



U.S. DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT

ANNUAL REPORT TO THE ATTORNEY GENERAL

FOR FISCAL YEAR 2007

Disclosure Services

February 1, 2008

# **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 2007

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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2007 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 11 bureaus, including the Departmental Offices. 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 Treasury report in collaboration with the bureau FOIA Officers.

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

Hugh Gilmore, Departmental Disclosure Officer  
 Disclosure Services  
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 Address:  
 FOIA Request  
 Disclosure Services  
 Department of the Treasury  
 Washington, DC 20220

**Treasury Department FOIA Home Page:** [www.treas.gov/foia/](http://www.treas.gov/foia/)

Paper copies of this report may be obtained by contacting Disclosure Services or by visiting the Treasury FOIA website at: <http://www.treas.gov/foia/reports/index.html>, “FY 2007 FOIA Report to the Attorney General.”

II. How To Make A FOIA Request for Treasury Department records.

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

II.A. Names, addresses, and numbers of Treasury bureau FOIA officers.

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Helen Belt

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Address:

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*Bureau of Engraving & Printing (BEP)*

James Braun

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Room 419-A

14th &amp; 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 Hofmann

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)*

Gregory G. Turner

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Fax: 313/234-1878

Address:

Internal Revenue Service

FOIA Requests

985 Michigan Avenue

Detroit, MI 48226-1128

*Office of Thrift Supervision (OTS)*

Marilyn K. Burton

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Fax: 202/906-6353

Address:

FOIA Requests

1700 G Street, NW

Washington, DC 20552

*United States Mint (Mint)*

Kathleen Saunders-Mitchell

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Address:

FOIA Request

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Washington, DC 20220

*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

*Financial Crimes Enforcement Network*

(*FinCEN*)

Amanda Michanczyk

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II.B. Brief description of Treasury Department's response-time ranges.

For a breakdown of each bureau's response times, see Section VII of this report, "Compliance with Time Limits/Status of Pending Requests."

II.C. Brief description of why some requests are not granted.

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. Definition of Terms.

A. Agency-specific:

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)
TTB	Alcohol and Tobacco Tax and Trade Bureau

B. Basic Terms Used in This Report

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular

topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.

3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5. 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 in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

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

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

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

10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection b)(3).

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

16. 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.

#### IV. Exemption 3 Statutes Relied on by the Department During Current Fiscal Year.

STATUTE	TYPE OF INFORMATION	UPHELD BY COURTS
5 U.S.C. 7114	Delineates the rights and duties of a labor organization which is the exclusive representative of the employees in the unit it represents.	<i>Dublin v. Dept. of the Treasury</i> , 555 F. Supp. 408, 412 (N.D. Ga. 1981), <i>aff'd</i> , 697 F.2d 1093 (unpublished table decision); <i>NTEU v. OPM</i> , No. 76-695, slip op at 49 (D.D.C. July 9, 1979)
41 U.S.C. 253b(b)	Protects the solicitations of unsuccessful bidders in a competitive proposal. This provision is used to withhold the unsuccessful bidder's contract proposal as well as information in the winning solicitation that was not incorporated into the contract.	<i>Hornbostel v. Dept. of the Interior</i> , 305 F. Supp. 2d 21 (D.D.C. 2003)
18 U.S.C. 701	Official Badges, identification cards. Prohibits the reproduction of official identification media. Used to withhold copies of the IRS employee identification badges and pocket commissions.	Not litigated
26 U.S.C. 6103	Confidentiality of Returns and Return Information: Prohibits the disclosure of (1) tax returns and return information of 3 <sup>rd</sup> party taxpayers (section 6103(a)); (2) the standards used for selection of returns for examination (section 6103(b)(2)) ; and (3) a requester's own return information if the release would seriously impair federal tax administration (section 6103(e)(7)).	<i>Church of Scientology v. IRS</i> , 484 U.S. 9 (1987); <i>Aronson v. IRS</i> , 973 F.2d 962 (1 <sup>st</sup> Cir. 1992); <i>Stebbins v. Sullivan</i> , No. 90-5361, slip op. at 1 (D.C. Cir. July 22, 1992); <i>Wishart v. Commissioner</i> , C-97-20614-SW (N.D. Cal., decided August 6,

		1998); <i>Gillin v. IRS</i> , No. 90-31 (D.N.H. Apr. 15, 1991), <i>aff'd</i> , 980 F.2d 819 (1 <sup>st</sup> Cir. 1992); <i>Casa Investors, Ltd. V. Gibbs</i> , No. 88-2485, 1990 WL 180703 (D.D.C. Oct. 11, 1990); <i>Chamberlain v. Kurtz</i> , 589 F.2d at 827 (5 <sup>th</sup> Cir).
26 U.S.C. 6105	Confidentiality of information arising under treaty obligations.	<i>Tax Analysts v. IRS</i> , No. 99-0372, 2002 WL 1791162 (D.D.C. Aug. 6, 2002)
31 U.S.C. 5319	Bank Secrecy Act Records: Prohibits the disclosure of records. Generally used to withhold Currency Transaction Reports.	<i>Small v. IRS</i> , 820 F. Supp. 163 (D.N.J. 1992)
Rule 6(e)	Part of the Federal Rules of Criminal Procedure - Grand Jury Secrecy: regulates matters occurring before the Grand Jury. Used to withhold records used in Grand Jury proceedings.	<i>Fund for Constitutional Gov't v. National Archives &amp; Records Service</i> , 656 F. 2 <sup>nd</sup> 856, 867 (D.C. Cir. 1981); <i>Walston v. U.S. Department of Justice</i> , 799 F. Supp. 193, 195 (D.D.C. 1992)
31 U.S.C. § 5318(g)	Office of Thrift Supervision Criminal Referral Form	<i>Lee v. Bankers Trust Co.</i> , 166 F.3d 540 (2d Cir. 2000); <i>Cotton v. Private Bank and Trust Co.</i> , 235 F. Supp.2d 809 (N.D. Ill. 2002)
31 U.S.C. § 5318(g)(3)	Used to withhold records used in Grand Jury proceedings. Regulates matters occurring before the Grand Jury.	<i>Whitney National Bank v. Karam.</i> , 306 F.Supp.2d 678 (S.D. Tex.2004)
12 U.S.C. § 1829b	Currency Transaction Reports, Foreign Bank Account Reports, Currency and Monetary Instrument Reports, Suspicious Activity Reports, and Registration of Money Services Businesses.	Not litigated.
12 U.S.C. 1951-1959	Currency Transaction Reports, Foreign Bank Account Reports, Currency and Monetary Instrument Reports, Suspicious Activity Reports, and Registration of Money Services Businesses.	Not litigated.
31 U.S.C. 5311-5331	Currency Transaction Reports, Foreign Bank Account Reports, Currency and Monetary Instrument Reports, Suspicious Activity Reports, and Registration of Money Services Businesses.	Not litigated.

## V. Initial FOIA/PA Access Requests.

## A. Number of initial requests.

<b>Bureau</b>	<b>Number of Requests Pending as of End of Preceding Year</b>	<b>Number of Requests Received in Current Year</b>	<b>Number of Requests Processed in Current Year</b>	<b>Number of Requests Pending as of End of Current Year</b>
DO	1,573	688	986	1,275
TTB	6	84	85	5
OCC	20	3,719	3,739	0
BEP	4	64	66	2
FMS	8	188	192	4
IRS	2,070	17,894	18,289	1,675
MINT	8	70	74	4
BPD	3	114	117	0
OTS	103	4,739	4,761	81
TIGTA	28	258	277	9
FinCEN	101	109	199	11
<b>TOTAL</b>	3,924	27,927	28,785	3,066

## B. Disposition of initial requests (continued on next page)

<b>Bureau</b>	<b>Total Grants</b>	<b>Total Partial Grants</b>	<b>Total Denials</b>	<b>No Records</b>	<b>Referrals</b>	<b>Request Withdrawn</b>	<b>Fee-Related Reason</b>	<b>Records not Reasonably Described</b>
DO	250	263	12	60	23	47	7	156
TTB	18	20	18	20	3	2	1	0
OCC	3,432	42	27	93	71	36	6	3
BEP	28	22	6	7	1	1	1	0
FMS	50	49	40	35	2	0	5	2
IRS	6,844	2,289	242	3,393	195	253	325	0
MINT	31	17	0	11	1	2	1	1
BPD	24	19	3	24	18	0	0	0
OTS	4,532	91	18	21	6	63	10	1
TIGTA	15	111	10	32	3	3	5	5
FinCEN	14	27	92	36	0	30	0	0
<b>TOTAL</b>	15,238	2,950	468	3,732	323	437	361	168

## B. Disposition of Initial Requests (continued from previous page)

Bureau	Not a Proper FOIA Request	Not an Agency Record	Duplicate	Lack of ID or 3 <sup>rd</sup> Party Authorization	No Response from Requester	Mail Returned	Litigation	Info on Internet	Appeal Filed
DO	0	5	27	0	112	19	3	2	0
TTB	2	0	0	0	0	0	0	1	0
OCC	10	5	2	0	12	0	0	0	0
BEP	0	0	0	0	0	0	0	0	0
FMS	6	1	2	0	0	0	0	0	0
IRS	4,098	0	325	0	0	0	0	0	325
MINT	4	0	0	6	0	0	0	0	0
BPD	9	17	3	0	0	0	0	0	0
OTS	0	5	6	0	0	0	0	0	8
TIGTA	73	16	4	0	0	0	0	0	0
FinCEN	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	4,202	49	369	6	124	19	3	3	333

## a. Number of times each FOIA exemption used:

<b>Bureau</b>	<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)(A)</b>	<b>(7)(B)</b>	<b>(7)(C)</b>	<b>(7)(D)</b>	<b>(7)(E)</b>	<b>(7)(F)</b>	<b>(8)</b>	<b>(9)</b>
DO	10	7	24	41	24	26	0	0	13	0	0	0	0	0
TTB	0	6	24	12	7	21	0	0	0	0	0	0	0	0
OCC	0	0	0	24	36	24	5	0	0	0	0	0	55	0
BEP	0	1	0	11	5	12	0	0	1	0	0	0	0	0
FMS	1	13	36	8	2	41	0	0	0	0	0	0	0	0
IRS	0	83	1,960	41	489	493	451	4	771	49	939	7	0	0
MINT	0	2	0	2	7	13	0	0	0	0	0	0	0	0
BPD	0	8	0	11	2	9	1	0	0	0	0	0	0	0
OTS	0	3	0	94	39	79	4	0	6	1	7	0	84	0
TIGTA	0	25	55	1	44	3	3	1	116	18	27	2	0	0
FinCEN	0	12	82	10	5	26	1	0	44	0	42	0	0	0
<b>TOTAL</b>	11	160	2,181	255	660	747	465	5	951	68	1,015	9	139	0

## VI. Appeals of initial denials of FOIA/PA requests (continued on next page)

<b><u>Bureau</u></b>	<b><u>Number of Appeals Received in Current Year</u></b>	<b><u>Number of Appeals Processed in Current Year</u></b>	<b><u>Number of Appeals Completely Upheld in Current Year</u></b>	<b><u>Number of Appeals Partially Reversed in Current Year</u></b>	<b><u>Number of Appeals Completely Reversed</u></b>
DO	12	11	6	5	0
TTB	4	2	1	1	0
OCC	10	10	3	7	0
BEP	0	0	0	0	0
FMS	5	5	0	0	1
IRS	239	267	247	18	2
MINT	0	0	0	0	0
BPD	5	5	5	0	0
OTS	9	10	4	3	3
TIGTA	16	20	11	6	1
FinCEN	8	2	2	0	0
<b>TOTAL</b>	308	332	279	40	7

## 4. Other reasons for non-disclosure on appeals (Continued from previous page)

<u>Bureau</u>	<u>No Records</u>	<u>Referrals</u>	<u>With- drawn</u>	<u>Fee- Related</u>	<u>Records Not reasonably Described</u>	<u>Not a Proper FOIA or Appeal</u>	<u>Not an Agency Record</u>	<u>Duplicate Request</u>
DO	0	0	0	0	0	0	0	0
TTB	0	0	0	0	0	0	0	0
OCC	0	0	0	0	0	0	0	0
BEP	0	0	0	0	0	0	0	0
FMS	4	0	0	0	0	0	0	0
IRS	0	0	0	0	0	0	0	0
Mint	0	0	0	0	0	0	0	0
BPD	0	0	0	0	0	0	0	0
OTS	0	0	0	0	0	0	0	0
TIGTA	1	0	0	0	0	1	0	0
FinCEN	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

## a. Number of times each FOIA exemption was used in an appeal

<b>Bureau</b>	<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)(A)</b>	<b>(7)(B)</b>	<b>(7)(C)</b>	<b>(7)(D)</b>	<b>(7)(E)</b>	<b>(7)(F)</b>	<b>(8)</b>	<b>(9)</b>
DO	5	0	0	2	4	1	0	0	0	0	0	0	0	0
TTB	0	1	1	1	1	0	0	0	0	0	1	0	0	0
OCC	0	0	0	0	5	0	0	0	0	0	0	0	5	0
BEP	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS	0	12	86	5	57	26	37	4	42	8	40	0	0	0
MINT	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
OTS	0	1	0	2	1	1	1	0	0	0	0	0	4	0
TIGTA	0	1	4	0	1	0	0	0	11	0	0	0	0	0
FinCEN	0	0	1	0	0	0	0	0	1	0	1	0	0	0
<b>TOTAL</b>	5	15	92	10	69	28	38	4	54	8	42	0	9	0

## VII. Compliance with time limits/status of pending requests

## A. Median Time for Processing Requests

\* Simple request limited to the Office of Tax Policy

Bureau	Simple Requests		Complex Requests		Requests Accorded Expedited Processing	
	Number of Requests Processed	Median Number of Days to Process	Number of Requests Processed	Median Number of Days to Process	Number of Requests Processed	Median Number of Days to Process
DO*	302	2	684	977	0	n/a
TTB	51	16	34	42	0	n/a
OCC	3,669	2	70	20	0	n/a
BEP	49	3	17	9	0	n/a
FMS	0	n/a	192	11.5	0	n/a
IRS	0	n/a	18,289	27	0	n/a
MINT	0	n/a	74	15	0	n/a
BPD	0	n/a	117	3.5	0	n/a
OTS	0	n/a	4,761	6	0	n/a
TIGTA	240	9	37	56	0	n/a
FinCEN	138	35	61	115	0	n/a
<b>TOTAL</b>	4,449	n/a	24,336	n/a	0	n/a

## B. Status of pending requests

<b>Bureaus</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>	<b>Median Number of Days Pending</b>
DO	1,275	110
TTB	5	34
OCC	0	n/a
BEP	2	11
FMS	4	11.5
IRS	1,675	18
Mint	4	185
BPD	0	n/a
OTS	81	90
TIGTA	9	4
FinCEN	11	22
<b>TOTAL</b>	<b>3,066</b>	<b>n/a</b>

## VIII. Additional Information/Explanation.

N/A

## IX. Costs/FOIA Staffing

Bureaus	Staffing Levels			Total Costs (staff and resources combined)		
	Number of Full Time Personnel	Number of Personnel with Part Time or Occasional FOIA Duties (in Total Work-Years)	Total Number of Personnel (in Work-Years)	FOIA Processing (including appeals)	Litigation-related activities	Total Costs
DO	7	16.39	23.39	\$734,030	\$215,275	\$949,305
TTB	1	.33	1.33	94,125	0	94,125
OCC	6	4	10	862,738	0	862,738
BEP	2	.40	2.40	165,800	0	165,800
FMS	0	.60	.60	74,905	0	74,905
IRS	6	66	72	8,792,758	378,772	9,171,530
MINT	1	0	1	99,532	0	99,532
BPD	1	.20	1.20	135,000	0	135,000
OTS	2	1.5	3.5	261,901	0	261,901
TIGTA	5	.23	5.23	265,000	3,575	268,575
FinCEN	1	.55	1.55	142,753	0	142,753
<b>TOTAL</b>	<b>32</b>	<b>90.20</b>	<b>122.20</b>	<b>\$11,628,542</b>	<b>\$597,622</b>	<b>\$12,226,164</b>

## X. FOIA Fees

	FOIA Fees	
	Total Fees collected	Percentage of Total Costs
<b>TOTAL</b>	<b>\$543,542.00</b>	<b>4.44%</b>

## XI. Treasury Department FOIA Implementing Regulations.

The Department's FOIA regulations can be found at 31 CFR Part 1, Subpart A. The regulations can be accessed at: [www.treas.gov/foia/foiaregs.pdf](http://www.treas.gov/foia/foiaregs.pdf).

## XII. Report on FOIA Executive Order Implementation

Summary: The Department of the Treasury continues to make progress reducing the agency backlog of FOIA requests which was the major underpinning under its Performance Improvement Plan. In 2006, we set its performance goals milestones for a 5% mid-year reduction milestone on December 31 and 10% reduction in backlog on June 30. The overall Treasury backlog reduced from 2147 cases to 1292 cases or about 40% average decrease across the entire agency.

All the respective components reached the 10% milestone in June of 2007 and continued to maintain that level of reduction until the end of the calendar year in 2007.

### **Departmental Offices**

#### A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

#### B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

Departmental Offices began with a baseline of 891 backlogged requests in June 2006. Following the FOIA Improvement Plan, the reduction of requests exceeded the goal for a decrease of about 19% in June 2007. The plan calls for maintaining the reduction; however, continued reductions added to a total of 33% reduction by the fiscal year end and a decrease to 607 backlogged requests which is 23% above the floor of 10% reduction according to the plan.

One of the major technological improvements improving FOIA administration was the Enterprise Content Management approach to information technology solutions for redaction of information from records. This technological advance has provided an advantage to increase efficiency in FOIA administration.

The oldest requests are also tracked and addressed on a rolling basis to avoid stagnation of requests.

#### C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional)

The Main FOIA home page has been redesigned using input from our customer National Security Archives in efforts to help make the site more user-friendly and organized. The FOIA homepage was organized with links to the FOIA homepages of bureaus for requester convenience.

E. Concise descriptions of the FOIA exemptions.

(1) Protects matters “(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.”

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7)(A) Authorizes the withholding of "records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with enforcement proceedings."

(7)(B) Protects "records or information compiled for law enforcement purposes (the disclosure of which) would deprive a person of a right to a fair trial or an impartial adjudication.

(7)(C) Provides protection for personal information in law enforcement records the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy.

(7)(D) Provides protection for "records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source and information furnished by a confidential source.

(7)(E) Provides protection to all law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcements investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

(7)(F) Permits the withholding of information necessary to protect the physical safety of "any individual" when disclosure of information about him "could reasonably be expected to endanger his life or physical safety."

(8) Records contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for regulation or supervision of financial institutions.

#### F. Additional Statistics

##### 1. Ten Oldest Pending FOIA requests

<b>Calendar Year</b>	<b>1993</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>DO Requests</b>	3/8; 7/16	3/12	2/10; 2/29; 8/28	1/8; 1/31; 2/21; 4/24	0	0	0	0	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

##### 2. Consultations

###### i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below

Unable to report at this time.

ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

Unable to report at this time.

G. Attachment: Agency Improvement Plan (in current form)

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

**Tax Tobacco and Trade (TTB)**

A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable

B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

Tax Tobacco and Trade (TTB) has met the milestones of the FOIA Improvement Plan for FY07. TTB accomplished this by close attention to review and quickly responding to backlog requests. Using a fast-track feature of its multi-track processing helped to reduce and eliminate the backlog by more than 10%.

TTB also took measures in establishing a FOIA requester Service Center which enables requesters to obtain the status of their FOIA requests and appropriate information about TTB's response.

TTB has a representative at the FOIA Council meetings which was created from the FOIA Improvement Plan. The FOIA Council is designed to set up governance and sponsorship within Treasury and set goals and objectives. It is also a forum to share best practices in FOIA administration and TTB has provided suggestions on improving the FOIA administration. The FOIA Council also requires monthly reporting to establish governance for the agency hierarchy.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional)

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

F. Additional Statistics

1. Ten Oldest Pending FOIA requests

Calendar Year	1993	1999	2000	2001	2002	2003	2004	2005	2006	2007
TTB Requests	0	0	0	0	0	0	0	0	0	7/20;8/15; 8/22;9/5; 9/6

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

2. Consultations

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**Office of Comptroller of the Currency**

A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Office of Comptroller of the Currency (OCC) met all the FOIA Improvement Plan milestones in FY07. The OCC did not have a backlog baseline in June 2006 largely because of affirmative disclosure processing of requests in the bureau. OCC uses information technology to provide rapid responses to reduce the amount of requests and searches for records. The OCC has always taken advantage of available technology to assist it in its disclosure efforts. This has proven to be an efficient method of overall backlog prevention. Currently the OCC is working to seek additional methods of making information available to the public via the use of technology in addition to the host of other traditional methods of disclosure which include: e-mail, Internet postings, fax transmissions, first class mail delivery, hand delivery, etc...

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional)

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

## F. Additional Statistics

### 1. Ten Oldest Pending FOIA requests

Calendar Year	1993	1999	2000	2001	2002	2003	2004	2005	2006	2007
OCC Requests	0	0	0	0	0	0	0	0	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

### 2. Consultations

#### i) Number of Consultations Received, Processed, and Pending

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#### ii) Ten Oldest Pending Consultations Received From Other Agencies

Using the template provided below, please list in the appropriate column labeled by year, each of your ten oldest pending consultations received from other agencies as of January 1, 2008. Please list the consultations by the date it was received by your agency.

**Unable to report at this time.**

## G. Attachment: Agency Improvement Plan (in current form)

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

### **Bureau of Engraving and Printing (BEP)**

#### A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

- B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Bureau of Engraving and Printing follows the Treasury implementation of the FOIA Improvement Plan. Although the major underpinning of the plan was to reduce the backlog, BEP did not have a baseline backlog in June 2006 and has prevented a backlog from festering during FY07. Close attention to FOIA administration, strict adherence to a multi-track system, and attendance of a BEP representative at the FOIA Council has paid off with application of best practices in FOIA administration.

- C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

- D. Additional narrative statement regarding other executive order-related activities (optional).

BEP has revised and updated the FOIA webpage to include procedures for submitting FOIA and PA requests and appeals.

- E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

- F. Additional Statistics

1. Ten Oldest Pending FOIA requests

<b>Calendar Year</b>	<b>1993</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>BEP Requests</b>	0	0	0	0	0	0	0	0	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

2. Consultations

i) Number of Consultations Received, Processed, and Pending

Please provide the number of consultations received, processed, and currently pending, in the appropriate column below

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ii) Ten Oldest Pending Consultations Received From Other Agencies

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**Financial Management Service**

A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

Financial Management Service (FMS) had a minimal baseline of 4 backlog requests in June 2006. This backlog was eliminated by the June 2007 milestone according to the FOIA Improvement Plan. So, FMS in effect exceeded the plan's 10% reduction goal.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional).

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

F. Additional Statistics

## 1. Ten Oldest Pending FOIA requests

Calendar Year	1993	1999	2000	2001	2002	2003	2004	2005	2006	2007
FMS Requests	0	0	0	0	0	0	0	0	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

## 2. Consultations

i) Number of Consultations Received, Processed, and Pending

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## G. Attachment: Agency Improvement Plan (in current form)

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**Internal Revenue Service (IRS)**

## A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

- B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

Since the adoption of the Department of Treasury FOIA Improvement Plan, the Internal Revenue Service (IRS) has emphasized processing of backlog cases with the result that the backlog inventory was 605 requests as of September 30, 2007, a decrease of 43% from initial IRS backlog baseline of 1054. IRS maintained this level through the end of the calendar year. This represents a 33% reduction over and above the Treasury 10% improvement floor goal for 2007.

The IRS is an active participant in the FOIA Council meetings which was established in the FOIA Improvement plan. The IRS submits monthly performance measures according to the governance process of the FOIA Council. Additionally, IRS continually reviews its oldest cases on a revolving basis in accordance with best practice principles.

- C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

- D. Additional narrative statement regarding other executive order-related activities (optional).

The open FOIA ending inventory on September 30, 2007 reflects a 19% reduction from the ending inventory reported on September 30, 2006.

The IRS piloted an automated FOIA case processing system in two disclosure offices during FY2007 as technological solutions to FOIA administration. The technology utilizes document imaging and centralized receipt for all FOIA/PA requests to create an electronic database for case files with online redaction tools.

- E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

- F. Additional Statistics

1. Ten Oldest Pending FOIA requests

<b>Calendar Year</b>	<b>1993</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>IRS Requests</b>	0	0	0	0	0	0	2/1 (3); 7/1;8/1; 11/1(2); 12/1(2)	1/2	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

## 2. Consultations

### i) Number of Consultations Received, Processed, and Pending

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### ii) Ten Oldest Pending Consultations Received From Other Agencies

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### **United States Mint**

#### A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

#### B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Mint did not have a backlog baseline in June 2006. The Mint attributes the success of avoiding a backlog in 2007 to prevention measures through applying best practices in FOIA administration. The Mint is a regular participant in the FOIA Council created under the Improvement Plan.

The Mint has used the FOIA Council as a tool to share information and provide reporting statistics to enhance governance. Continued application of these tools has allowed The Mint to meet the milestones in 2007 and with repetitive habit will help prevent backlogs in years to come.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional).

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

F. Additional Statistics

1. Ten Oldest Pending FOIA requests

<b>Calendar Year</b>	<b>1993</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>The Mint Requests</b>	0	0	0	8/31; 9/21; 11/7	0	7/31; 11/26	3/3; 4/20; 4/23; 6/22	6/23	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

2. Consultations

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G. Attachment: Agency Improvement Plan (in current form)

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**Bureau of Public Debt (BPD)**

A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Bureau of Public Debt has met its obligations under the milestones enumerated in the FOIA Improvement Plan by maintaining a zero baseline in June 2006 and avoiding the accumulation of backlog requests by preventing requests from stagnating. The BPD accomplishes this through multi-track processing and efficient FOIA Administration.

BPD participates in the FOIA Council via telephone conference to stay connected to monthly reporting requirements, governance, and policy/regulatory/statutory changes.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional).

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

F. Additional Statistics

1. Ten Oldest Pending FOIA requests

Calendar Year	1993	1999	2000	2001	2002	2003	2004	2005	2006	2007
<b>BPD Requests</b>	0	0	0	0	0	0	0	0	0	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

2. Consultations

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G. Attachment: Agency Improvement Plan (in current form)

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### Office of Thrift Supervision (OTS)

A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

OTS was able to achieve a reduction of 5% and subsequently exceed the 10% milestone by June 30 to 74 requests and achieved an additional reduction by September 30 to 65 requests and maintain this to the end of the calendar year. OTS began with a baseline of 95 backlogged requests in June of 2006. But by September 2007, that amount had fallen to 65 – a reduction of 32%. It exceeded the FOIA Improvement Plan's 10% milestone floor by 22%.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional).

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

F. Additional Statistics

1. Ten Oldest Pending FOIA requests

Calendar Year	1993	1999	2000	2001	2002	2003	2004	2005	2006	2007
OTS Requests	0	0	0	0	0	0	12/14	12/21	1/3;1/26 3/6;3/21 4/11;4/24 5/4;5/8	0

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

## 2. Consultations

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### **Treasury Inspector General For Tax Administration (TIGTA)**

#### A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

#### B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

The Treasury Inspector General For Tax Administration has meet all the milestones under the FOIA Improvement Plan. The June 2006 baseline for TIGTA contained a backlog of 20 requests. By June 2007, the volume of these backlogged cases dwindled to 13. But by September 30, 2007, the backlog case load was eliminated to 0. TIGTA not only exceeded the FOIA Improvement Plan's goal of a 10% reduction, it had a 100% success at the end of the fiscal year.

TIGTA's information technology solution to FOIA administration is FOIAXpress. This software system provides FOIA processing and document management allowing the FOIA personnel to have the tracking tools necessary to meet the FOIA improvement implementation goals. This technology is especially helpful in

managing labor-intensive, administrative steps such as preparing and sending search memos to TIGTA's offices that may possess responsive records. The software also features online storage capacity and redaction tools which streamlines the FOIA review process and increases efficiency. TIGTA FOIA personnel attend annual seminars concerning updates and upgrades on the technology to maximize its use.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional).

None.

E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

F. Additional Statistics

1. Ten Oldest Pending FOIA requests

<b>Calendar Year</b>	<b>1993</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>TIGTA Requests</b>	0	0	0	0	0	0	0	0	0	10/16(2); 10/18;10/22 10/23 (3); 10/25;10/26 11/1

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

2. Consultations

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**Financial Crimes Enforcement Network (Fin CEN)**

A. Description of Supplement /modification of agency improvement plan if applicable.

Not applicable.

B. Report on Agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

FinCEN began the FOIA improvement process with a baseline of 69 backlogged cases in June 2006. FinCEN achieved the mid-year goal and by June 2007 had decreased the backlog case load to 7 requests. Fin CEN successfully maintained this reduction and by September 30 the backlog case load was down to a manageable 5 requests. During the 07 calendar year, FinCEN achieved a 93% reduction.

FinCEN used upgraded technology to combine multiple inventories into one tracking system to better organize FOIA administration.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statement regarding other executive order-related activities (optional).

None.

## E. Concise Descriptions of the FOIA exemptions.

See Part E in Departmental Offices above.

## F. Additional Statistics

## 1. Ten Oldest Pending FOIA requests

Calendar Year	1993	1999	2000	2001	2002	2003	2004	2005	2006	2007
FinCEN Requests	0	0	0	0	0	0	0	0	0	5/17;7/19 7/23;8/1; 8/29;9/4; 9/5;9/7; 9/11;9/24

This is the first annual report to request the consultation data specified in Part F. Consequently, several components (bureaus) did not have the tracking system to compute this data so that it can be reported for FY07. These components, however, are now preparing to collect this data so that it can be reported for FY08.

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