo to BEP program staff.

Within DO, FOIA staff developed a "FOIA Welcome Message" which is distributed by e-mail to all new hires at Treasury Headquarters. The message provides an overview of the FOIA process, outlines each person's role in the FOIA process, and provides links to Treasury's FOIA resources and contact information for Treasury's FOIA professionals.

Similarly, IRS distributed the “Disclosure Awareness Guide” to all new hires during the reporting period. The guide contains information about (1) procedures to access IRS tax information, (2) FOIA procedures, and (3) employee responsibilities with respect to the processing of FOIA requests. Additionally, during Sunshine Week 2015, IRS distributed daily articles to employees that highlighted each employee’s responsibilities under the FOIA to provide timely access to records, and to protect federal tax information. Included with the articles were frequently asked questions about the IRS Disclosure program.

OCC FOIA professionals held a “FOIA Awareness Week Celebration” in March 2015. OCC created and distributed a “FOIA Bookmark” and a “FOIA Tip Sheet” to all Bureau employees. These materials are now distributed to all new hires at OCC.

Within TIGTA, the Office of Chief Counsel distributed links to the DOJ OIP video for agency senior executives to TIGTA executive. All who were contacted reported that they had viewed the video. Additionally, TIGTA made the DOJ e-learning course “FOIA for Federal Employees” mandatory for all employees and added the course to the list of required training for new hires.

DO, FinCEN, IRS, and OCC updated their internal-agency websites with information about FOIA processes, procedures, and resources.

15. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

The IRS Disclosure Office has implemented a telephone and e-mail “Help Desk” that is available to IRS employees who need assistance with FOIA and disclosure issues. The Help Desk is available to educate IRS employees about their role and responsibilities in the FOIA process. Help Desk staff seek to promote access to IRS records through proactive disclosure and through direct disclosure of records outside of the FOIA process when law, regulations, and procedures allow.

Additionally, IRS has undertaken two efforts to ensure that all staff instructions that affect a member of the public are available on the IRS website:

- Publicly post interim instructions to staff on the IRS website.
- Establish a cross-functional team of IRS employees that will identify IRS staff instructions for proactive disclosure.

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

Processing Procedures:

1. *For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing?*

During FY15, Treasury's average number of calendar days for adjudicating requests for expedited processing was 4 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 that will be taken to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

N/A

3. *If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.*

Treasury has a decentralized FOIA process. As reported in the 2015 Chief FOIA Officer report, the Department has taken steps to make the routing of misdirected requests more efficient. Misdirected requests received at Treasury Headquarters (DO) are promptly forwarded to the correct Bureau electronically, either via e-mail or Treasury's FOIA request tracking system. Additionally, DO's FOIA professionals notify the FOIA requester of the transfer via phone or e-mail. Previously, such requests were often entered into the FOIA request tracking system twice – once by the receiving Bureau and again by the Bureau to which the request was directed. This process resulted in a duplication of effort.

IRS made changes to its FOIA website to encourage submission of FOIA requests by fax or mail to the IRS Central Processing Unit (CPU) in Atlanta, Georgia. The CPU receives all incoming FOIA requests to IRS and routes those requests to the appropriate office for processing. Previously, requesters could submit requests directly to the field offices, which lead to misdirected and/or duplicate requests. The IRS Disclosure Office also updated its internal FOIA webpage with instructions for IRS employees concerning the correct address, handling instructions, and procedures for routing misdirected mail. Additionally during the reporting period, the IRS Disclosure Office identified a single IRS field office as a source of a significant number of misdirected requests. IRS FOIA professionals collaborated with the IRS field office to identify the issue and to establish procedures for redirecting FOIA-related correspondence to the IRS CPU.

4. *On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in processing the request. Please confirm if your agency had occasion to send a "still*

interested” inquiry, and if it was done in accordance with the new guidelines including affording requesters thirty working days to respond.

During the reporting period, BEP, DO, FinCEN, Fiscal Service, IRS, Mint, OCC, and TTB did not have an occasion to send a “still interested” inquiry.

TIGTA made one “still interested” inquiry during the reporting period, which was consistent with OIP’s July 2, 2015 guidance “Limitations on Use of ‘Still-Interested’ Inquiries”. During the processing of a FOIA request, TIGTA FOIA professionals identified a large number of potentially responsive records and reached out to the requester to discuss the scope of the request. Between May 20, 2015 and July 7, 2015, TIGTA made multiple unsuccessful attempts to contact the requester via his preferred methods of communication, which were identified in his FOIA request (his work e-mail address and his work phone number). On July 7, 2015, TIGTA sent a letter to the requester’s home address inquiring whether he was still interested in pursuing his FOIA request. The letter provided the requester with 14-working days to respond to the inquiry.⁵ On July 15, 2015, the requester contacted TIGTA by phone and confirmed that he was still interested in obtaining the information. Accordingly, TIGTA continued processing the request.

Requester Services:

- 5. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that here.*

During the reporting period, Treasury implemented a number of enhancements to its FOIA webpage and customer service processes to improve customer access to FOIA services. In December 2015, Treasury implemented an online status check feature that allows FOIA requesters to directly obtain the status of their FOIA request. Additionally, Treasury implemented a new phone system in the main FOIA Requester Service Center that immediately routes incoming calls to an available FOIA employee. The new phone system has also reduced the number of “non-FOIA related” calls received at the FOIA Requester Service Center.

IRS’s ten FOIA processing offices serve as the Requester Service Centers, and their managers serve as the FOIA Public Liaisons for requests submitted by requesters located in the geographical areas covered by those offices. Because the Public Liaisons are primarily

⁵ TIGTA confirmed that any future “still-interested” inquiry will provide the requester with 30-working days to respond, as required by the DOJ OIP guidance.

responsible for the FOIA requests processed by their offices, they are uniquely positioned to resolve issues with specific cases worked by their offices or to facilitate the transfer of public liaison issues to the appropriate office. The IRS Disclosure Office has installed senior staff analysts to serve as liaisons between the FOIA Public Liaisons and OGIS to facilitate FOIA dispute resolution and to assist the Public Liaisons in resolving issues. The analysts also serve to communicate government-wide best practices and encourage their adoption into IRS FOIA processes. Also, all FOIA correspondence to requesters includes the name and contact information for the FOIA case processor, ensuring the requester can reach the employee most familiar with their case for questions.

Other Initiatives:

- 6. If there are 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, eliminating redundancy, etc., please describe them here.*

During the reporting period, DO completed the third stage of its FOIA Transformation initiative. As previously reported in the 2014 Chief FOIA Officer Report, FOIA Transformation is focused on improving the quality and efficiency of FOIA processing and customer service in DO through the consolidation of FOIA processing resources into a single office. Since FY14, the Office of Privacy, Transparency, and Records has completed consolidation of FOIA processing for the Offices of Domestic Finance, Economic Policy, Tax Policy, the Treasurer, International Affairs, Legislative Affairs, Public Affairs, Executive Secretariat, and the Assistant Secretary for Management.⁶

During the reporting period, the IRS Disclosure Office conducted a wide-ranging review of its programs, including many FOIA-related areas, such as communications, disclosure awareness to other IRS offices, formal on-the-job instruction for staff, training for Disclosure managers and managerial case review criteria and processes. IRS has begun to implement recommendations made as a result of the review.

⁶ Assistant Secretary for Management includes the Office of the Chief Information Officer, Deputy Chief Financial Officer, Departmental Offices Operations, D.C. Pensions, Emergency Programs, Human Resources, Management and Budget, Senior Procurement Executive, and Small Business Programs.

Section III. Steps Taken to Increase Proactive Disclosures

Posting Material:

1. *Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a) (2) of the FOIA. Does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting?*

Each Treasury Bureau has a system in place to identify and post frequently requested records.

BEP, DO, FinCEN, Fiscal Service, and Mint FOIA professionals review lists of incoming requests on a quarterly basis to identify frequently requested documents and information. When three or more requests are received for substantially the same information, those records are flagged for proactive posting.

IRS conducts an annual review of its FOIA log to identify frequently requested records. Additionally, IRS has established a team that will identify frequently requested records and make those documents available on IRS's website.

2. *Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system. Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a) (2) of the FOIA.*

Each Treasury Bureau has a system in place to identify records for proactive disclosure.

BEP, DO, Mint, OCC, and TIGTA FOIA professionals collaborate with program office staff to identify records and information that would be appropriate for proactive disclosure. For example, DO FOIA professionals collaborate with Treasury Library staff to identify historical records that would be appropriate for proactive disclosure. In addition to program office staff, Mint's FOIA professionals collaborate with Mint's Office of Corporate Communications and Mint's web team to identify records for proactive disclosure.

IRS has established a cross-functional team that will be responsible for identifying records for proactive disclosure.

3. *When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.*

Treasury FOIA professionals collaborate with Department Information Technology professionals to ensure 508 compliance of posted materials; however, remediation of those documents – if they are found to be non-compliant – is performed by Bureau staff. Treasury is not able to provide a reliable estimate for the number of hours spent remediating

documents during the reporting period; however, IRS reported that for a single document, more than 12.5 working hours were expended coding the document for Section 508 compliance.

4. *Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

Yes

5. *If so, please briefly explain those challenges.*

DO and IRS FOIA professionals have encountered challenges proactively posting certain records. For example, IRS has experienced delays in posting materials due to 508 compliance issues. Additionally, DO and IRS have experienced problems posting larger, paper-based historical documents due to large file sizes.

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

During the reporting period, all Treasury Bureaus proactively processed and posted copies of their FOIA logs. Links to each Bureau's FOIA logs can be accessed below:

BEP	FY 2011 – FY 2014
DO	CY 2007 – CY 2014
FinCEN	CY 2012 – March 31, 2015
Fiscal Service	FY 2015
IRS	CY 2010 – CY 2014
Mint	July 1, 2015 – September 30, 2015
OCC	FY 2015
TIGTA	CY 2012 – CY2015
TTB	FY 2009 – March 31, 2015

BEP proactively disclosed [monthly](#) and [annual](#) production reports for Federal Reserve Notes.

FinCEN proactively disclosed reports, statistics, and other documents concerning FinCEN [enforcement actions](#), statistics and data concerning FinCEN [suspicious activity reports](#), and [speeches and testimony](#) of the FinCEN Director and other FinCEN staff.

OCC proactively posted documents concerning bank merger applications, thrift mutual to stock conversion applications, and bank securities filings in their [searchable electronic reading room](#).

TIGTA proactively posted documents concerning [audit reports](#), [inspections and evaluations reports](#), and [investigation highlights](#).

TTB proactively posted information concerning [bonded wine producers by state](#) and [production and operations reports](#).

IRS proactively posted knowledge management files from its Large Business & International Division (LB&I), called [International Practice Units](#) that serve as both job aids and training materials on international tax issues, [GL-1 Training materials](#) on IRS collection issues from the Chief Counsel Office, and Global Awareness Training for International Tax Examiners from LB&I, consisting of training for international tax examiners working issues involving bilateral income tax treaties with the U.S (also known as a “double tax conventions” or “double tax agreements”).

7. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness; for example, through social media or e-mail subscription services? If yes, please describe those efforts.*

During the reporting period, the Department used various means to publicize or highlight important proactive disclosures for public awareness.

Treasury and its Bureaus routinely utilize their websites to publicize or highlight important proactive disclosures for public awareness. For example, the “Treasury Notes Blog” routinely highlights reports, press releases, op-eds, and other documents that are made publicly available on Treasury websites. Often, such blog posts and related material are broadcast on Treasury’s Twitter, Facebook, Flickr, Tumblr, and YouTube pages.

Each of Treasury’s websites allows the public to request and receive notice when new material is posted.

Other Initiatives:

8. *If there are other steps your agency has taken to increase proactive disclosures, please describe them here.*

During the reporting period, the Department began tracking proactive disclosures on a monthly basis. Additionally, during monthly teleconferences, the Director for FOIA and Transparency encouraged each Treasury Bureau to seek out and post new material.

Section IV: Steps Taken to Greater Utilize Technology

Making Material Posted Online More Usable:

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

Yes.

2. *If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.*

IRS worked collaboratively with web content owners on targeted web content improvement projects and has revised website content on several different topics. The improvement project teams conduct an in-depth analysis of website traffic, search terms and public user browsing patterns to identify issues. IRS also examines user comments received via ForeSee's American Customer Satisfaction Survey, particularly those comments received from respondents who indicated they were not able to achieve the goal they had when visiting IRS' website. Using that data, plain language principles and best practices for content organization and presentation, IRS Online Services Division works with business owners to revise, restructure and simplify web content.

3. *Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?*

Yes. During the reporting period, Department FOIA professionals worked collaboratively with Information Technology professionals to identify new methods of posting information online. For example:

- The IRS Disclosure Office conferred with the IRS Online Services Division to identify potential improvements to the IRS FOIA Library, including alternative methods of posting information.
- DO FOIA professionals collaborated with Treasury Printing and Graphics to make FOIA publications accessible and available in mobile reader format (EPUB).
- TTB FOIA professionals collaborated with Information Technology Professionals to make improvements to the Public Certificates of Label Approval (COLA) Registry.

Use of Technology to Facilitate Processing of Requests:

4. *Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as a new case management system, or for search, redaction, or other processing tools?*

Yes. During the reporting period, DO FOIA professionals received training in the use of an e-discovery system for processing large, complex FOIA requests. Additionally, DO,

FinCEN, and Fiscal Service FOIA professionals received training in the use of Adobe Professional redaction tools.

5. *Beyond using technology to redact documents, is your agency taking steps to use 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? If yes, describe the technological improvements being made.*

IRS is working to increase the efficiency of the IRS electronic work platform by improving meta-data searches and search functionality.

In June 2015, TIGTA tested and installed an update to their FOIA request tracking system (FOIAXpress), which added enhanced search capabilities and de-duplication to their processing system.

The DO e-discovery system described above performs de-duping and sorting functions, and should increase efficiency in processing large productions.

6. *Are there additional tools that could be utilized by your agency to create further efficiencies?*

Yes. The Department has received demonstrations of DHS's FOIA App and FOIAOnline processing tools during the reporting period. Additionally, DO and IRS FOIA professionals received demonstrations of other FOIA systems currently in use at other federal agencies.

Other Initiatives:

7. *Did your agency successfully post all four quarterly reports for Fiscal Year 2015?*

Yes.

8. *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 2016.*

N/A

9. *Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters? If decentralized, please indicate whether all components use e-mail or other electronic means to communicate with requesters.*

Yes. BEP, DO, FinCEN, Fiscal Service, Mint, OCC, TIGTA, and TTB communicate with FOIA requesters by e-mail whenever feasible, particularly when the requester identifies e-mail as their preferred communication method.

In addition to e-mail, OCC utilizes an online portal (Public Access Link) to communicate with FOIA requesters.

IRS FOIA professionals utilize e-mail to communicate with FOIA requesters; however, as described below, there are restrictions that prevent the use of e-mail as the only means of communication.

10. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? If decentralized, please indicate whether any of your agency's components have specific limitations or restrictions for the use of such means and if those components have informed requesters of such limitations.

The majority of FOIA requests to the IRS relate to the tax information of particular taxpayers, which is protected under the provisions of the Internal Revenue Code (IRC) § 6103. IRC § 6103 limits the use of electronic communication options and requires secure methods of transmittal. As a result, the majority of IRS responses are transmitted by U.S. Mail.

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

Simple Track:

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

BEP, DO, FinCEN, Fiscal Service, Mint, OCC, TIGTA, and TTB 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 2015, was the average number of days to process simple requests twenty working days or fewer?*

Yes. During FY15, the average processing time for simple requests was 12 working days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.*

Of the requests processed during FY15 (excluding IRS), 74% (2,645 of 3,574) 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?*

During FY15, IRS' average processing time for non-expedited requests was 30 working days.

Backlogged Requests:

5. *If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog at the end of Fiscal Year 2014?*

No. Treasury's FOIA request backlog increased during FY15.

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.

During the reporting period, IRS experienced a loss of experienced staff and employees in key positions, particularly at the national office level. In most cases, the departing staff has been replaced with more junior, less-experienced employees. At the same time, IRS has experienced an increase in the volume and complexity of FOIA requests that seek voluminous quantities of records, particularly surrounding IRS's compliance priorities.

Similarly, DO and OCC experienced an increase in case volume and complexity. For example, the Office of Foreign Assets Control (OFAC) within DO experienced a 27% increase in incoming requests during FY15. This can be attributed to increasing public interest in OFAC's compliance records and databases resulting from high-profile financial sanctions activities during the reporting period.

One OCC FOIA specialist, one FinCEN FOIA specialist, and two DO Government Information Specialists retired during the reporting period.

FinCEN experienced a significant increase in the number of referrals from other federal agencies. These referrals law enforcement information and require consultation with one or more other agencies prior to a final release determination.

During FY15, five Treasury Bureaus experienced an increase in the number of requests received: (1) DO received 5% more requests, (2) FinCEN received 38% more requests, (3) Fiscal Service received 12% more requests, (4) TIGTA received 11% more requests, and (5) TTB received 116% more requests.

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 2015.*

The percentage of requests that make up the backlog out of the total number of requests received at Treasury during FY15 was 5.58%.

Backlogged Appeals:

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?*

No. Treasury's FOIA appeal backlog increased during FY15.

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

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

As described above, DO and OCC experienced an increase in case volume and complexity, and also experienced a loss of full-time FOIA staff. These factors are also reflected in processing appeals.

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 2015.*

The percentage of appeals that make up the backlog out of the total number of appeals received at Treasury during FY15 was 32.07%.

Backlog Reduction Plans:

11. *In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog over 1,000 requests in Fiscal Year 2014 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 2015?*

Treasury's backlog was fewer than 1,000 requests at the end of FY14.

12. *If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016?*

N/A

Ten Oldest Requests:

13. *In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?*

No.

14. *If no, please provide the number of these request your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

During FY15, Treasury closed seven of the ten oldest FOIA requests that were reported pending in the FY14 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?*

None of the ten oldest requests were closed because the request was withdrawn by the requester.

Ten Oldest Appeals:

16. *In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

Yes.

17. *If no, please provide the number of these appears your agency was able to close by the end of the Fiscal Year, as listed in Section VII.C. (5) of your Fiscal Year 2014 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 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 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 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

During FY15, Treasury closed eight of the ten oldest consultations that were reported pending in the FY14 annual report.

Additional Information on Ten Oldest Requests, Appeals, Consultations, and Plans:

20. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.*

Treasury is presented with two main challenges to closing its ten oldest pending requests, appeals, and consultations: (1) the complexity and/or classification of the requested records; and (2) the frequent need to invoke the submitter notice process.

For example, Office of Foreign Assets Control (OFAC) records are extremely complex: they involve classified, national security, law enforcement sensitive, and confidential business information, as well as information that originated from other federal agencies. Each such type of records requires special handling to ensure release determinations are made properly. Many of the classified records OFAC maintains were obtained from other federal agencies. OFAC must consult 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, Treasury's mission may require financial institutions and other entities to provide or submit confidential business information. The inappropriate release of such information has the potential to cause submitters substantial competitive harm. FOIA requires that these records be subjected to additional review under the "submitter notice process", which requires Treasury to notify the submitters that a public request for their records has been made through the FOIA; allow the submitter the opportunity to provide Treasury with written objections to release; conduct an independent review of the objections; notify the submitters in the event that Treasury overrules any of the submitter's objections; and allow the submitters the opportunity to seek judicial review of Treasury's determination. This process adds substantial time to the processing of a request, particularly when multiple notices are required, and/or if there are a voluminous quantity 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.*

N/A

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 2016.*

During the reporting period, each of the ten oldest requests, appeals, and consultations was assigned to a case manager within Treasury's Office of Privacy, Transparency, and Records. Each case manager is responsible for monitoring the day-to-day status of the case, updating Treasury's FOIA request tracking system, identifying and removing any barriers or obstacles that are preventing the closure of the case, and elevating issues to leadership. During FY2015, this change in process had significant results – Treasury closed seven of the ten oldest pending requests at Treasury.

Similarly, with respect to the oldest pending cases at IRS, the Disclosure Office has centralized the review of those cases in an effort to simplify and streamline the process.

Additionally, Treasury includes a list of the ten oldest pending requests, appeals, and consultations in its monthly FOIA reports and quarterly performance reports. The reports are distributed widely to Treasury's FOIA staff and Department leadership and are used to encourage compliance and recognize progress.

Interim Responses:

23. *Does your agency have a system in place to provide interim responses to requesters when appropriate?*

Yes.

24. If your agency had a backlog in Fiscal Year 2015, please provide an estimate of the number of percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

The Department estimates that during FY15, 20% of the cases in the backlog had been issued a substantive interim response. Significantly, OFAC issued interim responses in all backlogged cases.

Section VI: Use of the FOIA's Law Enforcement Exclusions

1. *Did your agency invoke a statutory exclusions, 5 U.S.C. § 552(c) (1), (2), (3) during Fiscal Year 2015?*

Treasury did not invoke a statutory exclusion during FY15.

2. *If so, please provide the total number of times exclusions were invoked.*

N/A

Section VII: Spotlight on Success

Out of all the activities undertaken by your agency since March 2015 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 of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. 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, DO completed the third stage of its FOIA Transformation initiative. As previously reported in the 2014 Chief FOIA Officer Report, FOIA Transformation is focused on improving the quality and efficiency of FOIA processing and customer service in DO through the consolidation of FOIA processing resources into a single office. Since FY14, the Office of Privacy, Transparency, and Records has completed consolidation of FOIA processing for the Offices of Domestic Finance, Economic Policy, Tax Policy, Treasurer, International Affairs, Legislative Affairs, Public Affairs, Executive Secretariat, and the Assistant Secretary for Management.

During the reporting period, the IRS Disclosure Office initiated the "New Hire Training Program". To support this effort, IRS selected a group of experienced and highly qualified disclosure professionals to join a training taskforce; referred to as the "Blended Training Team" to convert the existing classroom training for new hires into a blended format. The blended format includes three primary training components: (1) self-study training, (2) instructor led virtual training, and (3) face-to-face training. The new format enables participants to set their own pace during the self-study portion and allows for remedial or refresher training by reviewing the recorded virtual sessions while still providing the important elements of traditional face-to-face training. IRS expects the new training format to cause improvements in the timeliness, accuracy, and completeness of FOIA casework while reducing the overall cost of training.

During the reporting period, TTB proactively created and posted a list of "Bonded Wine Producers by State". In response to a significant increase in requests, TTB proactively worked with Information Technology professionals and program staff to create and publish this information, which was previously not publicly available. TTB plans to publish similar information for breweries in the future.

During the reporting period, BEP updated its FOIA website and created an electronic FOIA library.