



U.S. DEPARTMENT OF THE TREASURY



FREEDOM OF INFORMATION ACT

ANNUAL REPORT TO THE ATTORNEY GENERAL

FOR FISCAL YEAR 2011

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)

Consumer Financial Protection Bureau (CFPB)



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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2011 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 10¹ bureaus. Each bureau is responsible for those records under its control, and each bureau will post its report on its own web site. Disclosure Services prepared the report in collaboration with the bureau FOIA Officers

¹ Although the number of bureaus discussed in this report may appear to be greater than 10, OTS was abolished in FY11 and CFPB is not a Treasury bureau; Treasury was responsible for CFPB's FOIA administration for a portion of FY 11.

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

II. MAKING A FOIA REQUEST

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

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

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Alcohol and Tobacco Tax and Trade

Bureau (TTB)

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Bureau of the Public Debt (BPD)

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Consumer Financial Protection Bureau (CFPB)

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

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

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

BEP	Bureau of Engraving and Printing
BPD	Bureau of the Public Debt
CFPB	Consumer Financial Protection Board
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)
TTB	Alcohol and Tobacco Tax and Trade Bureau

2. Definition of terms used in this Report:

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

- f. **Exemption 3 Statute**- a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

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

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

- h. **Full Grant**- an agency decision to disclose all records in full in response to a FOIA request.

- i. **Full Denial**- an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

- j. **Median Number**- the middle, not average, number. For example, of 3, 7 and 14, the median number is 7.

- k. **Multi-Track Processing**- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

 - ii. **Simple Request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

 - iii. **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested

- l. **Partial Grant/Partial Denial** - in response to a FOIA request, an

agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason

- m. **Perfect 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. **Perfect 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 had taken final action in
 - 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 twenty working days from receipt of a perfected FOIA request).
3. Include the following concise 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
 - 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

IV. EXEMPTION 3 STATUTES

A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	Type of Information Withheld	Case Citation	Component	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
26 U.S.C. § 6103	Certain tax return information and certain tax convention information	<u>Church of Scientology v. IRS</u> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <u>Pac. Fisheries, Inc. v. IRS</u> , No. 09-35618, 2010 WL 3611645, at *2 (9th Cir. September 15, 2010) (unpublished disposition)	DO FMS IRS TIGTA TTB	5 40 1804 48 12	1909
31 U.S.C. § 5319 (Bank Secrecy Act)	Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	Hulstein v. DEA, No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); 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), cert. denied, 129 S. Ct. 2789 (U.S. 2009); Sciba v. Bd. of Governors of the Fed. Reserve Sys., No. 04-1011, 2005 WL 3201206, at *6 (D.D.C. Nov. 4, 2005).	FinCEN IRS	138 21	159

Statute	Type of Information Withheld	Case Citation	Component	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
41 U.S.C. § 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	Margolin v. NASA, No. 09CV-00421-LRH-VPC, 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 MINT	44 1	45
41 U.S.C. 2102(a), recodifies 41 U.S.C. 423(a)	Contracts / RFP's and bids pre-award	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007) Fund for Constitutional Gov't v. Nat'l Archives & Records Serv., 656 F.2d 856, 867-68 (D.C. Cir. 1981) Durham v. U.S. Atty. 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	3	3
21 U.S.C. 1904(e)(3)	Investigative Information		DO	1	1
5 U.S.C. app.3 § 7(b)	Complaints by employees, disclosure of identity, reprisals		TIGTA	2	2
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings		TIGTA	1	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
BEP	0	65	59	6
BPD	1	187	187	1
CFPB	0	18	7	11
DO	350	938	999	289
FinCEN	1	195	194	2
FMS	13	301	290	24
IRS	608	12242	12028	822
MINT	4	83	81	6
OCC	103	1797	1839	60
OTS	40	656	696	0
TIGTA	23	219	227	15
TTB	1	75	76	0
AGENCY OVERALL	1144	16776	16683	1236

Disposition of FOIA Requests - All Processed Requests

	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	26	10	0	19	2	1	0	0	1	0	0	0	59
BPD	31	23	0	80	31	1	0	0	3	17	1	0	187
CFPB	0	1	1	1	0	1	0	0	1	2	0	0	7
DO	102	202	23	173	207	128	27	1	23	67	38	8	999
FinCEN	13	50	90	36	0	0	0	0	4	1	0	0	194
FMS	40	98	32	25	4	11	34	4	9	29	3	1	290
IRS	4226	2248	184	1026	41	196	148	665	2845	37	412	0	12028
MINT	32	19	2	19	1	1	3	0	4	0	0	0	81
OCC	1273	148	81	47	11	38	2	8	1	139	18	73	1839
OTS	266	68	9	202	20	53	0	0	0	0	0	78	696
TIGTA	27	95	10	27	16	8	2	1	32	4	5	0	227
TTB	6	21	10	16	6	3	2	6	3	1	2	0	76
Agency Overall	6042	2983	442	1671	339	441	218	685	2926	297	479	160	16683

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

Component	Description of "Other" Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon.	TOTAL
DO	GLOMAR- 1, no forwarding address- 1, aggregated- 6	8
FMS	Records available next month - 1	1
OCC	NOT FOIA- 16, Records lost- 2, No written authorization to access records- 4, No proof of ID- 25, Appealed prior to determination- 1, Records previously furnished- 1, Handled via phone exclusively- 4, Records destroyed/records retention- 4, Closed w/o determination-15, Records referred at initial request level- 1	73
OTS	Requests were merged with OCC on July 1, 2011 as part of the Dodd-Frank Act.	78

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

	Ex. 1	Ex. 2	Ex 3.	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
BEP	N/A	N/A	N/A	5	1	6	1	N/A	1	N/A	N/A	N/A	N/A	N/A
BPD	N/A	N/A	1	4	2	11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CFPB	N/A	1	N/A	N/A	2	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DO	9	18	9	29	35	53	3	N/A	11	4	4	N/A	3	N/A
FinCEN	N/A	3	138	2	2	12	N/A	N/A	22	3	26	N/A	N/A	N/A
FMS	N/A	N/A	40	12	3	102	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IRS	N/A	152	1869	38	441	502	303	3	850	51	826	7	1	N/A
MINT	N/A	N/A	1	6	9	12	N/A	N/A	1	N/A	1	N/A	N/A	N/A
OCC	N/A	3	N/A	78	51	67	3	N/A	7	N/A	N/A	N/A	164	N/A
OTS	N/A	N/A	N/A	25	4	18	N/A	N/A	N/A	N/A	3	N/A	24	N/A
TIGTA	N/A	6	51	N/A	10	30	6	N/A	101	10	12	1	N/A	N/A
TTB	N/A	4	12	7	15	17	N/A	N/A	N/A	1	1	N/A	N/A	N/A
AGENCY OVERALL	9	187	2121	206	575	831	316	3	993	69	873	8	192	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed & Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
BEP	0	1	1	0
BPD	0	5	5	0
CFPB	0	0	0	0
DO	32	57	37	52
FinCEN	0	10	10	0
FMS	0	3	1	2
IRS	35	199	230	4
MINT	0	4	4	0
OCC	12	35	35	12
OTS	1	4	5	0
TIGTA	0	24	21	3
TTB	0	5	5	0
AGENCY OVERALL	80	347	354	73

B. Disposition of Administrative Appeals - All Processed Appeals

	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
BEP	0	1	0	0	1
BPD	3	1	1	0	5
CFPB	0	0	0	0	0
DO	23	4	6	4	37
FinCEN	9	1	0	0	10
FMS	1	0	0	0	1
IRS	218	1	3	8	230
MINT	2	1	0	1	4
OCC	1	15	11	8	35
OTS	1	1	1	2	5
TIGTA	11	7	1	2	21
TTB	4	1	0	0	5
AGENCY OVERALL	273	33	23	25	354

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

	Ex. 1	Ex. 2	Ex 3.	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
BEP	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BPD	0	0	0	0	1	1	0	0	0	0	0	0	0	0
CFPB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DO	0	1	1	4	6	7	0	1	0	0	0	0	0	0
FinCEN	0	0	9	0	0	1	0	0	1	1	2	0	0	0
FMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS	0	5	84	2	42	33	32	0	37	2	38	0	0	0
MINT	0	0	1	1	3	0	0	0	0	0	0	0	0	0
OCC	0	0	0	2	0	0	0	0	0	0	0	0	2	0
OTS	0	0	0	2	0	0	0	0	0	0	0	0	2	0
TIGTA	0	0	3	0	2	5	1	0	16	1	1	0	0	0
TTB	0	3	1	4	1	0	0	0	0	0	1	0	0	0
AGENCY OVERALL	0	9	99	15	55	47	33	1	54	4	42	0	4	0

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

	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below
BEP	0	0	0	0	0	0	0	0	0
BPD	0	0	0	0	0	0	0	0	0
CFPB	0	0	0	0	0	0	0	0	0
DO	24	0	0	6	0	0	1	0	5
FinCEN	1	0	0	0	0	0	0	0	0
FMS	1	0	0	0	0	0	0	0	0
IRS	20	6	0	1	2	32	0	0	18
MINT	1	0	1	0	0	0	0	0	0
OCC	0	0	3	0	0	0	0	0	5
OTS	0	0	1	0	0	0	0	0	1
TIGTA	0	0	0	0	1	0	0	1	0
TTB	0	0	0	0	0	0	0	0	0
Agency Overall	47	6	5	7	3	32	1	1	29

		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CFPB	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DO	Date of Receipt of Ten Oldest Appeals	6/17/10	5/4/10	11/17/09	11/9/09	11/5/09	6/8/08	4/29/08	3/4/08	9/20/07	4/6/07
	Number of Days Pending	325	356	473	479	481	849	878	918	1036	1155
FinCEN	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FMS	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/14/11	9/2/11
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	13	20
IRS	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	9/23/11	9/19/11	9/19/11	8/25/11
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	6	10	10	26
MINT	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCC	Date of Receipt of Ten Oldest Appeals	8/9/11	7/27/11	7/27/11	7/8/11	6/28/11	6/13/11	1/19/11	12/7/10	5/20/10	10/6/09
	Number of Days Pending	38	47	47	60	67	78	179	207	344	503
OTS	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TIGTA	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/27/11	9/22/11	9/20/11
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4	7	9
TTB	Date of Receipt of Ten Oldest Appeals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	Date of Receipt of Ten Oldest Appeals	5/4/10	11/17/09	11/9/09	11/5/09	10/6/09	6/8/08	4/29/08	3/4/08	9/20/07	4/6/07
	Number of Days Pending	356	473	479	481	503	849	878	918	1036	1155

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

A. Processed Requests

	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	3	7.0	1	32	8	12.0	25	48	N/A	N/A	N/A	N/A
BPD	6	7.4	1	30	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CFPB	13	11.0	6	13	13	13.0	6	91	N/A	N/A	N/A	N/A
DO	2	23.0	0	280	36	240.0	0	3205	30	169.0	6	1126
FinCEN	1	1.0	0	6	4	5.0	0	20	N/A	N/A	N/A	N/A
FMS	9	9.0	1	20	25	26.0	23	30	14	15.0	14	16
IRS	N/A	N/A	N/A	N/A	14	19.0	0	604	18	21.0	0	42
MINT	8	10.0	1	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCC	3	8.8	1	130	33	47.7	7	126	8	15.1	1	116
OTS	7	15.0	0	519	11	23.0	0	233	N/A	N/A	N/A	N/A
TIGTA	13	14.0	9	20	18	17.0	0	111	3	3.0	3	3
TTB	10	12.0	2	49	21	22.0	2	78	N/A	N/A	N/A	N/A
Agency Overall	5	10.9	0	519	13	27.0	0	3205	21	91.5	3	1126

B. Processed Requests - Response Time for Perfected Requests in Which Information was Granted

	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BEP	7	10.0	7	23	14	22.0	20	48	N/A	N/A	N/A	N/A
BPD	4	8.0	0	27	5	8.0	0	30	N/A	N/A	N/A	N/A
CFPB	13	13.0	6	19	13	13.0	6	91	N/A	N/A	N/A	N/A
DO	34	47.0	1	280	106	384.0	1	3205	126	226.0	6	1126
FinCEN	2	1.0	0	6	3	4.0	0	20	N/A	N/A	N/A	N/A
FMS	13	12.0	1	20	25	26.0	23	30	N/A	N/A	N/A	N/A
IRS	N/A	N/A	N/A	N/A	18	23.0	0	604	21	26.0	0	42
MINT	8	10.0	1	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCC	3	8.8	1	130	33	47.7	7	126	8	15.1	1	116
OTS	5	12.0	0	351	10	19.0	0	173	N/A	N/A	N/A	N/A
TIGTA	20	20.0	19	20	19	23.0	2	111	N/A	N/A	N/A	N/A
TTB	8	11.0	7	19	52	43.0	25	53	N/A	N/A	N/A	N/A
Agency Overall	7	14.5	0	351	16	52.0	0	3205	126	129.0	6	1126

C. Processed Requests - Response Time in Day Increments

Simple Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	44	2	0	0	0	0	0	0	0	0	0	0	0	46
BPD	5	1	0	0	0	0	0	0	0	0	0	0	0	6
CFPB	5	1	0	0	0	0	0	0	0	0	0	0	0	6
DO	166	11	5	6	3	4	2	1	1	0	3	0	0	202
FinCEN	104	0	0	0	0	0	0	0	0	0	0	0	0	104
FMS	280	0	0	0	0	0	0	0	0	0	0	0	0	280
IRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MINT	81	0	0	0	0	0	0	0	0	0	0	0	0	81
OCC	1405	130	50	16	15	17	3	0	0	0	0	0	0	1636
OTS	361	26	1	1	0	0	0	0	0	0	0	1	0	390
TIGTA	5	0	0	0	0	0	0	0	0	0	0	0	0	5
TTB	23	2	1	0	0	0	0	0	0	0	0	0	0	26
Agency Overall	2479	173	57	23	18	21	5	1	1	0	3	1	0	2782

Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	11	1	1	0	0	0	0	0	0	0	0	0	0	13
BPD	184	5	0	0	0	0	0	0	0	0	0	0	0	189
CFPB	0	0	0	0	1	0	0	0	0	0	0	0	0	1
DO	490	39	33	23	20	8	18	8	5	4	20	23	100	791
FinCEN	90	0	0	0	0	0	0	0	0	0	0	0	0	90
FMS	0	10	0	0	0	0	0	0	0	0	0	0	0	10
IRS	8918	2077	667	212	68	30	12	8	9	3	12	9	3	12028
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCC	21	19	10	8	8	2	1	0	0	0	0	0	0	69
OTS	52	7	2	0	1	0	0	0	1	0	0	0	0	63
TIGTA	186	21	10	2	1	1	0	0	0	0	0	0	0	221
TTB	25	21	3	1	0	0	0	0	0	0	0	0	0	50
Agency Overall	9977	2200	726	246	99	41	31	16	15	7	32	32	103	13525

Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
BEP	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CFPB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DO	10	3	0	0	0	0	1	0	0	0	1	1	1	17
FinCEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FMS	2	0	0	0	0	0	0	0	0	0	0	0	0	2
IRS	2	1	0	0	0	0	0	0	0	0	0	0	0	3
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCC	113	16	5	0	2	1	0	0	0	0	0	0	0	137
OTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TIGTA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
TTB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	128	20	5	0	2	1	1	0	0	0	1	1	1	160

D. Pending Requests

	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	3	8	16.0	3	25	25.0	N/A	N/A	N/A
BPD	N/A	N/A	N/A	2	2	2.0	N/A	N/A	N/A
CFPB	3	24	23.0	5	32	37.0	N/A	N/A	N/A
DO	25	145	152.0	227	138	395.0	5	383	460.0
FinCEN	1	1	1.0	1	12	12.0	N/A	N/A	N/A
FMS	17	11	18.0	7	11	12.0	N/A	N/A	N/A
IRS	N/A	N/A	N/A	822	12	25.0	3	94	120.0
MINT	6	4	7.0	N/A	N/A	N/A	N/A	N/A	N/A
OCC	47	9	11.0	6	6	20.0	N/A	N/A	N/A
OTS	51	102	147.0	25	114	169.0	N/A	N/A	N/A
TIGTA	1	5	5.0	11	4	4.0	N/A	N/A	N/A
TTB	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	154	86	51.0	1109	22	80.6	8	193	256.0

E. Pending Requests - Ten Oldest Pending Perfected Requests²

Date of Receipt of Ten Oldest Pending	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
BEP	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/30/2011 1 days	9/26/2011 5 days	9/9/2011 16 days	9/06/2011 19 days	9/1/2011 21 days	9/1/2011 21 days
BPD	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/29/2011 2 days	9/29/2011 2 days
CFPB	N/A N/A	N/A N/A	9/15/2011 12 days	8/30/2011 23 days	8/26/2011 25 days	8/24/2011 27 days	8/23/2011 28 days	8/19/2011 30 days	8/9/2011 38 days	8/3/2011 42 days
DO	1/22/2007 1209 days	10/3/2005 1549 days	9/12/2005 1561 days	8/8/2005 1589 days	8/8/2005 1589 days	6/9/2005 1631 days	2/16/2005 1712 days	12/6/2004 1764 days	11/18/2003 2038 days	10/30/2003 2051 days
FinCEN	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/30/2011 1 days	9/19/2011 10 days
FMS	9/26/2011 5 days	9/26/2011 5 days	9/21/2011 8 days	9/21/2011 8 days	9/20/2011 9 days	9/16/2011 11 days	9/15/2011 12 days	9/13/2011 14 days	9/12/2011 15 days	9/2/2011 20 days
IRS	10/5/2010 249 days	9/28/2010 254 days	9/27/2010 255 days	9/13/2010 265 days	8/17/2010 283 days	8/16/2010 284 days	7/8/2010 311 days	7/6/2010 313 days	5/4/2010 356 days	1/4/2010 440 days
MINT	N/A N/A	N/A N/A	N/A N/A	N/A N/A	9/29/2011 2 days	9/28/2011 3 days	9/28/2011 3 days	9/26/2011 5 days	9/19/2011 10 days	9/13/2011 14 days
OCC	9/8/2011 17 days	9/7/2011 18 days	9/2/2011 20 days	8/31/2011 22 days	8/30/2011 23 days	8/5/2011 40 days	8/4/2011 41 days	7/21/2011 51 days	7/18/2011 54 days	5/20/2011 93 days
OTS	3/14/2011 142 days	3/10/2011 144 days	3/8/2011 146 days	2/9/2011 164 days	1/3/2011 190 days	12/22/2010 196 days	9/24/2010 256 days	9/15/2010 263 days	2/5/2009 676 days	2/25/2008 924 days
TIGTA	9/30/2011 1 days	9/30/2011 1 days	9/29/2011 2 days	9/26/2011 5 days	9/23/2011 6 days	9/22/2011 7 days	9/21/2011 8 days	9/20/2011 9 days	9/16/2011 11 days	9/15/2011 12 days
TTB	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A
Agency Overall	1/22/2007 1209 days	10/3/2005 1549 days	9/12/2005 1561 days	8/8/2005 1589 days	8/8/2005 1589 days	6/9/2005 1631 days	2/16/2005 1712 days	12/6/2004 1764 days	11/18/2003 2038 days	10/30/2003 2051 days

² The calculations used in Chart VIID and Chart VIIE were inconsistent. Chart VIID used Calendar Days (including weekends and holiday) and Chart VIIE used Business Days (less weekends and holidays). The programs will be adjusted to use the same calculation (Business Days) for future reportings.

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
BEP	0	1	0	0.0	0
BPD	0	0	0	0.0	0
CFPB	0	0	0	0.0	0
DO	13	35	7	3.0	47
FinCEN	0	0	0	0.0	0
FMS	2	1	14	15.0	0
IRS	65	3	8	10.0	44
MINT	0	0	0	0.0	0
OCC	142	63	1	2.0	200
OTS	0	0	0	0.0	0
TIGTA	1	2	5	4.0	3
TTB	0	0	0	0.0	0
Agency Overall	223	105	3	4.0	294

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BEP	0	2	0	0.0
BPD	0	0	0	0.0
CFPB	0	0	0	0.0
DO	160	40	6	10.3
FinCEN	1	0	0	0.0
FMS	2	9	1	5.0
IRS	27	3	0	1.0
MINT	1	5	10	3.0
OCC	22	0	1	0.1
OTS	0	0	0	0.0
TIGTA	1	9	1	2.0
TTB	1	0	0	0.0
Agency Overall	215	68	6	9.0

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
BEP	1	0.40	1.40	\$148,599.00	\$0.00	\$148,599.00
BPD	1	0.40	1.40	\$144,228.00	\$0.00	\$144,228.00
CFPB	3	0.00	3.00	\$462,170.00	\$0.00	\$462,170.00
DO	12	4.60	16.60	\$3,691,372.00	\$163,735.80	\$3,855,107.80
FinCEN	0	3.15	3.15	\$111,752.00	\$3,559.00	\$115,311.00
FMS	0	5.39	5.39	\$618,133.80	\$8,146.62	\$626,280.42
IRS	8	64.50	72.50	\$9,877,360.41	\$247,180.09	\$10,124,540.50
MINT	1	0.50	1.50	\$164,161.00	\$0.00	\$164,161.00
OCC	7	0.00	7.00	\$937,228.54	\$0.00	\$937,228.54
OTS	3	1.00	4.00	\$356,483.00	\$0.00	\$356,483.00
TIGTA	0	3.84	3.84	\$450,576.30	\$5,736.00	\$456,312.30
TTB	1	1.52	2.52	\$144,522.01	\$0.00	\$144,522.01
Agency Overall	30	92.30	122.30	\$17,106,586.06	\$428,357.51	\$17,534,943.57

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
BEP	\$1,295.00	0.87%
BPD	N/A	N/A
CFPB	N/A	N/A
DO	\$21,808.07	0.59%
FinCEN	N/A	N/A
FMS	\$31,997.95	5.18%
IRS	\$376,928.51	3.82%
MINT	\$1,242.57	0.76%
OCC	\$137,630.00	14.68%
OTS	\$19,450.20	5.46%
TIGTA	\$200.40	0.04%
TTB	\$8,337.91	5.77%
Agency Overall	\$598,890.61	3.50%

XI. FOIA REGULATIONS

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

DO: <http://www.treasury.gov/FOIA/Pages/foiaregs.aspx>

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

TTB: <http://www.treasury.gov/FOIA/Documents/foiaregs.pdf>

OCC: http://www.access.gpo.gov/nara/cfr/waisidx_10/12cfr4_10.html

BEP: <http://www.treasury.gov/FOIA/Documents/foiaregs.pdf>

FMS: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title31-vol1/pdf/CFR-2011-title31-vol1-part1.pdf>

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

MINT: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title31-vol1/pdf/CFR-2011-title31-vol1-part1.pdf>

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

OTS: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title31-vol1/pdf/CFR-2011-title31-vol1-part1.pdf>; <http://www.gpo.gov/fdsys/pkg/CFR-2011-title31-vol1/pdf/CFR-2011-title31-vol1-part1.pdf>

TIGTA: http://www.treas.gov/tigta/important_foia.shtml; http://www.access.gpo.gov/nara/cfr/waisidx_00/31cfr1_00.html

FinCen: http://www.fincen.gov/foia/foia_fees.html and http://www.fincen.gov/foia/foia_policies.html; <http://www.gpo.gov/fdsys/pkg/CFR-2011-title31-vol1/pdf/CFR-2011-title31-vol1-part1.pdf>

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year (FY2011)	Number of Backlogged Appeals as of End of Fiscal Year (FY2011)
BEP	N/A	N/A
BPD	N/A	N/A
CFPB	3	N/A
DO	178	34
FinCEN	N/A	N/A
FMS	N/A	N/A
IRS	146	4
MINT	N/A	N/A
OCC	6	13
OTS	N/A	N/A
TIGTA	N/A	N/A
TTB	N/A	N/A
Agency Overall	333	51

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

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> as of <u>Start</u> of the Fiscal Year (FY2011)	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year (FY2011)	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by During the Fiscal Year (FY2011)	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at as of <u>End</u> of the Fiscal Year (FY2011)
BEP	0	1	1	0
BPD	0	0	0	0
CFPB	0	0	0	0
DO	11	42	34	19
FinCEN	0	8	8	0
FMS	1	45	44	2
IRS	6	196	193	9
MINT	0	0	0	0
OCC	0	0	0	0
OTS	0	0	0	0
TIGTA	1	0	1	0
TTB	0	4	4	0
Agency Overall	19	296	285	30

		10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
TTB	Date Received	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	Date Received	7/8/2011	7/8/2011	7/7/2011	7/6/2011	7/5/2011	5/27/2011	5/18/2011	4/27/2011	2/1/2011	9/30/2010
	Number of Days Pending	60 days	60 days	61 days	62 days	63 days	88 days	95 days	110 days	170 days	252 days

D. Comparison of Numbers of Requests from Previous and Current Annual Report - Requests Received, Processed, and Backlogged

	Number Received During Fiscal Year from Last Year's Annual Report (FY2010)	Number Received During Fiscal Year from Current Annual Report (FY2011)	Number Processed During Fiscal Year from Last Year's Annual Report (FY2010)	Number Processed During Fiscal Year from Current Annual Report (FY2011)
BEP	82	65	82	59
BPD	135	187	134	187
CFPB	N/A	18	N/A	7
DO	922	938	2338	999
FinCEN	196	195	197	194
FMS	332	301	321	290
IRS	12027	12242	12300	12028
MINT	129	83	127	81
OCC	1946	1797	1926	1839
OTS	774	656	778	696
TIGTA	274	219	267	227
TTB	94	75	94	76
Agency Overall	16911	16776	18564	16683

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report (FY2010)	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report (FY2011)
BEP	0	0
BPD	0	0
CFPB	0	3
DO	282	178
FinCEN	0	0
FMS	0	0
IRS	118	146
MINT	0	0
OCC	10	6
OTS	9	0
TIGTA	0	0
TTB	0	0
AGENCY OVERALL	419	333

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

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report (FY2010)	Number Received During Fiscal Year from Current Annual Report (FY2011)	Number Processed During Fiscal Year from Last Year's Annual Report (FY2010)	Number Processed During Fiscal Year from Current Annual Report (FY2011)
BEP	2	1	2	1
BPD	2	5	2	5
CFPB	0	0	0	0
DO	23	57	20	37
FinCEN	3	10	3	10
FMS	4	3	4	1
IRS	263	199	288	230
MINT	3	4	3	4
OCC	45	35	46	35
OTS	9	4	8	5
TIGTA	17	24	18	21
TTB	1	5	6	5
Agency Overall	372	347	400	354

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report (FY2010)	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report (FY2011)
BEP	0	0
BPD	0	0
CFPB	0	0
DO	32	34
FinCEN	0	0
FMS	0	0
IRS	11	4
MINT	0	0
OCC	9	13
OTS	1	0
TIGTA	0	0
TTB	0	0
Agency Overall	53	51

Please Note: For the DO backlogged appeals totals from 2010 - the monthly data indicated 30; however, the new tracking system evidently pulled 2 more from our legacy system which totals to 32.

A. Discussion of Other FOIA Activities (Optional)

1.

- a. Treasury implemented a Citizen Web portal in April FY11 for online FOIA request submission which allows requesters to submit online rather than through email boxes. The information is directly populated into the cloud tracking system.
- b. Advantages to this portal are a decrease in the amount of imperfect requests because of the required fields; faster citizen input for requests; and less data entry which encumbers the intake process.

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

The Bureau of Engraving and Printing is working to update and revise its Freedom of Information Act/Privacy Act Reading Room.

OTS merged with OCC on July 21, 2011

TIGTA hired 2 part-time analysts for FOIA.

ⁱ Report increased by 2 from prior annual report, tracking system recovered legacy data

ⁱⁱ Report increased by 1 from prior annual report; correction from last year's data re-run from tracking system.