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"Rummaging in the government's attic"

Description of document: Department of the Treasury Records regarding the provision of an Estimated Completion Date for FOIA Requests 2024

Requested date: 25-September-2024

Release date: 26-September-2024

Posted date: 14-October-2024

Source of document: FOIA Request
Departmental Offices
Disclosure Services
Department of the Treasury
Washington, DC 20220
Email: FOIA@treasury.gov
[Submit Online FOIA Request \(PAL\)](#)
FOIA.gov

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DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

September 26, 2024

VIA ELECTRONIC MAIL

RE: Your FOIA Request to Treasury, Case Number 2024-FOIA-01784

This is the final response of the Department of the Treasury (Treasury) to your Freedom of Information Act (FOIA) request dated September 25, 2024. You requested: "A copy of records regarding the current policy at the Treasury Department for providing an Estimated Completion Date for FOIA requests."

Your request has been processed under the provisions of the FOIA, 5 U.S.C. § 552. A reasonable search was conducted for records responsive to your request.

In response to the search, 10 pages were located within the Departmental Offices of Treasury. After carefully considering these records, Treasury is releasing 5 pages in full and 5 pages in part. The withheld information is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552 (b)(6).

FOIA Exemption 6 exempts from disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

Please note, FOIA requesters may contact the FOIA Public Liaison for assistance with obtaining an estimated date of completion from Treasury's bureaus. You may contact our FOIA Public Liaison for assistance via email at FOIAPL@treasury.gov, or via phone at (202) 622-8098.

Treasury has considered the foreseeable harm standard when reviewing the records and applying these exemptions.

There are no fees assessed at this time since allowable charges fell below \$25.

You have the right to appeal this decision within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be in writing, signed by

you or your representative, and should contain the rationale for your appeal. Please also cite the FOIA reference number noted above. Your appeal should be addressed to:

FOIA Appeal
FOIA and Transparency
Office of Privacy, Transparency, and Records
Department of the Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

If you submit your appeal by mail, clearly mark the letter and the envelope with the words “Freedom of Information Act Appeal.” Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter.

If you would like to discuss this response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison for assistance via email at FOIAPL@treasury.gov, or via phone at (202) 622-8098. A FOIA Public Liaison is a supervisory official to whom FOIA requesters can raise questions or concerns about the agency’s FOIA process. FOIA Public Liaisons can explain agency records, suggest agency offices that may have responsive records, provide an estimated date of completion, and discuss how to reformulate and/or reduce the scope of requests in order to minimize fees and expedite processing time.

If the FOIA Public Liaison is unable to satisfactorily resolve your question or concern, the Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may contact the agency directly by email at OGIS@nara.gov, by phone at (877) 684-6448, by fax at (202) 741-5769 or by mail at the address below:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001

Please note that contacting any agency official (including the FOIA analyst, FOIA Requester Service Center, FOIA Public Liaison) and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90-day appeal clock.

You may reach me via telephone at 202-622-0930, extension 2; or via email at FOIA@treasury.gov. Please reference FOIA case number 2024-FOIA-01784 when contacting our office about this request.

Sincerely,



Shirley Brown
Senior FOIA Specialist
for Mark Bittner
Director for FOIA and Transparency
Office of Privacy, Transparency, and Records

Enclosures

Responsive document set in redacted format (10 pages)

From: TreasFOIA
Sent: Mon, 11 Mar 2024 11:33:18 +0000
To: Undisclosed recipients:
Subject: Treasury Sunshine Week 2024 Freedom of Information Act Updates

Please disseminate to FOIA professionals and other interested parties throughout Treasury



<i>Upcoming FOIA Training and Events</i>	<i>FOIA Guidance and Policy Updates</i>	<i>Best Practices/Remin ders</i>	<i>Employee Spotlight(s)</i>	<i>FOIA in the News/Recent Court Rulings</i>	
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A Message from Treasury's Chief FOIA Officer, Anna Canfield Roth




Happy Sunshine Week! Each year, we celebrate the importance of open government and transparency during the week of President James Madison's birthday. Madison championed the importance of access to government information and an engaged citizenry. In 1882, he wrote, "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both." Nearly 84 years later, in 1966, the Freedom of Information Act was

signed into law. Today, government transparency remains as important as ever and the FOIA is the most prominent expression of our commitment to an open and transparent government. Sunshine Week also provides an opportunity to reflect upon and celebrate our important work administering the FOIA.

Last fiscal year, Treasury received 10,782 FOIA requests and processed 10,550 FOIA requests. Requests that were classified as simple were processed in an average of 8.2 days, and the average number of days to process a request classified as complex was reduced by 4 days as compared to the previous year. We proactively posted 5,679 documents to Treasury’s electronic FOIA reading rooms and webpages. We also updated Treasury’s FOIA Directives, issued an updated FOIA Handbook, made new virtual FOIA training available to Treasury employees and implemented new tools and technologies to facilitate the electronic submission of Privacy Act requests and enable remote identity proofing.

Thank you for the hard work that you do every day. Your work matters.

 Upcoming FOIA Training and Events		
Monday, March 11, 2024, from 10am-12:00pm ET	The Department of Justice Sunshine Week 2024 Celebration	Registration for in-person attendance at the Robert F. Kennedy Building- Great Hall can be made on Eventbrite . The event will also be broadcast via livestream at http://www.justice.gov/live
Tuesday, March 12, 2024, from 12pm-1:30pm ET	OPEXUS FOIA Technology Partner Showcase- Sunshine Week 2024	FOIAXpress vendor, OPEXUS, is inviting their partners Veritone and Open Text to demonstrate the capabilities that are available through integration with the FOIAXpress software. This is a free in-person event being held at OPEXUS HQ, 1101 17 th Street NW, 2 nd Floor, Washington, D.C. Please register at: https://www.opexustech.com/resource/sunshine-week2024/

<p>Wednesday, March 13, 2024, from 2pm-3pm ET</p>	<p>DO FOIAXpress User Community Engagement Meeting</p>	<p>March's edition of the DO FOIAXpress User Community Engagement Meeting will demonstrate ID.me integration with FOIAXpress and the process which a requester will go through to validate their identity when submitting a Privacy Act request through the FOIAXpress Public Access Link portal. DO FOIAXpress users will receive an invitation invite soon. If you do not work for DO and would like to attend the demonstration, please email (b)(6)@treasury.gov to receive the invite.</p>
<p>Thursday, March 14, 2024, at 1PM ET</p>	<p>NARA Sunshine Week Panel on Artificial Intelligence and Government Access</p>	<p>Pamela Wright, NARA's Chief Innovation Officer, will moderate a panel of open government and transparency experts who will discuss artificial intelligence and how it intersects with the FOIA and access to information. This event is being hosted in person in the William G. McGown Theater of the National Archives Building in Washington, D.C. The event will also be livestreamed on NARA's YouTube channel. More information about this event can be found on NARA's website.</p>
<p>Thursday, April 4, 2024, from 10am-1pm ET</p>	<p>FOIA Advisory Committee Meeting</p>	<p>The ninth meeting of the 2022-2024 committee term. The purpose of the meeting will be to hear reports from and consider any recommendations from each of the three subcommittees: Implementation, Modernization, and Resources. The event can be livestreamed at NARA's YouTube channel.</p>

Time/Date TBD

DOJ OIP/OGIS Treasury
FOIA Training

DO PTR will be sponsoring FOIA training by either DOJ OIP or OGIS later this spring. Please email (b)(6)@treasury.gov if you have a specific interest in a topic that should be presented.



FOIA Guidance and Policy Updates

- In September 2023, Treasury Directive (TD), *The Freedom of Information Act, As Amended* and Treasury Directive Publication (TD P) 2 5-05, *Freedom of Information Act Handbook* was updated for the first time since March 2000. The revision accounts for significant changes made to FOIA administration through legislation, regulation, and implementation guidance. Follow the links view the updated [TD](#) and [TD P](#).
- To meet the requirements of the *CASES Act* and M-21-04 *Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act*, ID.me was implemented as the remote identity proofing and multi-factor authentication tool for Privacy Act requests submitted to the Department via the DO-managed instance of FOIAxpress and Public Access Link (PAL). IRS also recently implemented ID.me on IRS'PAL. Bureaus that haven't implemented identity proofing and multi-factor authentication tools should continue their procurement efforts. Additionally, a Treasury-wide digital access and consent form is being developed and will be made available to the public in the coming months.
- The Department of Justice's FOIA training modules are now available in Treasury's [Integrated Talent Management System \(ITM\)](#). The three modules include FOIA Training for Executives, a 15-minute course that provides a basic overview of the FOIA and explains how this law impacts agency leaders, FOIA Training for Federal Employees, a 1-hour course that provides a primer on FOIA and explains how all employees can assist the agency in FOIA administration, and FOIA Training for Professionals, an in-depth course designed specifically for FOIA professionals and addressing all of the major procedural requirements of the law. Bureaus that do not have access to ITM can view the training on OIP's [website](#).
- Treasury's *FY2023 FOIA Annual Report to the Attorney General of the United States* and *2024 Chief FOIA Officer Report* will be posted today on [treasury.gov](#) for the

public's viewing. A big thank you goes out to all Bureaus that participated in the development of the reports.



Best Practices/Reminders

FOIA Intake and Case Management

- **Estimated date of completion (EDC)** is required to be provided when a FOIA requester asks for one. While these are sometimes difficult to commit to, it's important to remember that these are just *estimates*. When the Department can show that it is working with a requester to provide an EDC to the best of its ability, the Department can show it is complying with the FOIA's EDC requirement. The Office of Government Information Services (OGIS) offers best practices for developing EDCs in its [assessment of agency compliance](#). More information about the FOIA's EDC requirement can be viewed [here](#).
- **Still interested letters** are an effective way to reestablish communication with a FOIA requester when there is a reasonable basis to conclude that the requester's interest in the request may have changed. Bureaus should use this tool judiciously and apply a test of reasonableness before deciding to send a still interested letter. The wholesale issuance of still interested letters to all requests in the backlog should be avoided. Requesters should be provided a period of no less than thirty (30) working days to respond before action is taken to administratively close the request. More information about still interested letter can be viewed [here](#).
- **Referral or Consultation?** How does one decide? As described in Treasury's FOIA regulation 31 CFR Part 1, Subpart A, when reviewing records created by another agency of the Federal Government (or Treasury Bureau) in response to a FOIA request, the reviewer will determine whether that agency or Bureau is better suited to determine if the record is exempt from disclosure under the FOIA. It is up to the Bureau processing the request to coordinate a consultation with, or refer the records to, the other agency or Bureau before releasing the records. Ordinarily, the agency or Bureau that originated the record is presumed to be best suited to make the disclosure determination. However, if the component processing the request is in the best position to determine whether the record is exempt from disclosure, then the record should be addressed as a consultation. It is best to coordinate with

the agency or Bureau *before* issuing a referral for direct response and informing the requester that the request was transferred to another agency or Bureau. Referring records to another agency or Bureau transfers the responsibility of those records to that agency or Bureau which can lead to negative implications in the appeal or litigation stages of FOIA processing. More information about Treasury's approach to referrals and consultations can be viewed in Treasury's FOIA regs and in Treasury Directive Publication 25-05.

FOIA Analyst Best Practices

- **Case documentation** isn't just for litigation! Keeping an accurate case file with clear and concise notes allows for the efficient review of each request by all relevant FOIA staff. Case record should contain (if applicable): request letter, certification of identity, acknowledgment letter, expediting processing (including analysis of applicable standards), case notes (including analysis for complex requests and any research), documentation of search, referrals/consultations/coordination, correspondence to and from the requester, responses (final or interim) to requester, redacted responsive records (with marked exemptions), unredacted responsive records (clean copies).
- **Did You Forget Something?** Follow-up is crucial to closing a request. Provide deadlines, follow-up on due dates, and document all interactions. Here's a tip: put due dates in Outlook as a Task and you'll be reminded to follow-up.
- **Organization is key.** A good way to keep track of your cases and progress is by using an Excel spreadsheet or OneNote.
- **Rapport** - good communication practices shouldn't just be centered around the FOIA requester. Building a rapport and fostering relationships between FOIA staff and program office staff can (and will) make the process more efficient. Collaborations between offices can improve request timelines, reduce the backlog, ease the difficulties surrounding searches, identify proactive disclosures, etc.
- **Does that make sense?** Using plain language when communicating with requesters benefits all involved. Requesters are more likely to understand if simple and specific language is used in acknowledgement, interim and final response letters, as well as other correspondence. A clear explanation can limit requester confusion, increase the "spirit of cooperation," reduce the potential for conflict, and may even eliminate the need for additional work (i.e., providing a simple and specific explanation in a response letter could minimize the likelihood for the requester to file an appeal or litigate).
- **There are no dumb questions.** If you're having difficulty and can't seem to figure it out alone, reach out to another FOIA professional in Treasury. FOIA struggles are the same regardless of the Bureau or agency. Don't suffer in silence. The FOIA &

Transparency team in DO's Office of Privacy, Transparency, and Records is here to help! Never hesitate to reach out to FOIA@treasury.gov for assistance.



Employee Spotlight(s)

The following employees are recognized for their contributions to FOIA and transparency at the Department of the Treasury in several categories of recognition. Please consider nominating employees at your bureau for recognition in future editions of this newsletter by emailing [\(b\)\(6\)@treasury.gov](mailto:(b)(6)@treasury.gov).

Department of Justice Sunshine Week Awards

Carroll Field, TIGTA

Lifetime
Service Award

Carroll Field was recognized by DOJ for her 34 years of distinguished and sustained contributions to the Department of the Treasury's FOIA operations, having worked in FOIA administration at both the Internal Revenue Service (IRS) and currently at the Treasury Inspector General for Tax Administration (TIGTA). Throughout her tenure with TIGTA, Ms. Field has demonstrated a commitment to identifying and sharing best practices and advancing new FOIA initiatives. Her strong analytical skills and ability to build positive relationships with FOIA requesters and agency personnel have contributed significantly to TIGTA's successful FOIA program. She has gained the trust and support of others by promoting harmony and teamwork and sharing her FOIA expertise with colleagues.

Department of the Treasury Employee Recognition

<p>(b)(6) was assigned to the PTR FOIA team on a 9-month detail. He was a significant asset in helping the FOIA team execute its mission. Having zero FOIA experience before the detail, (b)(6) learned FOIA processing quickly processing dozens of simple and complex FOIA requests with a high degree of accuracy. He also independently reviewed FOIApress data, performed legal research, and reviewed PST files containing the emails of high-level officials that were produced during search.</p>	<p>Outstanding Contributions as a New FOIA Employee</p>	<p>(b)(6) DO PTR</p>
<p>(b)(6) serves as PTR's FOIA case manager responsible for initiating all of DO's FOIA requests. In FY23, DO received an influx of incoming FOIA requests requiring (b)(6) to enter 1,017 FOIA requests, consultations, appeals, and investigations into FOIApress. She was also responsible for administratively closing 454 requests. (b)(6) continues to offer a high degree of professionalism and customer service in each interaction regardless of the volume of work she's responsible for.</p>	<p>Exceptional Service by a FOIA Professional</p>	<p>(b)(6) DO PTR</p>
<p>The OIA Public Disclosures team made significant steps toward streamlining its FOIA processes and reducing its office's FOIA</p>	<p>Exceptional Service by a Team of FOIA Professionals</p>	<p>Office of Intelligence and Analysis (OIA) Public Disclosures Team, DO OIA</p>

		<p>backlog despite an increase of requests. OIA has been instrumental in coordinating classified consultation requests from external government agencies when a DO office's review is needed, ensuring that Treasury's information is handled securely and that consultations are responded to quickly. They have been proactive in their approach to generate cooperation across the Department through routine outreach.</p>
<p>ECM FOIAXpress Team, DO OCIO</p>	<p>Exceptional Contributions by a Team of non-FOIA Professionals to Improve the Department's FOIA Administration</p>	<p>DO OCIO's Enterprise Content Management (ECM) team has been instrumental in upgrading and maintaining the DO offering of FOIAXpress to ensure that the latest version of the software is available to the user community, providing users access to updated tools that enhance their experience. ECM has also been instrumental in deploying ID.me to FOIAXpress PAL, migrating the Office of Foreign Assets Control's data from their legacy FOIA system to FOIAXpress, deploying the FOIAXpress Electronic Document Review (EDR) tool, and assisting potential customers in evaluating the use of the DO offering of FOIAXpress.</p>

 **FOIA in the News/Recent Court Rulings**

- U.S. District Court of Appeals Ruling N. 22-5330 *Insider Inc. v. General Services Administration* (21-cv-02653). On February 16, 2024, the D.C. Circuit issued an opinion holding the names of lower-level members of an outgoing presidential

transition team could be redacted pursuant to Exemption (b)(6). (Court Ruling)

- [Checksfield v. IRS, No. 21-1180, 2024 WL 21549 \(N.D.N.Y. Jan. 2, 2024\)](#) (Suddaby, J.) The court finds that “Defendant did not misapply Exemption 3, and, accordingly, the Court declines to review the requested documents (if the documents do exist) in camera.”
- [Bal v. U.S. Dep’t of the Treasury, No. 21-4702, 2023 WL 6517738 \(S.D.N.Y. Oct. 5, 2023\)](#) (Wang, Mag. J.) The court grants in part and denies in part defendant’s motion to dismiss.
- [Jason Leopold v. DOJ, No. 22-5300 \(D.C. Cir. 2024\)](#) The court vacates the grant of summary judgement to DOJ and the denial of the FOIA request pursuant to Exemption 8.
- [Agencies Processed Over One Million FOIA Requests in Fiscal Year 2023](#) (DOJ OIP Blog)
- [The Impact of AI on Public Records Requests](#) (Information Today)
- [OCC Proposes Changes to Freedom of Information Act Process](#) (ABA Banking Journal)
- [Mattis secretly advised Arab monarch on Yemen war, records show](#) (Washington Post)
- [Judicial Watch Settles State Department Lawsuit that Uncovered Hillary Clinton’s Unsecure, Nongovernment Emails](#) (Judicial Watch)

We’d like your feedback! If you have any suggestions or content that you’d like to see included in future editions of this newsletter, please contact [\(b\)\(6\)](#) | [@treasury.gov](mailto:(b)(6)@treasury.gov).