

## DEPARTMENT OF THE TREASURY

# BUREAU OF ENGRAVING AND PRINTING WASHINGTON, D.C. 20228

October 31, 2008

MEMORANDUM FOR HUGH GILMORE

DEPARTMENTAL DISCLOSURE OFFICER

FROM:

James M. Braun

Disclosure Officer

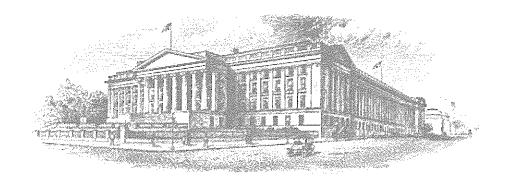
SUBJECT:

FY 2008 Freedom of Information/Privacy Act

Annual Report

Attached is the Bureau of Engraving and Printing's FY 2008 Freedom of Information/Privacy Act Annual Report. Should you have questions, please contact me at (202) 874-3733.

Attachment



## U.S. DEPARTMENT OF THE TREASURY

# FREEDOM OF INFORMATION ACT ANNUAL REPORT TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2008

Disclosure Services

January 5, 2009

#### DEPARTMENT OF THE TREASURY

The Departmental Offices (DO)

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Office of the Comptroller of the Currency (OCC)

Bureau of Engraving and Printing (BEP)

Financial Management Service (FMS)

Internal Revenue Service (IRS)

United States Mint (MINT)

Bureau of the Public Debt (BPD)

Office of Thrift Supervision (OTS)

Treasury Inspector General for Tax Administration (TIGTA)

Financial Crimes Enforcement Network (FinCEN)



#### U.S. DEPARTMENT OF THE TREASURY

#### FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR FISCAL YEAR 2008

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#### I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2008 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 10 bureaus. Each bureau is responsible for those records under its control, and each bureau will post its report on its own web site. Disclosure Services prepared the report in collaboration with the bureau FOIA Officers.

#### Questions about the report may be directed to:

Hugh Gilmore, Departmental Disclosure Officer

Disclosure Services

Ph: 202/622-0930; Fax: 202/622-3895

Address:

FOIA Request

Disclosure Services

Department of the Treasury

Washington, DC 20220

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

Paper copies of this report may be obtained by contacting Disclosure Services or by downloading from the Treasury FOIA website at: <a href="http://www.treas.gov/foia/reports/index.html">http://www.treas.gov/foia/reports/index.html</a>, "FY 2008 FOIA Report to the Attorney General."

#### II. MAKING A FOIA REQUEST.

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

1. Names, addresses, and numbers of Treasury bureau FOIA officers.

Departmental Offices (DO)

Hugh Gilmore Disclosure Services Ph: 202/622-0930

Fax: 202/622-3895

Address:

FOIA Request

Department of the Treasury Washington, DC 20220

Comptroller of the Currency (CC)

Frank Vance

Ph: 202/874-4700 Fax: 202/874-5274

Address:

Disclosure (FOIA) Office Washington, DC 20219

Alcohol and Tobacco Tax and Trade

Bureau (TTB)
Helen Belt

Ph: 202/927-8210 Fax: 202/927-8525

Address:

Disclosure Services

1310 G Street, NW, Suite 200-E

Washington, DC 20220

Bureau of Engraving & Printing (BEP)

James Braun Ph: 202/874-3733 Fax: 202/874-2951

Address:

FOIA OFFICE Room 419-A

14th & C Streets, SW Washington, DC 20228

Financial Management Service (FMS)

Cynthia Sydnor Ph: 202/874-0765 Fax: 202/874-2391

Address:

Disclosure Branch 401 14th Street, SW

Washington, DC 20227

Bureau of the Public Debt (BPD)

Denise Nelson Ph: 304/480-8402 Fax: 304/480-8188

Address:

FOIA Request

200 3<sup>rd</sup> Street, Rm. A4-A Parkersburg, WV 26106

Internal Revenue Service (IRS)

Marie Twarog

Phone: 770-234-4374 Fax: 770-234-4346

Address: (Headquarters only)
Internal Revenue Service

**FOIA Requests** 

Headquarters Disclosure Office

Room 2012

1111 Constitution Ave., NW, Washington, DC 20224-0001

United States Mint (Mint)
Kathleen Saunders-Mitchell

Ph: 202/354-7292 Fax: 202/756-6100

Address:

FOIA Request

801 9<sup>th</sup> Street, NW – 8<sup>th</sup> Floor

Washington, DC 20220

Financial Crimes Enforcement Network

(FinCEN)
Amanda Michanczyk

Ph: 703/905-3537 Fax: 703/905-3885

Address: FOIA Request

PO Box 39

Vienna, VA 22183

Office of Thrift Supervision (OTS)

Marilyn K. Burton Ph: 202/906-6467 Fax: 202/906-6353

Address:

FOIA Requests 1700 G Street, NW Washington, DC 20552

Treasury Inspector General for Tax Administration (TIGTA)

Amy P. Jones

Ph: 202/927-7044
Fax: 202/622-3339
Address: FOIA Request
TIGTA Chief Counsel

1125 15<sup>TH</sup> Street, NW, Suite 700

Washington, DC 20005

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

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

#### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

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

BEP Bureau of Engraving and Printing

BPD Bureau of the Public Debt
DO Departmental Offices

FinCEN Financial Crimes Enforcement Network

FMS Financial Management Service

IRS Internal Revenue Service

MINT United States Mint

OCC Office of the Comptroller of the Currency

OTS Office of Thrift Supervision

TIGTA Treasury Inspector General (Tax Administration)

Alcohol and Tobacco Tax and Trade Bureau

2. Basic Terms Used in This Report

- a. Administrative Appeal a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. Average Number the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. Exemption 3 Statute a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. FOIA Request a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. Full Grant an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** an agency decision not to release any records in response to a FOIA request because the records are exempt in their 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.
- k. **Multi-track processing** a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are place in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited processing** an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

- ii. Simple request a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
- iii. Complex request a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- 1. **Partial Grant/Partial Denial** in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. Processed Request or Processed Administrative Appeal a request or administrative appeal for which an agency has taken final action in all respects.
- p. Range in Number of Days the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a "perfected" FOIA request).
- 3. Descriptions of the nine FOIA exemptions:
  - a. Exemption 1: classified national defense and foreign relations information
  - b. Exemption 2: internal agency rules and practices
  - 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 supervision of financial institutions
- i. Exemption 9: geological information on wells

#### III. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
18 U.S.C. 504	Illustrations of Stamp in digital quality photos	Restricts illustrations of United States Postal Service stamps in size, quality and format	TTB: OCC: BEP: FMS: IRS: MINT: BPD: OTS: TIGTA: FinCEN:	1

## V. FOIA REQUESTS.

## A. Received, Processed and Pending FOIA Requests.

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
DO				
TTB				
OCC				
BEP	2	83	85	0
FMS				
IRS				
MINT				
BPD				
OTS				
TIGTA				
FinCEN				
AGENCY OVERALL				

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

	Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemptions
DO			
TTB			
OCC			
BEP	39	16	4
FMS			
IRS			
MINT			
BPD			
OTS			
TIGTA			
FinCEN			
AGENCY OVERALL			

## B.(1) Disposition of FOIA Requests (continued from above)

	Number of Full Denials Based on Reasons Other than Exemptions									
	No Records	All Records Referred to Another Component or Agency	Request With- drawn	Fee- Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	TOTAL
00										
TB										
)CC										
3EP	12	5	1	5	1	0	0	2	0	85
MS										
RS										
√INT										
3PD										
OTS										
TIGTA										
inCEN										
GENCY OVERALL										

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

Component	Description of "Other"	TOTAL
	Reasons for Denials from	
	Chart B (1) & Number of	
	Times those Reasons were	
	Relied upon	
DO		
TTB		
OCC		
BEP	0	
FMS		
IRS		
MINT		
BPD		
OTS		
TIGTA		
FinCEN		

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

- 11	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.
	1	2	3	4	5	6	7(A)_	7(B)	7(C)	7( <b>D</b> )	7(E)	7(F)	8	9
DO														
TTB														
OCC														
BEP	0	2	1	6	4	8	0	0	0	0	0	0	0	0
FMS														
IRS														
MINT														
BPD														
OTS														
TIGTA														
FinCEN														
AGENCY														
OVERALL				14.4										1

# $\mbox{\it VI.}$ ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

### A. Received, Processed and Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
DO				
TTB				
OCC				
BEP	0	2	1	1
FMS				
IRS				
MINT				
BPD				
OTS				
TIGTA				
FinCEN				
AGENCY OVERALL				

## B. Disposition of Administrative Appeals – All Processed Appeals

	Number of 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
DO					
TTB					
OCC					
BEP	0	1	0	0	Same Lagran
FMS					
IRS					
MINT					
BPD					
OTS					
TIGTA					
FinCEN					
AGENCY OVERALL					

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

	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.	Ex.
	1	2	3	4	5	6	7(A)	7(B)	7(C)	7(D)	7(E)	7(F)	8	9
DO														
TTB														
OCC														
BEP		***************************************			1									
FMS														
IRS														
MINT														
BPD														
OTS														
TIGTA														
FinCEN														
AGENCY														
OVERALL		15 50.1										400000	5 12	

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

	No Records	Records Referred at Initial Request Level	Request With- drawn	Fee- Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request or Appeal	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
00										
TB										
)CC										
3EP	0	0	0	0	0	0	0	0	0	0
MS										
RS										
<del>INT</del>						M**				
3PD										
)TS										
TIGTA										
inCEN										
GENCY OVERALI										4 (1)

## C. (3) Reasons for Denial on Appeal - "Other" Reasons from Section VI. C (2) Chart

Component	Description of "Other" Reasons for	TOTAL
	Denials from Chart C (2) & Number of	
	Times those Reasons were Relied upon	
DO		
TTB		
OCC		
BEP	0	0.000
FMS		
IRS		
MINT		
BPD		
OTS		
TIGTA		
FinCEN		

## C. (4) response Time for Administrative Appeals

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
DO				
TŢB				
OCC				
BEP	20	20	20	20
FMS				
IRS				
MINT				
BPD				
OTS				
TIGTA				
FinCEN				

## C. (5) Ten Oldest Pending Administrative Appeals

	10 <sup>th</sup> Oldest	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal
	Appeal									
Date of										
Receipt										
of Ten										
Oldest										
Appeals										
Number							·			
of Days										
Pending										

•

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

#### A. Processed Requests

\* Simple request limited to the Office of Tax Policy

		SIM	PLE			COMI	PLEX	***************************************	EXP	EDITED	PROCES	SING
	Median	Average		Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest
	# of	# of	# of	# of	# of	# of	# of	# of	# of	# of	# of	# of
	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days
)O*							****					
TB												
CC												
3EP	5	7.5	1	20	5	11	1	20	5	4.5	1	6
MS												
RS												
<b>AINT</b>												
3PD												
OTS												
IGTA												
inCEN												_
GENCY	(19 (5) (5) (9)						3.69.5.89.9	61 153 -07 161				
)VERALL												

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

		SIM	PLE			COMI	LEX		EXPEDITED PROCESSING			
	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest
	# of	# of	# of	# of	# of	# of						
	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days
)()												
TB												
OCC												
3EP	5	7.7	1	20	1	6	1	12	5	5.6	5	6
<sup>7</sup> MS												
RS												
<b>AINT</b>												
3PD								-				
OTS												
IGTA								:				
inCEN												
<b>IGENCY</b>		10000										
)VERALL												

## C. Processed Requests – Response Time in Day Increments

## Simple Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
00														
TB														
)CC														
3EP	71	0	0	0	0	0	0	0	0	0	0	0	0	71
<sup>7</sup> MS														0.30 (3.72 (3.9)
RS			-n-ru-							-				
<b>MINT</b>														
3PD									-					
OTS														
TGTA														
inCEN		*****												5 (1/2 (1/2 (1/2 (1/2 (1/2 (1/2 (1/2 (1/2
GENCY VERALL												1500 5000		

## **Complex Requests**

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
00														
ТВ														
)CC														
3EP	10	0	0	0	0	0	0	0	0	0	0	0	0	10
7MS														
RS														
<b>AINT</b>														
3PD							· · · · · · · · · · · · · · · · · · ·			· · · · · · · · · · · · · · · · · · ·				
)TS													-	
IGTA				-				···						
inCEN		*****												
GENCY OVERALL														

## Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81- 100 Days	101- 120 Days	121- 140 Days	141- 160 Days	161- 180 Days	181- 200 Days	201- 300 Days	301- 400 Days	401+ Days	TOTAL
00														97/600 800 0000000000000000000000000000000
TB										*				
)CC														
3EP	4	0	0	0	0	0	0	0	0	0	0	0	0	4
7MS												harna		
RS														
<del>INT</del>														
3PD														
)TS						~~~~				<del>}</del>				
'IGTA														
inCEN							•							
					***************************************									
GENCY OVERALL														

# D. Pending Requests 1.

	SIMPLE Number   Median Average				CO	MPLEX		EXPEDI	TED PROC	ESSING
	Number	Median	Average		Number	Median # of	~	Number	Median # of	
	Pending	# of	# of		Pending	Days	# of	Pending	Days	# of
		Days	Days	ļ			Days			Days
DO										
TTB										ļ <u>.</u>
OCC					:					-
BEP	0	5	7.8		0	5	10.9	0	5	5
FMS										
IRS										
MINT										-
BPD										
OTS										
TIGTA										
FinCEN										
AGENCY					90000000000					
OVERAL		9-10-14-15								

## E. Pending Request – Ten Oldest Pending Perfected Request

	10 <sup>th</sup> Oldest Request & # of Days Pending	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Request & # of Days Pending
DO										
TTB										
OCC										
BEP	0	0	0	0	0	0	0	0	0	0
FMS										
IRS										
MINT										
BPD										
OTS										
TIGTA										
FinCEN										
			]					l		

	10 <sup>th</sup> Oldest Request & # of Days Pending	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Request & # of Days Pending
Agency	Date	0	0	0	0	0	0	0	0	0
Overall	# of Days									

## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

## A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number of Adjudicated within Ten Calendar Days
DO					
TTB					
OCC					
BEP	4	0	0	0	0_
FMS					
IRS					
MINT					
BPD					
OTS					
TIGTA					
FinCEN					
AGENCY OVERALL					

#### B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
DO				
TTB				
OCC			440000	
BEP	0	0	0	0
FMS				
IRS				
MINT				
BPD				
OTS				
TIGTA				
FinCEN				
AGENCY OVERALL				

## IX. FOIA PERSONNEL AND COSTS

		PERSONNI	EL		COSTS						
	Number of	Number of	Total Number of		Processing	Litigation-	Total				
	"Full-Time	"Equivalent	"Full-Time		Costs	Related	Costs				
	FOIA	Full-Time	FOIA Staff'			Costs					
	Employees"	FOIA	(The sum of								
		Employees"	Columns 1 & 2)								
DO											
TTB											
OCC											
BEP	2	.5	2.5		\$318,268.80	N/A	\$318,2 68.80				
FMS											
IRS				<u> </u>							
MINT											
BPD											
OTS											
TIGTA											
FinCEN			V								
AGENCY OVERAL	Partie 11 (4 6 6 11 4 6 11 11 11 11 11 11 11 11 11 11 11 11 1										

## X. FEES COLLECTED FOR PROCESSING REQUESTS

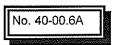
	Total Amount of Fees Collected	Percentage of Total Costs
DO	**************************************	
TTB		
OCC		
BEP	\$2,133.07	.7%
FMS		
IRS		
MINT		******
BPD		
OTS		
TIGTA		
FinCEN		
AGENCY OVERALL		

## XI. FOIA REGULATIONS

Agencies must provide an electronic link to their FOIA regulations, including their fee schedule.

1. See attached BEP Circular Number 40-00.6A Titled: "Processing Public Inquiries Under the Freedom of Information And Privacy Acts."

#### **CIRCULAR**



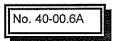
DATE May 2, 1991

# PROCESSING PUBLIC INQUIRIES UNDER THE FREEDOM OF INFORMATION AND PRIVACY ACTS

- 1. PURPOSE AND SCOPE. This circular contains the Bureau of Engraving and Printing's policy and procedures for processing inquiries submitted pursuant either to the Freedom of Information Act (FOIA) (Title 5, U.S.C., Section 552) or the Privacy Act (PA) (Title 5, U.S.C., Section 552a) as amended. The provisions of this directive apply to all Bureau of Engraving and Printing (BEP) components involved in processing FOIA/PA requests.
- 2. POLICY. It is the policy of the Bureau to make available to the public, upon request, official documents or extracts thereof in accordance with both the FOIA and PA and applicable Department of the Treasury regulations found at 31 C.F.R., Part I.
- 3. SUPERSESSION. This circular supersedes Procedure Issuance No. PI 80-4 (Revised) "Processing Public Inquiries under the Freedom of Information Act," dated, May 11, 1982.
- **4. RESPONSIBILITY.** The Director shall designate a Bureau Disclosure Officer who will be the Director's agent and have responsibility for administering both FOIA and PA programs, implementing approved procedures, and preparing related reports.

#### 5. PROCEDURES.

- a. All requests for information received pursuant to either the FOIA or PA shall be referred to the Bureau Disclosure Officer, The request must be made in writing and signed by the person making the request. Unless otherwise officially authorized to do so, no Bureau employee other than the Disclosure Officer may release information or copies of documents, records, and reports of the Bureau, in whole or in part, under the provisions of the Freedom of Information and Privacy Acts.
- b. The Disclosure Officer will make the initial determination of what information is properly releasable under the FOIA and/or PA. In making this determination, the Disclosure Officer may consult with the Bureau's Office of the Chief Counsel.
- c. The Bureau Disclosure Officer is responsible for the following activities:



- (1) Logging in all FOIA/PA requests in the automated FOIA Tracking System and maintaining a separate record of all Freedom of Information and Privacy Act requests. Information recorded shall include:
  - (a) date received;
  - (b) due date;
  - (c) originator;
  - (d) subject;
  - (e) exemptions imposed; and
  - (f) disposition of the request. (See Exhibit A.)
  - (2) Determining whether or not to honor requests in whole or in part.
- (3) Preparing appropriate transmittal documents/memoranda (See Exhibits B, C, and D) and routing inquiries requesting information of technical nature to the appropriate office for research. When received, the office will assign the request for processing with special instructions for the recording of search and review time, to be used by the Disclosure Officer for billing purposes. Upon receipt of the draft response, the Disclosure Officer shall answer the inquiry.
- (4) Ensure that requests are honored within 20 workdays or initiate proper notice of denial or delay in responding to the requestor.
- (5) Compile data to prepare and transmit the annual FOIA/PA reports to the Departmental Disclosure Office.
- (6) Designate a Bureau FOIA/PA Coordinator to assist the Disclosure Officer in all matters relating to the administration of the provisions of this circular.
- (7) Perform all other duties required by the Freedom of Information/Privacy Acts, Departmental FOIA/PA directives, and Bureau FOIA/PA directives.
- d. When a determination has been made to honor the request, a copy of the record or an extract will be provided as requested. If the requesting individual asks to inspect the record in person, the record will be made available in a designated area, once the record has been reviewed and any appropriate deletions made. When it is not possible to bring the record to the individual, an escort will be provided and will remain with the individual until completion of the inspection.

- e. Each Office Chief shall:
- (1) Be responsible or designate a FOIA/PA contact person for that office who will be responsible for collecting, reviewing, and preparing documents within that office, providing a written draft response and the relevant documents to the Bureau Disclosure Officer or the FOIA/PA Coordinator. If the information or documents requested are nonexistent, or if they cannot be provided, or cannot be located, the office contact person shall immediately inform the Disclosure Officer or FOIA/PA Coordinator.
- (2) Notify the Disclosure Officer of the name of the office FOIA/PA contact person.
- f. When the final response is prepared, it will be routed to the appropriate Office Chief(s), Assistant/Associate Director(s) and/or the Chief Counsel for review.
- **6. INDEX OF INFORMATION.** Listed below are the categories of information which may be examined, copied, or reproduced for response to public inquiries:
  - a. Circulars
  - b. Notices
  - c. Bulletins
  - d. Manuals and Operating Manuals
  - e. General Rules, Regulations and Handbooks
  - f. Production Orders
  - g. Work Orders
  - h. Schedules of Deliveries Made
  - i. Production Reports
  - k. Plate Usage Records
  - Product Cost Statements
  - m. Financial Statements with Respect to Bureau Operations
  - n. Expenditure and Receipt Statements
  - o. Invitations to Bid
  - p. Purchase Orders
  - General Operating Records

(Note: The categories of records listed have been published solely for the convenience of users, and their inclusion in this index should not be construed as a determination that specific records are releasable. The Bureau has the right to invoke the exemptions listed in 5 U.S.C. 552(b) in appropriate instances.)

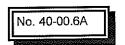
#### 7. FEE SCHEDULE.

- a. When Charged. The following schedule of fees shall be charged for materials and/or services furnished in response to requests for information received from the general public. This also includes the Bureau's search, review, and copying costs for preparing documents for inspection in those cases when the requestor has not requested copies of the documents. This schedule is in accordance with the Departmental fee schedule and will be revised when the Departmental fee schedule is revised. Finally, when fees are expected to be charged (e.g., no fee waiver is granted), the requestor must agree in advance to pay fees before the Bureau processes the request.
- (1) Photocopies. Fifteen (15) cents per copy (maximum size 8 1/2" x 14"), except that no charge shall be imposed for copying 10 pages or less.
- (2) Photoprints. An amount equal to actual processing costs based on labor, material and overhead expenses.
- (3) Manual Records Search and Review. Actual salary rates of the person making the search and review, based on grade and step 5 (as an average) for each hour or fraction thereof.
  - (4) Automated Records Search.
    - (a) Actual computer cost.
- (b) Actual salary rates per hour, as under manual records search, for actual personnel time expended on the search.
  - (c) Supplies/duplication.

When it is anticipated that the fees will exceed \$250 and the requestor has not indicated in advance their willingness to pay fees as high as are anticipated, the requestor may be required to provide a written agreement to pay such fees or may be required to pay such fees in advance of receiving the requested records.

- b. Waiver of Fees. Pursuant to Treasury Regulations, the Bureau may waive the fee for services under the following conditions:
- (1) When services performed primarily benefit the public as opposed to the requestor, such as for newsworthy purposes or for publication in a national magazine.
- (2) When the collection of the aggregate fee is not considered to be in the public interest, such as when the cost of collection exceeds the fee to be paid. Because the Bureau's cost of collection is \$15, no charge is made for \$15 or less.

- (3) When records cannot be located or have been destroyed, or if it is determined after search that information is exempt from disclosure. However, if the time expended in processing the request is substantial, and if the requestor has been notified of the estimated cost and has specifically been advised that it cannot be determined in advance whether any records will be made available, fees should be charged.
- 8. CASH RECEIPTS. Payment shall be sent to the Disclosure Officer in the form of company or personal check, or money order, made payable to the Bureau of Engraving and Printing. All such receipts shall be recorded and hand-carried to the Accounting Division, Office of Financial Management, accompanied by a completed Form 8643-1, "Report of Collection." (See Exhibit E.) The FOIA Coordinator will be responsible for maintaining copies of all cash receipts and BEP Forms 8643-1, and for following upon amounts due BEP.
- 9. **RECORDS AND REPORTS.** The Bureau Disclosure Officer is responsible for the preparation of all correspondence, the maintenance of separate, secure files, the preparation of all reports required by established Departmental and Bureau procedures and by the provisions of the Freedom of Information and the Privacy Acts, and the periodic review and preparation of information indexes for publication in the Federal Register.
- 10. APPEALS OF DENIALS. When information has been denied for cause as determined at the Disclosure Officer level, appeal of such denial may be made by the requestor within 35 days of the date of the notice of denial. Such appeals must be in writing and addressed to: The Director, Bureau of Engraving and Printing, 14th and C Streets, S.W., Washington, DC 20228.
- 11. **RETENTION PERIOD.** Pursuant to General Records Schedule 14, FOIA/PA files will be retained for six years after date of reply. The records of the FOIA/PA cases that were appealed will also be retained for six years after final determination.

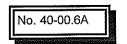


12. OFFICE OF PRIMARY RESPONSIBILITY. Management Advisory Services Division, Office of Management Services.

<SIGNED>
Peter H. Daly
Director

**DISTRIBUTION "C"** 

## **CIRCULAR**



DATE May 2, 1991

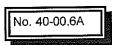
#### **EXHIBIT A**

#### LIST OF FOIA REQUESTS AS OF 91/03/15

FOIA NUM	DATE RECEIVED	<u>DUE DATE</u>	EXT DATE	ORIGINATOR	NATURE	<u>EXMPNUM</u>	FEE	DATE PAY	DATE	<u>MAIL</u>
FOIA NUM 91001 91002 91003 91004 91005 91006 91007 91008 91009 91010 91011 91012	DATE RECEIVED  91/01/03  91/01/15  91/01/15  91/01/25  91/01/25  91/01/26  91/02/06  91/02/06  91/02/07  91/02/25  91/02/24	91/01/17 91/01/30 91/01/30 91/02/05 91/02/08 91/02/09 91/02/06 91/02/20 91/02/20 91/02/21 91/03/11 91/03/12	EXT DATE	John 0. Citizen Mary S. Jones Martin R. Smith Joe B. Printer David R. Cox Albert P. Dickers Robert McGrego Eric P. Hansen H. B. Tremaine Verna R. Nosey S. E. Business Elaine T. Reston	FY 1990 Performance Ratir Offset/Intaglio Stamp Pape Personnel Security File Dat Released PASS History Released Credit (all Docs. from BEP-89-200 Sol. #TEP-91-06(N) Files and Records Pertainir Personnel Security File Dat Reduction In Force Informa	ng Input f r for th a ports on M Cards (TN) ng to th ia		\$0.00 \$71.93 91/0 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00		91/01/11 91/01/25 91/01/28 91/02/06 91/01/31 91/01131 91/01/31 91/02/14 91/02/14 91/02/20 91/03/05 91/02128
91012 91013 91014 91015	91/03/06 . 91/03/07 91/03/11	91/03/12 91/03126 91/03/21 91/03/25			Web Press Contract, Ink ( Postage Stamp Adhesive 1 Contract No. BEF-88-22	Contract f		\$0.00 \$0.00 \$24.23		91/03/15

1. FOIA/PA Request

## **CIRCULAR**



DATE May 2, 1991 **EXHIBIT B** UNITED STATES GOVERNMENT DEPARTMENT OF THE TREASURY Memorandum BUREAU OF ENGRAVING AND PRINTING DATE: April 1, 1991 Thomas W. Gilbert, Chief TO: ID: 4444M Office of Personnel Lawrence F. Zenker, Acting Chief FROM: Office of Management Services SUBJECT: Review FOIA/PA Request 2. I understand Jim (287-0204) will arrange for pickup of the material by COB April 8, 1991. Signature To: Jim Braun, MASD, OMS From: \_\_\_\_\_ 1. Freedom of Information/Privacy Act returned Date From: Jim Braun, MASD, OMS

Received

Date

#### **EXHIBIT C**

## UNITED STATES GOVERNMENT **Memorandum**

DEPARTMENT OF THE TREASURY BUREAU OF ENGRAVING AND PRINTING

TO: Thomas W. Gilbert, Chief

Office of Personnel

DATE: April 1, 1991 ID:4444M

FROM: Lawrence F. Zei

Lawrence F. Zenker, Acting Chief

Office of Management Services

SUBJECT: Freedom of Information/Privacy Act Request

We have received a Freedom of Information Act (FOIA) request. We would like you to review the attached material which includes a copy of the request and a certification letter.

In determining whether you have any records responsive to this request, remember that pursuant to FOIA we are not obliged to create records to respond to a request. We are only required to provide information which is already in existence in either an automated system or manual record file. If you have any questions about this request, give me a call on 447-0851.

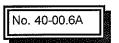
The Act requires that we respond to the requester within 10 working days from date of receipt. Accordingly, we would appreciate your office responding to us within five (5) working days of receipt of this material to allow us sufficient time for internal coordination and administrative processing of this request.

Attachments

#### **EXHIBIT D**

BUREAU OF ENGRAVING AND FRINTING FREEDOM OF INFORMATION/PRIVACY ACT REQUEST FOR IMPORMATION AND CERTIFICATION OF RESPONSE

I. BACKGROUND DATA									
Date Received: <u>April 1, 1991</u> Date Response Needed: <u>April 8, 199</u> 1	DEP Number: <u>FOYA 31-920</u> Treasury Number: <u>N/A</u>								
Requestor (Name and Address): John Q. Citizen 123 Long Road Anyplace, MD 19999	Nature of Request: Copy of all files pertaining to the requestor. (See attached F.O.I.A. Request)								
II. OFFICE/PERSON RESPONSIBLE FOR PROVIDE	ING INFORMATION FOR BEP RESPONSE								
Thomas W. Gilbert, Chief Office of Personnel									
Note: Please call Jim Braun at 287-0204 requested response date (listed at	for pick-up of your information by the move).								
III. CERTIFICATION AS TO INFORMATION PRO	DVIDED FOR BET RESPONSE								
are to provide all material maintained in	led under 5 U.S.C. 552, (5 U.S.C. 552a). You never file relative to the above-captioned on receipt of this request. Upon completion appropriate statement, sign and return to the 09A.								
1 This certifies that records are enclosed	e on file and the documents requested are								
2 This cortifies that records at you with copies in the time fr with the required information	e on file; however, we are unable to provide ame you requested. We shall furnish you by:								
3. We have reviewed the files mai information subject to this FO	ntained in this office, and certify that no IA is available.								
Signed:	Data:								
Title: (Chief)	And the state of t								
الله الله الله الله الله الله الله الله									
IV. EFFORT REQUIRED TO FURNISH REQUESTED INFORMATION									
Search Hours	Grade Level								
Review Hours	tade Level								
Number of Copies									



## EXHIBIT E

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#### XII. BACKLOGS, CONSULTATIONS, AND COMPARISIONS

- A. Backlogs of FOIA Requests and Administrative Appeals
  - 1. Provide below the number of FOIA requests and administrative appeals that were pending beyond the statutory time period as of the end of the fiscal year. (Such requests and appeals are considered "backlogged.")
  - 2. Note: The statutory time period is ordinarily 20 working days from receipt of a perfected request, see 5 U.S.C. § 552(a)(6)(A)(i), but may be extended up to 10 additional working days when "unusual circumstances" are present, see id. § 552(a)(6)(B)(i),

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
DO		
TTB	1117	
OCC		
BEP	0	0
FMS		
IRS		
MINT		
BPD		
OTS		
TIGTA		
FinCEN		
AGENCY OVERALL		

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

## B. Consultations on FOIA Requests - Received, Processed, and Pending Consultations

	Number of	Number of	Number of	Number of		
	Consultations	Consultations	Consultations	Consultations		
	Received from	Received from	Received from	Received from		
	Other Agencies	Other Agencies	Other Agencies	Other Agencies		
	that were Pending	during the	that were	that were <u>Pending</u>		
	at Your Agency as	Fiscal Year	Processed by Your	at Your Agency as		
	of Start of the		Agency during the	of End of the		
	Fiscal Year		Fiscal Year	Fiscal Year		
DO						
TTB						
OCC						
BEP	0	1	1	0		
FMS						
IRS						
MINT						
BPD						
OTS						
TIGTA			-			
FinCEN						
AGENCY OVERALL						

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

About	10 <sup>th</sup> Oldest Consultation & # of Days Pending	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Consultation & # of Days Pending
DO										
TTB										
OCC										
BEP	0	0	0	0	0	0	0	0	0	0
FMS										
IRS										
MINT										
BPD										
OTS										
TIGTA										
FinCEN										

	10 <sup>th</sup> Oldest Consultation & # of Days Pending	9 <sup>th</sup>	. 8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Consultation & # of Days Pending
Agency Overall	Date	0	0	0	0	0	0	0	0	0
	# of Days									

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

	NUMBER OF REQU	JESTS <u>RECEIVED</u>	NUMBER OF REQUESTS PROCESSED				
	Number Received during Fiscal Year from Last Year's Annual Report	Number Received during Fiscal Year from current Annual Report	Number of Processed during Fiscal Year from Last Year's Annual report	Number Processed During Fiscal Year from Current Annual Report			
DO		1 10000					
TTB							
OCC							
BEP	64	83	66	85			
FMS							
IRS							
MINT							
BPD							
OTS							
TIGTA							
FinCEN							
AGENCY OVERALL							

	Number of Backlogged Requests as of End of the	Number of Backlogged Requests as of End of the					
	Fiscal Year from Previous	Fiscal Year from Current					
	Annual Report	Annual Report					
DO							
TTB							
OCC							
BEP	0	0					
FMS							
IRS							
MINT							
BPD							
OTS							
TIGTA							
FinCEN							
AGENCY OVERALL							

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

	NUMBER OF APPE	ALS <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 of Processed during Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report			
DO							
TTB							
OCC							
BEP	0	2	0	1			
FMS							
IRS							
MINT							
BPD							
OTS							
TIGTA				.=			
FinCEN		***************************************					
AGENCY OVERALL							

	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
DO		
TTB		
OCC		
BEP	0	0
FMS		
IRS		
MINT		
BPD		
OTS		
TIGTA		
FinCEN		
AGENCY OVERALL		

- F. Discussion of Other FOIA Activities (Optional)
  - 1. Provide here any further information about the agency's efforts to improve FOIA administration.

The Bureau of Engraving and Printing's (BEP), Disclosure Service made the following improvements in 2008 to its FOIA Program:

- 1. Re-structured its FOIA web page to include discussion on FOIA and Privacy and provided links to BEP FOIA Annual Reports for years 2002 to present, System of Record Notices, and frequently requested FOIA records;
- 2. For security purposes, requesters seeking BEP records may check the status of a request by contacting the FOIA coordinator(s) directly through use of a 1-800 number; and
- 3. Drafted internal Standard Operating Procedures (SOP's) for day to day management of FOIA requests.

See the attached link to the Bureau of Engraving and Printing (BEP) FOIA Web page.

http://www.bep.treas.gov/section.cfm/14

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