



# Department of the Treasury

FY2023 Freedom of Information Act Annual Report



## **FY2023 Freedom of Information Act Annual Report to the Attorney General of the United States**

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## **I. Basic Information Regarding this Report**

1. Questions regarding this report may be directed to:

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

## II. Making a FOIA Request

### 1. Contact Information

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

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Treasury Inspector General for Tax Administration (TIGTA)  
Ms. Amy Jones  
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Office of Chief Counsel  
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## **2. Brief description of why requests are not granted**

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

## **3. FOIA Regulations**

[Treasury's FOIA regulations](#) are codified at 31 CFR Part 1, Subpart A.

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



### III. Acronyms, Definitions, and Exemptions

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

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

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

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

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

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

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



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

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

## IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
31 U.S.C. § 5319	Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	Yunes v. DOJ, 263 F. Supp. 3d 82, 87 (D.D.C. 2017)); Council on Am.-Islamic Rels., Cal. v. FBI, 749 F. Supp. 2d 1104, 1117 (S.D. Cal. 2010); Berger v. IRS, 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), aff'd on other grounds, 288 F. App'x 829 (3d Cir. 2008).	DO	3	188
			FinCEN	58	
			TIGTA	1	
			IRS	126	
21 U.S.C. § 1904(e)(3)	Information related to foreign narcotics traffickers	N/A	TTB	1	7
			DO	6	
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319	Certain records that would reveal some secret aspect pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Sorin v. DOJ, No. 18-99, 2018 WL 6431027 (2d Cir. Dec. 6, 2018) (per curiam); Widi v. McNeil, No. 12-00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v. U.S. Att'y Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	DO	1	6
			IRS	5	
15 U.S.C. § 6801	Nonpublic personal information of customers of financial institutions	Hodes v. HUD, 532 F. Supp. 2d 108, 117 (D.D.C. 2008).	DO	2	2
26 U.S.C. §§ 6103, 6105	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	Nosal v. IRS, 523 F. Supp. 3d 72, 79 (D.D.C. 2021); Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Elec. Priv. Info. Ctr. v. IRS, 910 F.3d 1232, 1237 (D.C. Cir. 2018); Leonard v. U.S. Dep't of Treasury, 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); Pac. Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105).	TIGTA	25	1721
			IRS	1668	
			DO	3	
			TTB	25	
41 U.S.C. § 4702 (formerly at 41 U.S.C. § 253b(m)(1))	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09- 00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03- 5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	IRS	5	6
			Fiscal Service	1	
50 U.S.C. § 4565(c)(1)	Information or documentary material filed with the Committee on Foreign Investment in the United States	Minor v. U.S. Dep't of the Treasury, No. 20-02836, slip op. at 5 (D.S.C. Aug. 5, 2021) (unpublished disposition).	DO	2	2
5 U.S.C. §§ 7114(b)(4), 7132	Certain labor relations training and guidance materials	Dubin v. Dep't of Treasury, 555 F. Supp. 408, 412 (N.D. Ga. 1981) (5 U.S.C. § 7114 (b)(4)), aff'd, 697 F.2d 1093 (11th Cir. 1983) (unpublished table decision); NTEU v. OPM, No. 79-695, slip op. at 3-4 (D.D.C. July 9, 1979) (5 U.S.C. § 7114(b)(4) and 5 U.S.C. § 7132).	DO	2	7
			IRS	1	
			FinCEN	4	
50 U.S.C. § 3605 (formerly at 50 U.S.C. § 402 note)	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	ACLU v. DOJ, 681 F.3d 61, 72- 75 (2d Cir. 2012); Elec. Priv. Info. Ctr. v. NSA, 678 F.3d 926, 931 (D.C. Cir. 2012); Houghton v. NSA, 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); Lahr v. NTSB, 569 F.3d 964, 985 (9th Cir. 2009).	DO	1	1
50 U.S.C. § 1702(a)(1)	Authorizes the President to "regulate . . . prevent or prohibit . . . importation or exportation of . . . any property in which any foreign country or a national thereof has any interest . . . by any person, or with respect to any property, subject to the jurisdiction of the United States"	Wis. Project on Nuclear Arms Control v. U.S. Dep't of Com., 317 F.3d 275, 284 (D.C. Cir. 2003).	DO	1	1

## V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
BEP	33	77	74	36
DO	1342	728	593	1477
FinCEN	41	236	239	38
Fiscal Service	15	380	366	29
MINT	85	105	42	148
TTB	4	89	70	23
OCC	51	1712	1696	67
TIGTA	8	389	379	18
IRS	1457	7066	7091	1432
AGENCY OVERALL	3036	10782	10550	3268

After reviewing its database, Treasury updated the number of requests pending at the start of the Fiscal Year for the following components: IRS.

## V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
BEP	22	23	4	7	2	1	1	3	8	1	2	0	74
DO	50	134	16	80	21	77	0	52	6	77	46	34	593
FinCEN	11	18	55	42	2	9	0	20	39	34	7	2	239
Fiscal Service	36	83	4	47	48	8	1	6	87	38	8	0	366
MINT	3	5	5	16	0	3	0	5	0	4	1	0	42
TTB	14	14	7	9	0	8	2	9	2	1	4	0	70
OCC	1251	44	22	80	1	33	8	19	48	186	4	0	1696
TIGTA	9	58	9	26	50	7	0	0	198	0	22	0	379
IRS	1506	1902	276	414	20	317	36	122	1835	38	564	61	7091
AGENCY OVERALL	2902	2281	398	721	144	463	48	236	2223	379	658	97	10550

**V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"**

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
BEP	N/A	0	0
DO	Appeal Based Solely on Denial of Request for Expedited Processing	1	34
	Unable to Locate or Contact Requester	33	
FinCEN	Unable to Locate or Contact Requester	2	2
Fiscal Service	N/A	0	0
MINT	N/A	0	0
TTB	N/A	0	0
OCC	N/A	0	0
TIGTA	N/A	0	0
IRS	N/A	61	61
AGENCY OVERALL			97

**V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED**

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
BEP	0	7	0	0	4	21	0	0	2	0	0	0	0	0
DO	10	0	16	50	42	132	12	2	20	0	10	1	0	0
FinCEN	0	3	58	2	15	24	0	0	3	0	6	0	0	0
Fiscal Service	0	0	1	9	2	78	0	0	0	0	3	0	0	0
MINT	0	1	0	1	1	9	0	0	3	0	1	0	0	0
TTB	0	0	11	5	5	13	0	0	0	0	3	0	0	0
OCC	0	12	0	24	32	36	1	0	0	0	1	0	34	0
TIGTA	0	0	24	1	3	65	1	0	62	1	49	0	0	0
IRS	1	34	1625	136	411	740	310	4	658	7	745	3	0	0
AGENCY OVERALL	11	57	1735	228	515	1118	324	6	748	8	818	4	34	0

**VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS**

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
BEP	1	5	4	2
DO	38	33	41	30
FinCEN	6	6	5	7
Fiscal Service	0	18	18	0
MINT	2	2	1	3
TTB	1	2	3	0
OCC	0	9	9	0
TIGTA	1	11	12	0
IRS	8	81	84	5
AGENCY OVERALL	57	167	177	47

*After reviewing its database, Treasury updated the number of appeals pending at the start of the Fiscal Year for the following components: IRS.*

**VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS**

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
BEP	0	0	0	4	4
DO	24	2	3	12	41
FinCEN	4	0	1	0	5
Fiscal Service	4	4	0	10	18
MINT	1	0	0	0	1
TTB	0	2	0	1	3
OCC	6	1	0	2	9
TIGTA	7	3	0	2	12
IRS	72	5	4	3	84
AGENCY OVERALL	118	17	8	34	177

**VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED**

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
BEP	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DO	1	0	2	4	6	6	2	0	1	1	0	1	0	0
FinCEN	0	0	4	0	0	0	0	0	0	0	0	0	0	0
Fiscal Service	0	0	1	3	1	3	0	0	0	0	0	0	0	0
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TTB	0	0	0	0	2	2	1	0	0	0	1	0	1	0
OCC	0	0	0	1	0	0	0	0	0	0	0	0	4	0
TIGTA	0	0	2	1	0	10	0	0	10	0	5	0	0	0
IRS	0	2	33	0	12	8	9	0	7	0	10	1	0	0
AGENCY OVERALL	1	2	42	9	21	29	12	0	18	1	16	2	5	0

**VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS**

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
BEP	0	0	0	0	0	3	0	2	0	0	0
DO	0	1	2	0	0	3	1	2	0	0	3
FinCEN	0	0	0	0	0	0	0	0	0	0	0
Fiscal Service	1	3	1	0	0	5	2	1	0	0	0
MINT	0	0	1	0	0	0	0	0	0	0	0
TTB	0	0	1	0	0	0	0	0	0	0	0
OCC	0	0	1	0	0	0	0	0	0	0	1
TIGTA	0	0	0	0	0	2	0	0	0	0	0
IRS	0	0	1	0	0	2	0	0	0	0	0
AGENCY OVERALL	1	4	7	0	0	15	3	5	0	0	4



**VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS**

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
BEP	N/A	0	0
DO	Appeal Based Solely on Denial of Request for Expedited Processing	3	3
FinCEN	N/A	0	0
Fiscal Service	N/A	0	0
MINT	N/A	0	0
TTB	N/A	0	0
OCC	No Component Response to Adjudicate.	1	1
TIGTA	N/A	0	0
IRS	N/A	0	0
AGENCY OVERALL			4

**VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	14.00	20.75	1	54
DO	54.00	329.73	<1	1786
FinCEN	239.00	259.20	239	340
Fiscal Service	15.00	27.17	3	175
MINT	164.00	164.00	164	164
TTB	9.00	9.67	<1	20
OCC	20.00	19.00	5	34
TIGTA	13	11.75	6	19
IRS	15.5	18.49	3	75
AGENCY OVERALL	24.00	194.46	<1	1786

# **VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS**

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
BEP	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-07-12	2022-08-23
	Number of Days Pending	0	0	0	0	0	0	0	0	56	276
DO	Date of Appeal	2020-05-28	2019-12-16	2019-09-12	2019-07-03	2019-06-20	2018-10-04	2018-07-25	2018-07-09	2017-12-20	2015-10-01
	Number of Days Pending	836	948	1012	1061	1070	1246	1296	1308	1445	2000
FinCEN	Date of Appeal	N/A	N/A	N/A	2023-07-26	2023-05-08	2023-02-14	2022-11-23	2022-11-04	2022-10-19	2022-05-10
	Number of Days Pending	0	0	0	46	100	158	213	225	237	349
Fiscal Service	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
MINT	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-02-06	2022-10-28	2021-09-14
	Number of Days Pending	0	0	0	0	0	0	0	164	230	513
TTB	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OCC	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TIGTA	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
IRS	Date of Appeal	N/A	N/A	N/A	N/A	N/A	2023-09-20	2023-09-20	2023-09-20	2023-09-13	2023-09-13
	Number of Days Pending	0	0	0	0	0	7	7	7	12	12
AGENCY OVERALL	Date of Appeal	2020-05-28	2019-12-16	2019-09-12	2019-07-03	2019-06-20	2018-10-04	2018-07-25	2018-07-09	2017-12-20	2015-10-01
	Number of Days Pending	836	948	1012	1061	1070	1246	1296	1308	1445	2000

## VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	19.50	42.87	<1	480	31.00	31.00	31	31	14.00	14.00	14	14
DO	2.00	6.09	<1	96	259.00	473.55	1	1810	116.00	516.40	26	1386
FinCEN	9.00	48.97	<1	755	705.50	587.62	105	839	N/A	N/A	N/A	N/A
Fiscal Service	7.00	11.23	<1	97	17.00	34.50	<1	210	N/A	N/A	N/A	N/A
MINT	14.00	27.16	<1	256	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TTB	2.50	7.50	<1	45	23.50	39.83	<1	196	N/A	N/A	N/A	N/A
OCC	1.00	7.69	<1	1371	29.00	84.77	1	840	25.00	24.00	20	26
TIGTA	1	1.62	1	10	8.5	12.21	1	65	28	57.33	19	125
IRS	N/A	N/A	N/A	N/A	19	66.56	<1	1563	30.5	78.9	9	645
AGENCY OVERALL	2.00	12.04	<1	1371	163.00	451.41	<1	1810	26.00	246.00	9	1386

## VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	23.50	49.02	4	480	31.00	31.00	31	31	14.00	14.00	14	14
DO	9.00	16.52	<1	96	158.00	434.94	1	1800	751.00	751.00	116	1386
FinCEN	16.00	71.54	<1	755	120.00	120.00	120	120	N/A	N/A	N/A	N/A
Fiscal Service	11.00	14.84	<1	97	17.00	38.12	<1	210	N/A	N/A	N/A	N/A
MINT	16.00	22.50	<1	57	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TTB	3.00	12.88	<1	45	31.50	49.75	1	196	N/A	N/A	N/A	N/A
OCC	1.00	4.56	<1	612	49.00	116.88	4	840	N/A	N/A	N/A	N/A
TIGTA	1.5	1.5	1	3	16	17.11	2	65	125	125	125	125
IRS	N/A	N/A	N/A	N/A	26.5	82.51	<1	1563	30.5	78.9	9	645
AGENCY OVERALL	1.00	8.20	<1	755	89.00	349.37	<1	1800	65.00	382.50	9	1386

## VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	31	10	8	6	0	1	0	1	1	0	1	0	1	60
DO	182	16	1	1	1	0	0	0	0	0	0	0	0	201
FinCEN	111	13	10	6	7	2	6	1	2	3	4	1	4	170
Fiscal Service	235	18	5	2	3	0	0	0	0	0	0	0	0	263
MINT	29	3	2	0	0	0	1	0	1	0	1	0	0	37
TTB	21	2	1	0	0	0	0	0	0	0	0	0	0	24
OCC	1513	54	12	6	2	1	0	1	0	0	1	0	4	1594
TIGTA	32	42	0	0	0	0	0	0	0	0	0	0	0	74
IRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	2154	158	39	21	13	4	7	3	4	3	7	1	9	2423

## VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	0	1	0	0	0	0	0	0	0	0	0	0	0	1
DO	48	35	11	8	11	4	4	4	1	5	16	12	118	277
FinCEN	0	0	0	0	0	2	0	0	0	0	0	0	6	8
Fiscal Service	6	3	0	0	0	0	0	0	0	0	1	0	0	10
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TTB	16	9	1	5	1	2	0	1	0	0	0	0	0	35
OCC	12	6	2	2	4	0	0	1	1	0	1	1	1	31
TIGTA	2	87	12	1	2	0	0	0	0	0	0	0	0	104
IRS	2827	712	298	222	146	120	105	74	66	42	191	115	174	5092
AGENCY OVERALL	2911	853	324	238	164	128	109	80	68	47	209	128	299	5558

## VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	2	0	0	0	0	0	0	0	0	0	0	0	0	2
DO	0	1	0	1	0	1	0	0	0	0	0	0	2	5
FinCEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fiscal Service	0	0	0	0	0	0	0	0	0	0	0	0	0	0

MINT	0	0	0	0	0	0	0	0	0	0	0	0	0
TTB	0	0	0	0	0	0	0	0	0	0	0	0	0
OCC	1	3	0	0	0	0	0	0	0	0	0	0	4
TIGTA	0	1	1	0	0	0	1	0	0	0	0	0	3
IRS	18	8	2	7	1	1	0	0	0	0	1	3	42
AGENCY OVERALL	21	13	3	8	1	2	1	0	0	0	1	3	56

#### VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
BEP	24	12	124.29	6	1079	1087.33	1	40	40
DO	54	50	128.17	1346	715	751.62	23	961	916.61
FinCEN	29	211	229.79	1	109	109	0	N/A	N/A
Fiscal Service	22	9.5	31.68	6	28	28	0	N/A	N/A
MINT	113	248	282.29	1	1081	1081	0	N/A	N/A
TTB	9	10	25.11	13	10	23.69	0	N/A	N/A
OCC	59	9	19.31	4	101	90.25	0	N/A	N/A
TIGTA	1	0	0	4	24.5	38	0	0	0
IRS	0	0	0	1272	69	162	10	92.5	81
AGENCY OVERALL	311	55.00	178.47	2653	694.50	737.55	34	929.50	880.08

#### VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
BEP	Date of Receipt	2022-06-30	2021-10-20	2021-07-18	2020-12-07	2019-10-31	2019-10-31	2019-06-12	2019-06-04	2019-06-04	2018-06-08
	Number of Days Pending	313	488	553	704	978	978	1076	1082	1082	1328
DO	Date of Receipt	2014-10-01	2014-09-09	2014-07-24	2014-07-16	2014-06-27	2014-06-25	2014-06-17	2014-06-12	2014-05-09	2014-03-21
	Number of Days Pending	2251	2267	2299	2305	2317	2319	2325	2328	2351	2386
FinCEN	Date of Receipt	2022-08-02	2022-06-03	2022-03-14	2022-03-14	2022-01-11	2022-01-11	2021-04-20	2021-03-04	2020-10-14	2020-10-14
	Number of Days Pending	291	332	390	390	432	432	614	647	740	740
Fiscal Service	Date of Receipt	2023-09-11	2023-09-11	2023-05-18	2023-05-18	2023-05-18	2023-05-18	2023-05-18	2023-05-18	2022-10-12	2022-07-07
	Number of Days Pending	14	14	28	28	28	28	28	28	242	309

MINT	Date of Receipt	2021-06-07	2021-03-02	2021-02-24	2020-11-03	2020-10-06	2020-10-06	2020-09-30	2020-09-28	2020-07-16	2019-06-05
	Number of Days Pending	581	649	653	726	745	745	749	751	802	1081
TTB	Date of Receipt	2023-09-15	2023-09-11	2023-08-25	2023-08-23	2023-08-23	2023-08-23	2023-07-14	2023-06-09	2023-05-19	2023-03-24
	Number of Days Pending	10	14	23	26	26	26	31	77	91	131
OCC	Date of Receipt	2023-07-21	2023-06-28	2023-05-23	2023-05-10	2023-05-03	2023-05-02	2023-04-24	2023-03-31	2023-03-27	2023-03-16
	Number of Days Pending	49	65	89	98	103	104	110	126	130	137
TIGTA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2023-09-30	2023-09-27	2023-09-26	2023-07-26	2023-05-04
	Number of Days Pending	0	0	0	0	0	0	3	4	47	103
IRS	Date of Receipt	2019-12-30	2019-12-23	2019-10-11	2019-07-24	2016-07-22	2019-06-27	2019-03-20	2018-02-27	2016-03-15	2015-12-15
	Number of Days Pending	939	943	991	1047	1049	1065	1135	1401	1891	1952
AGENCY OVERALL	Date of Receipt	2014-10-01	2014-09-09	2014-07-24	2014-07-16	2014-06-27	2014-06-25	2014-06-17	2014-06-12	2014-05-09	2014-03-21
	Number of Days Pending	2251	2267	2299	2305	2317	2319	2325	2328	2351	2386

#### VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
BEP	3	6	7	20.33	5
DO	2	49	6	13.94	29
FinCEN	0	7	1	2.71	6
Fiscal Service	0	1	7	7	1
MINT	0	6	7.5	7.33	5
TTB	0	15	1	1.8	15
OCC	4	20	1	3.83	22
TIGTA	2	3	4	8	3
IRS	50	162	4	7.15	179
AGENCY OVERALL	61	269	3.00	9.58	265



## VIII.B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BEP	12	3	6	5.2
DO	29	25	31	442.59
FinCEN	0	5	1	2.4
Fiscal Service	1	1	20	20
MINT	1	3	3	3.75
TTB	0	13	1	0.92
OCC	24	7	1	2.06
TIGTA	2	0	1	1
IRS	57	30	2	9.61
AGENCY OVERALL	126	87	3.50	194.52

## IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
BEP	1	1.45	2.45	305626.00	0.00	305626.00
DO	29	5.25	34.25	6346882.80	1624585.67	7971468.47
FinCEN	3	0.25	3.25	436020.00	280000.00	716020.00
Fiscal Service	2	5.00	7.00	750000.00	0.00	750000.00
MINT	1	0.00	1.00	123216.00	0.00	123216.00
TTB	1	0.48	1.48	258901.46	0.00	258901.46
OCC	8	0.25	8.25	2362381.00	0.00	2362381.00
TIGTA	0	4.40	4.40	699011.00	213.00	699224.00
IRS	15	49.86	64.86	8005092.51	500270.42	8505362.93
AGENCY OVERALL	60	66.94	126.94	19287130.77	2405069.09	21692199.86

## X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
BEP	121.50	0.0400
DO	4607.72	0.0700
FinCEN	0.00	0.0000
Fiscal Service	8163.00	1.0900

MINT	0.00	0.0000
TTB	2705.69	1.0500
OCC	16170.00	0.6800
TIGTA	0.00	0.0000
IRS	10308.60	0.1300
AGENCY OVERALL	42076.51	0.2200

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

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

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

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
BEP	4	15
DO	1351	0
FinCEN	9	1
Fiscal Service	2	0
MINT	0	0
TTB	3	1
OCC	78	0
TIGTA	1	147
IRS	4	4063
AGENCY OVERALL	1452	4227

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

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
BEP	20	2
DO	1385	30
FinCEN	20	7
Fiscal Service	2	0
MINT	98	3
TTB	8	0
OCC	17	0
TIGTA	2	0
IRS	916	0
AGENCY OVERALL	2468	42

## XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
BEP	0	2	2	0
DO	32	116	114	34
FinCEN	0	17	16	1
Fiscal Service	0	5	5	0
MINT	0	3	3	0
TTB	0	6	6	0
OCC	0	0	0	0
TIGTA	0	5	5	0
IRS	9	97	100	6
AGENCY OVERALL	41	251	251	41

*After reviewing its database, Treasury updated the number of consultations pending at the start of the Fiscal Year for the following components: MINT, IRS.*

**XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY**

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
BEP	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
DO	Date	2020-12-04	2020-09-11	2020-03-30	2019-10-25	2019-06-21	2019-05-16	2018-10-16	2018-07-31	2018-07-02	2017-12-01
	Number of Days	705	762	878	982	1069	1094	1239	1292	1312	1458
FinCEN	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2023-07-24
	Number of Days	0	0	0	0	0	0	0	0	0	48
Fiscal Service	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
MINT	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
TTB	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
OCC	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
TIGTA	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
IRS	Date	N/A	N/A	N/A	N/A	2023-09-27	2023-09-26	2023-09-11	2023-09-06	2023-08-29	2023-07-21
	Number of Days	0	0	0	0	2	3	14	17	22	49
AGENCY OVERALL	Date	2020-12-04	2020-09-11	2020-03-30	2019-10-25	2019-06-21	2019-05-16	2018-10-16	2018-07-31	2018-07-02	2017-12-01
	Number of Days	705	762	878	982	1069	1094	1239	1292	1312	1458

**XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED**

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
BEP	51	77	44	74
DO	573	728	515	593
FinCEN	164	236	157	239
Fiscal Service	305	380	305	366
MINT	95	105	48	42
TTB	64	89	63	70
OCC	1506	1712	1530	1696
TIGTA	223	389	227	379
IRS	7613	7066	7542	7091
AGENCY OVERALL	10594	10782	10431	10550

**XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS**

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
BEP	20	20
DO	1268	1385
FinCEN	36	20
Fiscal Service	2	2
MINT	71	98
TTB	2	8
OCC	13	17
TIGTA	0	2
IRS	969	916
AGENCY OVERALL	2381	2468

**XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED**

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
BEP	1	5	0	4
DO	16	33	14	41
FinCEN	6	6	0	5
Fiscal Service	3	18	3	18
MINT	1	2	0	1
TTB	2	2	2	3
OCC	7	9	8	9
TIGTA	13	11	13	12
IRS	107	81	107	84
AGENCY OVERALL	156	167	147	177

**XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS**

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
BEP	1	2
DO	38	30
FinCEN	6	7
Fiscal Service	0	0
MINT	2	3
TTB	0	0
OCC	0	0
TIGTA	0	0
IRS	0	0
AGENCY OVERALL	47	42