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Description of document: **FOIA Annual Reports generated by Department of the Treasury Office of Foreign Assets Control (OFAC) for the years 2006 - 2008; and memos, letters, notes or other records relating to delays and backlogs in the OFAC handling of FOIA requests between January 1, 2006 – 27-August-2008**

Requested date: 08-November-2008

Released date: 29-April-2009

Posted date: 21-August-2009

Titles of documents: Various (see following page)

Source of document: Office of Foreign Assets Control
Attn: Freedom of Information Act Officer
U.S. Department of the Treasury
Treasury Annex
1500 Pennsylvania Avenue, NW
Washington, DC 20220

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Titles of Included Documents

1. OFAC FOIA Annual Report, Hours Breakdown, for FY2008
2. OFAC FOIA Staffing Costs, figures for the Fiscal Year 2007 - Annual FOIA Report
3. Various memoranda 10-April 2001 – 27-August-2008
4. OFAC Director's Briefing, Status of OFAC's FOIA Backlog Reduction Effort, November 19, 2007



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FAC No. GEN. No. 464201
FOIA No. 2008-11-043

APR 29 2009

This is in response to your Freedom of Information Act (FOIA) request dated November 8, 2008. Your request was submitted to the Office of Foreign Assets Control (OFAC). You requested: 1) "a copy of each FOIA Annual Report or FOIA Annual report data generated by OFAC for the years 2006, 2007 and 2008"; 2) "a copy of any memos, letters, notes or other records relating to delays and backlogs in the OFAC handling of FOIA requests...during the time period January 1, 2006 to the present."

Please be aware that OFAC is experiencing a substantial backlog of FOIA requests that has adversely affected its response time.

Previously you submitted a similar FOIA request for documents relating to annual reports and OFAC's handling of backlog data information. Please note our letter to you dated March 6, 2009, (copy enclosed). Also, please be mindful of the duplications of records in this release.

A search of the OFAC systems for documents responsive to this request produced total of (30) pages of records. Of the records, (16) pages are being released in part with redactions made pursuant to exemptions (b)(2), (b)(5) and (b)(6) of the FOIA, 5 U.S.C. § 552; (14) pages of records are being released in full.

You may appeal this decision, in writing, within 35 days after the date of this letter to the Freedom of Information Act Appeal, Disclosure Services (DO), Room 6204, Annex, Department of the Treasury, Washington, DC 20220. The deciding official for OFAC appeals is the Assistant Secretary of the Office of Terrorist Financing and Financial Crimes. Please include with your letter of appeal a copy of this response letter. Please reference FOIA case number **2008-11-043** in all future correspondence.

Page 2

Enclosed is an information sheet pertaining to exemptions from disclosure under the FOIA and your right to administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "M. H. Fields, Jr.", written in a cursive style.

Marshall H. Fields, Jr.
Assistant Director, Disclosure Services
Office of Resource Management
Office of Foreign Assets Control

Enclosures

1. Responsive Documents (30) pages
2. FOIA Exemption Sheet
3. Administrative Appeal Sheet
4. March 6, 2009 Letter

(b)(6)

OFAC FOIA Annual Report, Hours Breakdown, for FY2008

Full Time Personnel

FOIA Annual Report Info for 2008

GS- GRADE		HOURS WORKED	Sub Totals	Remarks
GS-15	Marshall H. Fields, Jr.	2008		2080 hrs/yr - holidays & vac 2080 - 72 = 2008
			2008	
GS-13		2008		2080 hrs/yr - holidays & vac 2080 - 72 = 2008
GS-13		2008		2080 hrs/yr - holidays & vac 2080 - 72 = 2008
GS-13		120		10/07 - 10/07; 3 wks 3 x 40 = 120
			4136	
GS-09		2008		2080 hrs/yr - holidays & vac 2080 - 72 = 2008
GS-09	(Contractor)	80		09/08 - 09/08; 2 wks 2 x 40 = 80
GS-09	(Contractor)	360		07/08 - 09/08; 9 wks 9 x 40 = 360
GS-09	(Contractor)	320		08/08 - 09/08; 8 wks 8 x 40 = 320
GS-09	(Contractor)	648		03/08 - 07/08; 16.2 wks 16.2 x 40 = 648
GS-09	(Contractor)	648		02/08 - 07/08; 16.2 wks 16.2 x 40 = 648
GS-09	(Contractor)	120		01/08 - 01/08; 3 wks 3 x 40 = 120
GS-09	(Contractor)	1360		10/07 - 6/08; 34 wks 34 x 40 = 1360
			5544	
Sub Total Full Timers			11688	

Note:

Baseline

2080 hrs/yr
173 hrs/mth40 hr/wk
52 wks/yr

40 x 52 = 2080

- 9 holidays

9 x 8 hrs/day = 72 hrs

2080 - 72 = 2008 hrs

OFAC FOIA Staffing Costs
figures for the Fiscal Year 2007
Annual FOIA Report

Chart A

Full Time Personnel		
Grade Level	Number of Employees	Hours worked
15	1	346
13	3	4306
Sub Total	4	4652
Part Time Personnel		
15	8	1957
14	10	364
13	2	43
12	2	120
11	1	10
9	2	12
8	1	5
Sub Total	1.3	2511
	(wk-yrs)	Hours
Total	5.3	7163

Chart B

Full Time Personnel		
Grade Level	Number of Employees	Hours worked
15	1	346
13	3	4306
Sub Total	4	4652
Part Time Personnel		
15	7	1877
14	6	121
13	2	43
12	1	40
11	1	10
9	2	12
8	0	0
Sub Total	1.05	2103
	(wk-yrs)	Hours
Total	5.05	6755

Number of Full time FOIA personnel

4 persons

Number of personnel with part-time FOIA duties (in total work-years)

Chart A **1.3**

Chart B **1.05**

Total number of persons in work years

Chart A **5.3**

Chart B **5.05**

NOTE: Chart A includes hours worked by OFAC's Chief Counsel's Office. Chart B excludes hours worked by the Chief Counsel's Office.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FAC NO [REDACTED] (b)(2)

June 14, 2005

MEMORANDUM FOR GINNY CANTER

FROM: MERETE EVANS *Merete Evans*

SUBJECT: FOIA - Where do we go from here plan

During yesterday's staff meeting you asked for a plan outlining the initial steps that I recommend taking to move the FOIA process forward. The following is my plan for the immediate future:

(b)(6) Several months ago I asked [REDACTED] and the FOIA processors to focus on cases that are older than 2001 (i.e. from 1994 to the end of 2000). A number of those cases have been processed or closed. We have 26 cases left. They fall into all four categories (referral, easy, medium, and large). Seven of the 26 cases are in Legal and the majority of the rest are in Licensing with one in IPD, one in Compliance, and one in Civil Penalties. I have already had two meetings with counsel, compliance and licensing and I have asked

(b)(6) [REDACTED] to follow up on those meetings.

Of the 26 cases, it makes most sense to separate out the following for a stronger push:

Legal review: 1999-03-86
2000-03-59
2000-03-46
2000-10-31

Compliance: 1998-04-56

Civil Penalties: 2000-10-56

Licensing: 1999-02-49
2000-03-16
2000-03-59
2000-05-54
2000-06-06

(b)(6) [REDACTED] is going to schedule these meetings when she returns from vacation next week. I'll participate in the most critical ones. Otherwise [REDACTED] will attend without me to see if [REDACTED] can move it forward. I'll keep updating you as we move forward and I may need your occasional involvement where an extra push is needed. (b)(6)

(b)(6) c.c. [REDACTED]



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FAC NO: [REDACTED]

(b)(2)

MEMORANDUM FOR DENNIS WOOD

BOB MCBRIEN

DAVID MILLS

HAL HARMON

(b)(6)

BETSY SUE SCOTT

FROM:

MERETE EVANS

DeFranz 1/12/05

SUBJECT:

FOIA CASES FROM 1995 TO 2001

This memo is to follow up on the subject of FOIA cases. As I mentioned in our last staff meeting, there are some very important non-FOIA related issues that are seriously affected if we do not move forward and devote some resources to processing the FOIA cases in the attached chart: 1. We are not able to implement OFAC's schedule, even if there are no other outstanding legal issues. 2. We are close to running out of space to house OFAC records in the Records room, and 3. We are not able to bring to a conclusion our work with NARA on the 60+ cubic feet of infested records that are stored in closets and offices on the second floor. While recognizing that you have many important priorities, Bob Werner views this as a high priority that we need to deal with. Having said all of this, I you should know that all your hard efforts to process FOIA cases over the past nine months has been greatly appreciated. It resulted in us making a serious dent in OFAC's backlog of cases.

The attached list of cases is a small part of OFAC's comprehensive log of FOIA cases. They represent outstanding cases from the earliest to the end of year 2000. [REDACTED] has placed the initials of each division next to the FOIA number assigned to that division. We need this span of cases to be the initial focus. I think we can make a great deal of improvement in our records management and at the same time comply with the Departmental policy of first in first out if we aim for completing all of the attached cases this fiscal year. I know that several of the cases are already in Legal for review. Please have your staff follow up with Legal on those cases to see if we can get them finalized.

(b)(6)

There are several divisions that have very few cases listed during this early period. Please continue to work on the later cases that you have. Also, although [REDACTED] has cases that are assigned to her for processing, she is, as always, available to assist you in resolving processing questions.

(b)(6)

(b)(6)

c.c. Bob Werner

Barbara Hammerle

(b)(6)



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JUN 17 2004

FAC NO [REDACTED] (b)(2)

MEMORANDUM FOR DIVISION CHIEFS AND OFAC FOIA PROCESSORS

FROM: MERETE M. EVANS *[Signature]* 6/17/04
STAFF ASSISTANT TO THE DIRECTOR

SUBJECT: Step-by-step PROCEDURES for processing FOIAs

(b)(6) There have been many questions and some confusion about the general steps that we take when processing a FOIA. I have attempted to lay out a simplified version of the basic steps so that everyone handles cases the same way. As always, there are exceptions to the rule but those can be identified as we go. Questions about these procedures should be addressed to [REDACTED] OFAC's FOIA Officer, as should any questions you may have while processing the FOIA. Division Chiefs are responsible for the FOIA cases assigned to their division and must sign off on all FOIAs that are prepared for the Director's signature.

Generally, FOIAs are assigned to divisions that are deemed to have the overwhelming responsibility for the subject of the FOIA. It is the responsibility of the assigned Division to reach out to other divisions, which may also have responsive documents. Other Divisions should locate responsive documents and then scan and redact them before turning them over to the requesting division to be incorporated into a final response to the requestor. No one knows the subject and the documents better than those who worked the case and prepared the case file. Therefore they can more accurately and efficiently make judgments on what needs to be redacted.

(b)(6) [REDACTED] is setting up an overview FOIA training class to be conducted here at OFAC by the Department of Justice. She will let you know when we have a date for that. Also, I highly recommend that one person from each division take the Department of Justice (DOJ) comprehensive 3 day training sessions in FOIA law and regulations. You can find information on such sessions on DOJ's website.

Initial Steps

- 1 Review file to determine what the requester want and the volume of files being requested.
- 2 Determine if other divisions have records responsive to the request and approximate volume
- 3 Make an initial call to the requestor, to determine:
 - a. If the requester is still interested in the information
 - b. If the requestor can narrow the scope of the request

- c. Possible cost to the requestor for processing the request. [REDACTED] (b)(6)
 or Merete Evans will be able to assist with such calls until you get better educated about the FOIA law and regulations.
- 4 Keep detailed notes of your conversations

If the requestor is still interested in the information:

- 1 Send a search memo, with a copy of the incoming FOIA attached, to those OFAC divisions that may have responsive documents. If in doubt whether a division has documents, be inclusive. It does not take long for someone to say that they have no records. All division responses should be kept as part of the file. (see (b)(6) [REDACTED] for standard search memo language). It is a great help if responding divisions includes grades and time spent on the FOIA when they respond to a search memo.
- 2 Keep detailed case notes
- 3 Collect all responsive documents
- 4 Review the documents for responsiveness
- 5 Remove all duplicate copies (they must be exact duplicates to qualify for removal)
- 6 Submitters notices may be necessary (see [REDACTED] for language) (b)(6)
- 7 Referrals to other agencies may be necessary (see [REDACTED] for sample language)
- 8 Scan all responsive documents
- 9 Redact documents on line in adobe acrobat.
- 10 Prepare response for the Director's signature (see [REDACTED] for format/ language to be used) (b)(6)
- 11 Forward draft response to chiefs of divisions that submitted responsive documents for clearance
- 12 Send to Counsel for clearance
- 13 Forward to Merete Evans for Director's signature

If the requestor is not interested in the information:

- 1 Ask the requestor to FAX a note to you indicating that he/she is no longer interested.
- 2 Include note in the file and prepare a closure memo to the file for Merete Evans' signature (see (b)(6) [REDACTED] for standard closure memo language).
- 3 If no FAX is received, prepare letter for Merete Evan's signature. The letter should reflect previous conversation (see [REDACTED] for standard language). (b)(6)
- 4 Send letter certified mail, return receipt requested
- 5 Prepare closure memo for Merete Evans' signature if no response is received.

If requestor is not responding or can not be located:

- 1 Prepare a letter for Merete Evans' signature to be sent to last known address. (See (b)(6) [REDACTED] for form letter).
- 2 Send letter certified mail, return receipt requested.

3 If no response is received within the specified time period, the case should be administratively closed.

4 Prepare closure memo to file for Merete Evans' signature (See [REDACTED] (b)(6) [REDACTED] for standard language)

(b)(6)

Final steps for all FOIAs

- 1 After Merete Evans or the director has signed a FOIA, make a complete copy of OFAC's response letter and the attachments for the file.
- 2 Mail the original response and attachments to the requestor
- 3 Fill out the FOIA Action Form with grade and time spent processing the FOIA (This should include all of the participants).
- 4 Query all participating divisions on the time they have spent on the FOIA and fill out the FOIA action form accordingly with *grade and time spent*
- 5 Make a copy of the FOIA Action Form and the outgoing letter (without the attachments) and drop them in Merete Evans' inbox.
- 6 Send the completed FOIA to Records to be closed.

If there is no appeal – you are done.

c.c. R. Richard Newcomb

(b)(6)



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FAC No [REDACTED] (b)(2)

MEMORANDUM FOR RICHARD NEWCOMB
DIRECTOR, OFAC

THROUGH: LOREN L. DOHM *LLO 8/22/02*
DEPUTY DIRECTOR, OFAC

FROM: MERETE M. EVANS *ME Evans 8/22/02*
STAFF ASSISTANT TO THE DIRECTOR, OFAC

SUBJECT: Meeting with Earl Wright on FOIA Backlog

On August 22, 2002, I briefed Dr. Earl Wright, Chief Management and Administrative Programs Officer, on the status of OFAC's FOIA backlog. The briefing, which was also attended by Alana Johnson, Office of Disclosure, and Loren Dohm, Deputy Director OFAC, took place as result of a e-mail to R. Richard Newcomb, Director OFAC, from Earl Wright about OFAC's growing backlog of FOIA cases. I made the following points about OFAC's backlog of close to 200 cases:

1. OFAC receives an ever-increasing number of FOIA requests on a yearly basis because of the high visibility of the programs OFAC is charged with administering. (For example - in 1999 OFAC received 45 FOIA requests and in 2002 we have received 46 requests to date.
2. The majority of FOIA requests to OFAC are complex, even the easy ones. Most requests involve the coordination of searches for documents in several different divisions; submitter notices; and referrals to other Agencies of documents originating with them. (For example - the Emmerson FOIA - about 700 pages were reviewed and about 50 pages were redacted and released. In addition, about 3,700 pages were segregated, copied and numbered before classified referral to three other agencies for direct response to the requestor.) OFAC receives few routine FOIA requests where the same kind of information is requested repeatedly. Almost all requests present their own set of unique problems.
3. Processing time on large cases is very long because of the involvement of many OFAC divisions, other agencies, submitters notices, and a very large volume of documents. During the last eight months OFAC has processed only three large FOIA cases. Two sued because OFAC did not process their requests within the legal timeframe of 20 days and one was a Judicial Watch anticipated law suit. During that same time period, OFAC received 46 new FOIA requests.

OFAC's backlog, which is processed along four tracks of easy, medium, large, and referrals (on a first-in first-out basis) currently includes 67 large cases. It is possible that those will take as long to process as the three mentioned above. [REDACTED]

(b)(2)

4. Many FOIA requests to OFAC are likely to be high profile requests (example: Mokhiber FOIA) which results in numerous media calls, etc.
5. OFAC has only one full time FOIA specialist to handle this ever-increasing workload, which also includes frequent calls from requestors who want to inquire about the status of their particular request.
6. With current personnel resources, to increase the processing rate any substantial amount, OFAC would have to divert trained personnel from their current responsibilities which, since 9/11/01, have been heavily oriented toward OFAC's terrorism programs.

As part of the briefing, I detailed the improvements that have been implemented in order to make the flow of cases faster:

- OFAC has made use of Treasury's FOIA reading room to release information where we have several requests for the same information. (Mokhiber case). When that case is completed next week, we can quickly address cases that request information already released and close those requests.
- OFAC has temporarily reassigned one additional employee to assist with the FOIA processing. The responsibility of this person, who is not FOIA trained but who knows OFAC records, will be to address incoming FOIAs to determine if a request can be narrowed and to communicate with requestors about possible costs associated with their request. This will not process the cases out of turn but it may move them from the large category into the easy or medium categories thus making the eventual processing time shorter.
- For the past six months OFAC has used Adobe Acrobat to redact on line, thereby eliminating the time-consuming hand redacting and xeroxing of documents. Recently, I requested that [REDACTED] be installed on four [REDACTED] computers for even faster redacting. Installation has taken place but we are still waiting for training and a high-speed scanner to scan in the documents. (OFAC has been told by the HELPDESK that there is no money in the budget for a scanner until the new fiscal year).
- Loren Dohm also described that, as an additional future measure, OFAC was looking into the cost of scanning all of OFAC's files. He noted that the completion of such a project could make searches for files subject to FOIA

request easier and faster, but it would not eliminate the need for trained professionals.

Finally, I noted that even with all of the implemented improvements and the anticipated scanning, it would take additional resources to address the FOIA backlog. I estimated that it would take at least four FOIA trained professionals and two or three backup administrative persons to assist with searches, copying, mailing, etc. to make any kind of meaningful dent in the backlog.

Earl Wright was sympathetic to OFAC's problems. He noted information about the various points made above and indicated that he had met previously with senior Treasury officials on this issue. However, no additional resources had been allocated and no other solution had been arrived at. He stated that he would address the issue again and we agreed that hopefully there would be a solution before Treasury finds itself in a potentially embarrassing situation. I also followed up with a call to Earl Wright to inform him of a particular requestor who on more than one occasion had indicated that he would sue the Treasury Department for failure to allocate enough resources to address FOIA requests.

c.c. Dr. Earl Wright
Alana Johnson

[REDACTED] (b)(6)



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FAC NO. [REDACTED] (b)(2)

MEMORANDUM FOR R. RICHARD NEWCOMB

THROUGH: LOREN DOHM
FROM: MERETE EVANS *ME* 7/19/02
SUBJECT: Estimate for staff necessary to reduce OFAC's FOIA Backlog

Recommendation:

Based on OFAC responses to FOIA request over the past eight months, I estimate that it would take a team of four FOIA officers and three administrative support persons to make a meaningful dent in OFAC's FOIA backlog.

Backlog in Numbers:

As of today, OFAC has 190 outstanding FOIA requests. They are broken down as follows:

	Category Large	Category Medium	Category Easy	Other Agency Referrals
1995	4			
1996	6	2		
1997	1	2	1	
1998	11	6	3	
1999	11	10	1	1
2000	9	14	23	1
2001	14	12	17	6
2002	8	12	13	2

Processing of three recent requests:

OFAC receive FOIA requests at the rate of 60 – 70 per year. I expect that number to increase. The requests are spread over four different categories (easy, medium, large, and other agency referral) and they are processed along those four tracks on a first in – first out basis, in accordance with Treasury policy of handling FOIAs.

[REDACTED]

(b)(2)

Those three FOIA requests mentioned above appeared to OFAC as regular, although somewhat large FOIA requests. OFAC has worked nearly eight months to process those

three requests and we are not quite done yet. The resources for the three FOIA requests has been:

- 1 full time FOIA person for eight months
- 1/3 to 1/2 of Staff Assistant to the Director's time
- IPD time in pulling documents
- A task force of three persons worked for about two months to identify files and locate responsive documents
- A task force of 6 persons worked for several days to count and number documents, and
- Five persons provided administrative backup to copy documents and handles IT issues. Their combined time is probably one month for five persons.

OFAC's FOIA person is working under a lot of stress because of the court ordered deadlines and almost everyone that has participated in this effort will have to deal with a backlog of work in his or her own areas of responsibility. Therefore, any resources that can be applied to this on a permanent basis will help.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 17, 2001

MEMORANDUM FOR RICHARD NEWCOMB
DIRECTOR, OFFICE OF FOREIGN ASSETS CONTROL

FROM:

W. Earl Wright, Jr.
Chief Management
and Administrative Programs Officer

SUBJECT:

Freedom of Information Act (FOIA) Questionnaire

The Executive Secretary and the Office of the General Counsel have indicated a concern over the continuing FOIA request backlog within the Departmental Offices. To address this concern, I have asked the Office of Disclosure Services to collect information regarding the FOIA process within your office.

The Questionnaire has two sections, one for you as the managing official and one for the FOIA Contact within your organization. Each of you is in a unique position to help us evaluate the current process and develop strategies for reducing and ultimately eliminating this backlog.

We have provided a hard copy of the Questionnaire and a disk containing the Questionnaire. Please complete the Questionnaire and return it to Alana Johnson, either via paper mail or via email [REDACTED]. Your responses are requested by COB July 25, 2001.

(b)(2)

Please feel free to contact Alana on [REDACTED] if you have any questions. Thank you in advance for your assistance in this important effort.

(b)(2)

Attachments

cc: Executive Secretary
Office of the General Counsel
Assistant Secretaries
FOIA Contact [REDACTED]

(b)(6)

THIS QUESTIONNAIRE IS TO BE COMPLETED BY FOIA CONTACTS

NOTE: When a question asks "who," reference should be to the job title, not an individual's name.

1. Does your office maintain a log to track FOIA requests, including receipt, assignments, extension of time requests and completion?
2. If yes, who has responsibility for keeping the log current?
3. What is the routing process within your office from receipt to resolution of the FOIA request?
4. Who contacts Disclosure Services to request an extension of time, if and when needed?
5. How many FOIA requests are assigned to your office per year?
6. List all FOIA training taken by your organization. Include job title, grade level of participant and training provider in the past 12 months.
7. Who redacts information in records being released?
8. What is the job title and grade of the FOIA contact in your organization?
9. What recommendations would you make to improve FOIA processing within your organization?

Completed by [name & title]:

**PLEASE RETURN THIS QUESTIONNAIRE TO ALANA JOHNSON, ROOM 6292,
MET SQUARE OR VIA EMAIL TO johnsona or [REDACTED]
BY JULY 25, 2001.**

(b)(2)

Evans, Merete

From: Wright, Earl
Sent: Sunday, June 17, 2001 7:55 AM
To: Newcomb, Richard
Cc: Evans, Merete; Johnson, Alana; Granat, Rochelle
Subject: FOIA BACKLOG UPDATE

Rick:

Just wanted to keep you in the loop on the status of the FOIA backlog issue and to request your continued support and leadership.

Chart 1 provides an overview of the Departmental Offices backlog. You will note, progress is being made. OFAC currently has a FOIA request backlog of 159 (see chart 2 from Disclosure Services). Decisions granting or denying a request for access to agency records are required by statute to be made within 20 working days, and requesters have the right to file suit in district court for non-response within that time limit. (Treasury currently is a named defendant in a FOIA law suit for non-response now being litigated by the Department of Justice.) Even with our existing environment of reduced resources, Treasury is still required to comply with the FOIA and uphold our commitment to open government.

Disclosure Services is available to answer questions and provide policy, procedural and technical guidance. Treasury's FOIA Handbook is available on DONet under "Services," then "Disclosure Services."

Chart 1:

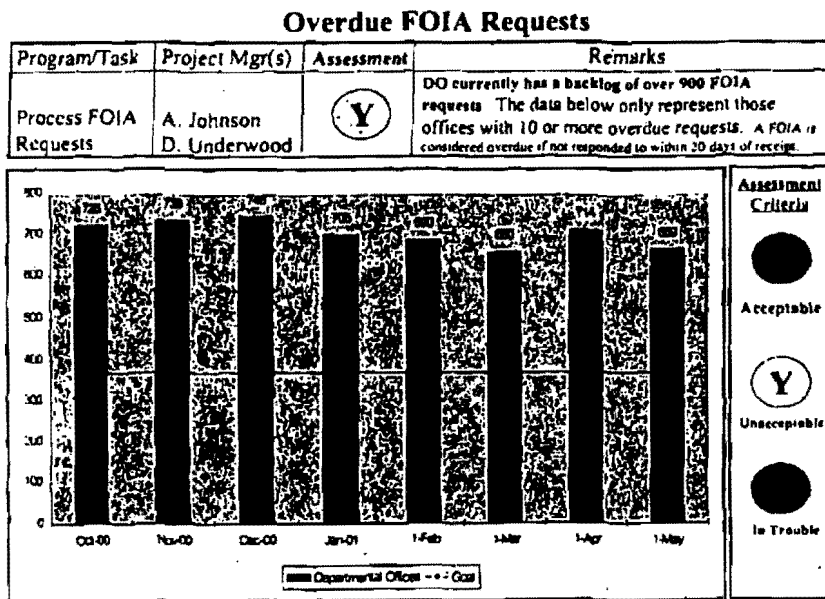


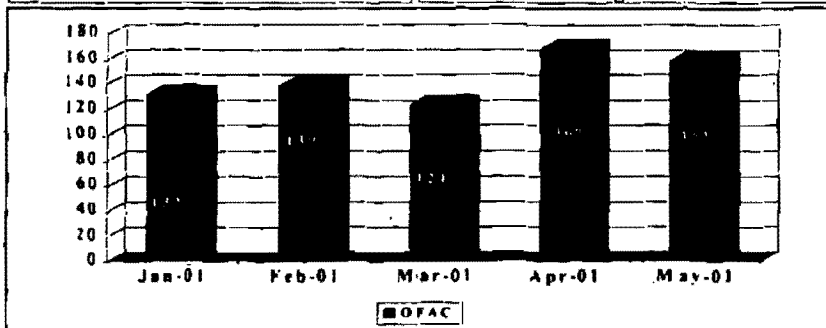
Chart 2:

Overdue FOIA Requests

Program/Task	Project Mgr(s)	Status	Remarks
Process FOIA Requests	A. Johnson D. Underwood	Y	DO currently has a backlog of over 900 FOIA requests. The data below only represent the backlog of FOIA requests assigned to OFAC. A FOIA is considered overdue if not responded to within 20 days of receipt.

Goal and Performance Measure: Our goal is to more efficiently administer the FOIA process. A key performance measure is reduction of the backlog of FOIA requests. The performance metric is to reduce the backlog 50 percent by end of FY01.

Plan of Action: To raise the awareness bar regarding this problem, to officially notify each office of their backlog, and to request timelines for resolving.



Very Respectfully,

W. Earl Wright, Jr.

Chief **M**anagement & **A**dministrative **P**rograms Officer
(Annex, 622-1280)

From: Evans, Merete
 Sent: Monday, June 18, 2001 9:48 AM
 To: (b)(6)
 Subject: FW: FOIA BACKLOG UPDATE

Respond w/ OFAC #

FYI. Let's talk about this.

-----Original Message-----

From: Wright, Earl
 Sent: Sunday, June 17, 2001 7:55 AM
 To: Newcomb, Richard
 Cc: Evans, Merete; Johnson, Alana; Granat, Rochelle
 Subject: FOIA BACKLOG UPDATE

Rick:

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Chart 1:

Overdue FOIA Requests

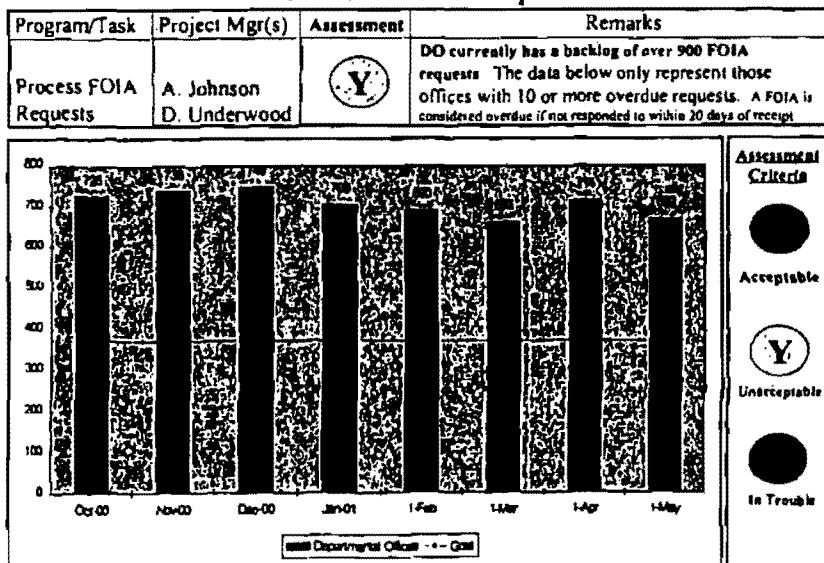



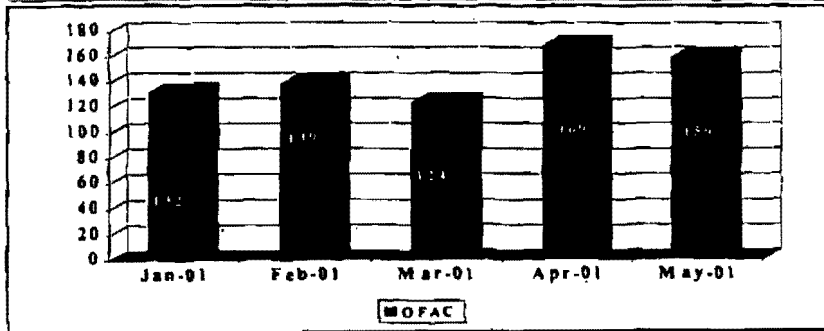
Chart 2:

Overdue FOIA Requests

Program/Task	Project Mgr(s)	Status	Remarks
Process FOIA Requests	A. Johnson D. Underwood		DO currently has a backlog of over 900 FOIA requests. The data below only represent the backlog of FOIA requests assigned to OFAC. A FOIA is considered overdue if not responded to within 20 days of receipt.

Goal and Performance Measure: Our goal is to more efficiently administer the FOIA process. A key performance measure is reduction of the backlog of FOIA requests. The performance metric is to reduce the backlog 50 percent by end of FY01.

Plan of Action: To raise the awareness bar regarding this problem, to officially notify each office of their backlog, and to request timelines for resolving.



Very Respectfully,

W. Earl Wright, Jr.

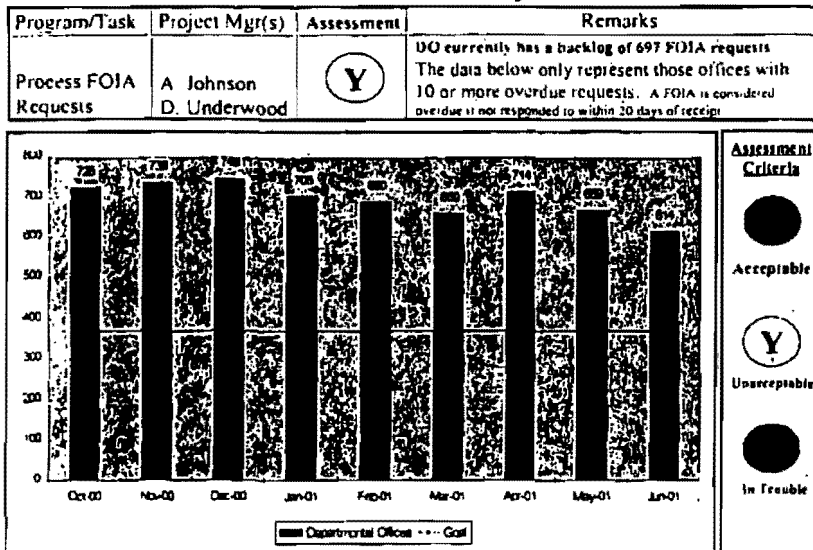
Chief **M**anagement & **A**dministrative **P**rograms Officer
(Annex, 622-1280)

Evans, Merete

From: Wright, Earl
Sent: Sunday, July 15, 2001 9:13 AM
To: Newcomb, Richard
Cc: Johnson, Alana; Granat, Rochelle; Evans, Merete
Subject: FOIA BACKLOG DATA

Rick:

FOIA request backlog data is provided below. The good news is that DO's total backlog has dropped. At the beginning of the FY, we had over 1K requests in our backlog. As of the end of June, our backlog has decreased to 697. The bad news is that the OFAC backlog has an upward trend. As you are probably aware, this matter has the attention of the Department. Please let us know what we can do to help you and your staff with reducing the backlog.

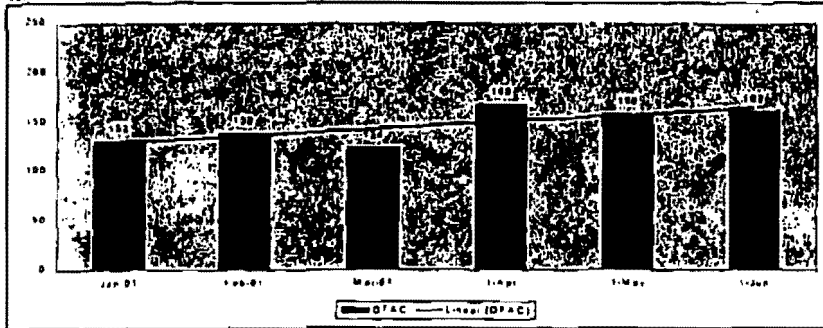
Overdue FOIA Requests

Overdue FOIA Requests

Program/Task	Project Mgr(s)	Status	Remarks
Process FOIA Requests	A. Johnson D. Underwood	Y	DO currently has a backlog of 697 FOIA requests. The data below only represent the backlog of FOIA requests assigned to OFAC. A FOIA is considered overdue if not responded to within 20 days of receipt.

Goal and Performance Measure: Our goal is to more efficiently administer the FOIA process. A key performance measure is reduction of the backlog of FOIA requests. The performance metric is to reduce the backlog 30 percent by end of FY01.

Plan of Action: To raise the awareness bar regarding this problem, to officially notify each office of their backlog, and to request timelines for resolving.



Very Respectfully,

W. Earl Wright, Jr.

Chief **M**anagement & **A**dministrative **P**rograms Officer
(Annex, 622-1280)

Evans, Merete

From: Wright, Earl
Sent: Friday, June 22, 2001 3:18 PM
To: Evans, Merete
Cc: Johnson, Alana
Subject: RE: FOIA BACKLOG UPDATE

Merete -- I really appreciate your attention to this matter. If there is anything that we can do to help, please let us know. v/r, Earl

-----Original Message-----

From: Evans, Merete
Sent: Friday, June 22, 2001 2:05 PM
To: Wright, Earl
Cc: Johnson, Alana
Subject: RE: FOIA BACKLOG UPDATE

Thank you for your concern. I have arranged a meeting with Alana Johnson to go over some procedures. That will help us deal with a few issues that we have ready for a response. I have also received a second list from Alana with numbers of overdue FOIAs that are much closer to OFAC's. We should be able to work out the remaining differences quickly.

Merete

-----Original Message-----

From: Wright, Earl
Sent: Thursday, June 21, 2001 6:49 PM
To: Evans, Merete
Cc: Johnson, Alana
Subject: RE: FOIA BACKLOG UPDATE

OK....How can we help you? v/r, Earl

-----Original Message-----

From: Evans, Merete
Sent: Thursday, June 21, 2001 12:18 PM
To: Wright, Earl; Newcomb, Richard
Cc: Johnson, Alana; Granat, Rochelle
Subject: RE: FOIA BACKLOG UPDATE

I am responding to your e-mail to assure you that the OFAC FOIA officer is working diligently on our FOIA backlog. She has only been here a few months but has managed to keep up the final responses with a steady flow of new incoming FOIAs, thus not increasing our backlog any further. We will continue to do our outmost to to reduce the number of overdue FOIAs.

OFAC records indicate that our current FOIA backlog is 126. We are currently working with Alana Johnson's office to understand the difference between our number of 126 the Disclosure office number of 159.

Respectfully,

Merete Evans

-----Original Message-----

From: Wright, Earl
Sent: Sunday, June 17, 2001 7:55 AM
To: Newcomb, Richard
Cc: Evans, Merete; Johnson, Alana; Granat, Rochelle
Subject: FOIA BACKLOG UPDATE

Rick:

Just wanted to keep you in the loop on the status of the FOIA backlog issue and to request

your continued support and leadership.

Chart 1 provides an overview of the Departmental Offices backlog. You will note, progress is being made. OFAC currently has a FOIA request backlog of 159 (see chart 2 from Disclosure Services).

(b)(2) &
(b)(5)

Disclosure Services is available to answer questions and provide policy, procedural and technical guidance. Treasury's FOIA Handbook is available on DONet under "Services," then "Disclosure Services."

Chart 1:

<< OLE Object: Picture (Metafile)>>

Chart 2:

<< OLE Object: Picture (Metafile) >>

Very Respectfully,

W. Earl Wright, Jr.

Chief **M**anagement & **A**ddministrative **P**rograms Officer
(Annex, 622-1280)

Evans, Merete

From: Wright, Earl
Sent: Tuesday, April 10, 2001 12:23 PM
To: Evans, Merete; Johnson, Alana
Subject: RE: Overdue FOIA requests

Alana -- suggest that you are discuss options, positions, goals, etc. thanks/Earl

-----Original Message-----

From: Evans, Merete
Sent: Tuesday, April 10, 2001 12:06 PM
To: Wright, Earl
Cc: Newcomb, Richard; Johnson, Alana; Granat, Rochelle
Subject: Overdue FOIA requests

I have received your e-mail to Mr. Newcomb about the Department's goal for processing FOIA requests during this fiscal year. I am the person supervising the processing of FOIAs at OFAC and can be contacted at any time if there are questions. We have recently filled our FOIA position and will do everything we can to meet your goal in reducing the number of overdue FOIAs.

In summary, we currently have 131 unprocessed FOIAs. The number of FOIA requests that we receive increases each year as the number of programs administered by OFAC increases and the process of filing FOIAs becomes more common. Last year we received 64 new FOIA requests and I expect as many or more this year. The majority of those requests are time consuming because they require expansive document searches and may have large numbers of documents to be reviewed. My telephone number is 622-2500 if there are any questions.

Merete Evans

Agenda
OFAC Director's Briefing
Status of OFAC's FOIA Backlog Reduction Effort
November 19, 2007

1. OFAC Backlog Statistics: Baseline September 25, 2007

- A. Pending cases as of November 19, 2007: [Handout A: Weekly Status Report]
 - FOIA: 216 cases (counts toward backlog reduction)
 - Litigation: 1 case (included in the 216 FOIA cases above)
 - Appeals: 2 cases (do not count toward backlog reduction)
- B. Processing history, average received: 55 cases [Handout B: Case Processing History]
- C. Processing history, average processed: 39 cases
- D. Processed since September 25, 2007: 09 cases

2. OFAC cases pending review:

- A. With Chief Counsel: 16 cases [Handout C: Cases in Review & Handout D: Cases in Counsel's Office]
- B. With Senior FOIA Analyst: 10 cases
- C. Search requests pending: 12 cases
- D. In FOIA processing: TBD

3. Reporting:

A. Backlog Reduction:

- i). Externally (DOJ): Backlog to be reduced by 10% per year [Handout E: Departmental Offices FOIA Improvement Plan Goals & Handout F: DO FOIA Report, August 2007]

[REDACTED]

(b)(2)

- iii). Monthly status report: Indicates monthly net increase or decrease of cases. [Handout H: Attachment 2]

- iv). Monthly Production Report: Indicates the number of cases received and closed during the month. [Handout I: Attachment 3]

- v). Monthly aging report: Indicates the age of the pending cases. [Handout J: Attachment 4]

B. Annual Report to Congress (additional requirements)

- i). Ten oldest pending cases
- ii). Ten oldest consultations

4. FOIA Office Staffing:

- A. 3 FTEs: 1 Senior FOIA Analyst; 1 FOIA Analyst & 1 Records Analyst
- B. 1 FTE TDY extended through February 2008.
- C. 2 Contract FOIA Analysts currently assigned to OFAC.

Director's FOIA Briefing: 11/19/2007 (continued)

D. 2 Contract FOIA Analysts with a start date of November 26, 2007.

5. Data Capture Project:

A. 80% to 82% completed. Proposed target date for completion is December 31, 2007.

B. 37 FOIA cases still unaccounted for. [Handout K: Missing Case Report]

6. Database Modification Project: Due to start around Thanksgiving timeframe.

A. Modify reporting:

B. Modify data capture:

C. Activate document attachment feature:

7. Anticipated problem areas:

A. Complexity of OFAC cases which require lengthy negotiations to reduce the scope of initial request.

B. Timeliness of Divisions in processing records to FOIA Office.

Solution: Dedicated person to search and review records

C. Timeliness of review of pending FOIA cases in Counsel's office.

Solution: Dedicated attorney to review FOIA cases or set aside appropriate time to review. Fast track easy review cases.

D. Timeliness of review of cases in Senior FOIA Officer's Office.

Solution: Complete FOIA process and data capture; January 2008 turn over capture project and actions with Disclosure Services to Kathleen Lanham and dedicate time to review of cases.

E. Increased appeals:

F. Increased litigation:

Recommendation:

A memo from the Director to Associate and Assistant Directors

Subject: FOIA Backlog

1. Directed by DepSec to devote resources to alleviate backlog.

2. To address this concern – Director directs divisions to assist FOIA office in obtaining its goals.

3. To this end – ID FOIA files that have not been returned to FOIA office and return NLT December 31, 2007

4. Between January 1, 2008 and March 31, 2008, ID one full time person to identify responsive records and review for exemptible information and return to FOIA Office ASAP and no later than March 31, 2008:

5. Our goal will be a 20% reduction of the backlog by March 31, 2007.

Additional Handouts:

Handout L: Sensitive Case Report

Handout M: Pending Report by Age

MEMORANDUM

TO: Virginia Canter, Associate Director, Office of Resource Management, Office of Foreign Assets Control

FROM: Marshall Fields, Assistant Director, Disclosure Services, Office of Resource Management, Office of Foreign Assets Control

DATE: August 27, 2008

SUBJECT: CHALLENGES PRESENTED BY DIFFICULT FOIA CASES

Cozen FOIA Litigation

- **Court deadline to comply with outstanding order is September 8, 2008**
- Voluminous records, tracking of thousands of pages of referred classified and unclassified records to other federal agencies. Example approximately 3600 pages referred to FBI.
- Referred records maintained by other Treasury Offices, Bureaus and OFAC Divisions.
- Case impacted every division and several other Treasury components covering document related to all terrorist designations.
- Case involved numerous referral to other federal agencies
- Case involved the review of classified and law enforcement sensitive records
- Case has been ongoing for over a year and threatens to become more burdensome

Herrick FOIA Litigation

- **Court deadline for submission of Vaughn Index and declaration is September 19, 2008.**
- Complicated law enforcement issues.
- Submitter notice issue complicated by law enforcement issues.

LCCR FOIA Litigation

- **Awaiting decision by the court.**
- Ruling by the court required OFAC to process records not responsive to initial request
- Records are voluminous
- Time consuming searches and reviews that have impacted several divisions, most notably DID and the FOIA office.

Expected FOIA Litigation: 2008-01-025 [Nixon, NY Times]

- **Requestor forwarded a draft complaint with the expectation to move into court on September 8, 2008 if response not received.**

Difficult cases synopsis (cont.)

- Initial request was for an electronic copy of OFAC database of individuals and companies with OFAC licenses.
- Voluminous records. The IT group assisted Licensing in the generation of a 32 MB excel file containing exactly 159,452 line items (each line item represents a license record) with one additional line being the Fields header. The page count is estimated at 3378 (but varies depending on cell sizing adjustments). Thus, counts are based on line items for accuracy and a final page count assessment.
- The initial review of the file took over 108 hours to process (not including the Q&A reviews which are currently in progress). The listing had to be reviewed line by line to identify individuals who were licensed (non-responsive) and individuals listed with a business (FOIA's (b)(6) exemption).
- Quality Assurance review by FOIA Office, Licensing Division and General Counsel's Office time consuming. FOIA Office obtained electronic review in order to speed up review process.

Other complicated and time consuming cases:

2005-09-043, 2006-06-006, 2007-03-068, 2007-12-018, 2008-05-025, and 2008-06-076 - TSRA Ag/Med Program

- Extremely large volume of information requested strains OFAC personnel.
- Submitter notices required for over 750 submitters covering more than 4000 licenses.
- Extensive follow up communication with submitters expected.
- Requires IT intervention to process.
- Media pressure.

2008-05-024 [Onorato]

- Voluminous records
- Requires the coordination of at least 5 other Treasury bureaus and offices. Additional time required to coordinate.
- Many records exempt pursuant to (b)(2), (b)(4) and (b)(5)
- Will require submitter notices

2006-10-008 [Kabat]

- Voluminous records that impact all divisions.
- Long process in narrowing scope of request.
- Most records are deliberative and exempt.

Difficult cases synopsis (cont.)

2005-12-067, 2005-12-073, 2006-07-039, 2006-07-041, 2006-07-044, 2006-07-046, and 2007-07-047 [Michael Ravnitzky]

- Numerous requests for the same information on OFAC regulations and policies.
- Also requests are for daily OFAC workload. Number of requests indicates he is abusing 31 C.F.R. Section 1.7(h).

2007-04-056; 2007-07-023; 2007-10-030 [Bieluch]

- Several requests generated out of an unresolved licensing issue.
- Licensing issue unresolved for several years and sensitive.
- Voluminous records associated with request.
- Many records unreleaseable pursuant to (b)(2), (b)(4) and (b)(5).

2006-08-049 [Noble]

- Initial review (not including Q&A reviews) took over 9 hours to complete for 318 pages of records.
- While the requester received 130 pages that were responsive to his initial request, his appeal expressed that he was seeking inventories which he had asked for in an email he submitted as a narrowing of scope [which the FOIA Office was unaware of at the time of processing]. [REDACTED] (b)(5)
- Four additional hours of review was necessary as the email actually changed the scope of the request. Therefore, 106 pages of records that were initially deemed non-responsive had to be re-analyzed in relationship to the email.

2007-07-036, 2007-07-037, 2007-09-044, 2007-09-048, 2007-09-049, and 2007-09-050 [Blaine Booke, IJDH]

- Numerous requests for the same information on OFAC regulations and policies. Number of requests indicates he is abusing 31 C.F.R. Section 1.7(h).
- Difficulty in locating records because of dates requested.
- Many records are paper and not electronic and must be search manually.

Complicated cases by Category

DID cases

- Voluminous records require time consuming searches.
- Classified and law enforcement sensitive records review required.
- Limited personnel to review classified records.
- Coordination with other federal agencies required.

Difficult cases synopsis (cont.)

- Request are generally broad in scope and must be narrowed before proceeding with requestors reticent to narrow scope.
- Cases involve a time consuming to process for exempt information.
- Limited personnel to search for records and provide initial review.
- Some records involve open and pending investigations by OFAC and other law enforcement agencies.

Licensing cases

- Almost all records contain confidential commercial and financial information that require submitter notices.
- Many requests are for voluminous records.
- Many of the requested records are not electronic and require manual searches which are time consuming.

Blocked Assets cases

- All cases contain confidential commercial and financial information requiring the submitter notice process
- Many records need to search out as responsive and review only to be exempted from release. This is a time consuming process.

Points to stress in FOIA Process (10/12/2007)

1. This process should eliminate a lot of the work to be accomplished in the divisions.
2. Records Division initial search is just to determine if any division have responsive records in Records Division. This is a preliminary search, that's all. It is not a substantial search or review of records.
3. Records Division: Scan initial FOIA request into database. This will be a future process and may be as simple as copy and paste since Disclosure Services is providing the initial FOIA request as a separate attachment.
4. Search Request: will be sent out with a "billing request" sheet and the initial FOIA request via email. The details of the request will be in the initial request. We will not be sending out the red folders. The red folders will remain in the FOIA office.
5. If there are voluminous records or the search will take a lot of time COMPLETE THE BILLING SHEET, BEFORE THE ACTUAL SEARCH AND GET THE COMPLETED SEARCH REQUEST SHEET BACK TO ME ASAP. With the information in the billing sheet, can generate a bill and contact the requestor to narrow the scope of the request.
6. If when the search request is received, PLEASE let me know as soon as possible via email if another division should receive the request. I will indicate in the email which divisions I have sent the request to for records search.
7. Records review will be for division specific information that should be redacted such as financial, commercial of sensitive information. Indicate why the information should not be released, you do not need to specify an exemption code as long as you explain why the information should not be released.
8. Please attempt to get the records in order before you send to the FOIA office. This will assist us in processing the request.
9. By COB, Wednesday, October 17, 2007, please return all FOIA files. We will be correcting the database and obtaining an inventory of our cases. The case will be coming back for responsive records searches.
10. Once we have eliminated the backlog. There should not be a heavy concentration of searches in response to FOIA requests

Definitions of the Exemptions Under the Freedom of Information Act – 5 U.S.C. § 552

EXEMPTIONS

Pursuant to 5 U.S.C. § 552 (b), the Freedom of Information Act does not apply to matters that are –

- (1)(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 under such Executive Order;
- (2) related solely to the internal personnel rules and practices of an agency;
- (3) specifically exempted from disclosure by statute, provided that such statute;
 - (A) requires that the matters be withheld from the public so as to leave no discretion on the issue, or
 - (B) establishes particular criteria for withholding or refers to particular kinds 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 memoranda 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 constitutes a clearly unwarranted invasion of personal privacy;
- (7) records or information compiled for law enforcement purpose, but only to the extent that the production of such records or information
 - (A) could reasonably be expected to interfere with enforcement proceedings,
 - (B) would deprive a person of a right to a fair trial or 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, including a state, local or foreign agency or authority, or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by 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 if such disclosures could reasonably be expected to risk circumvention of the law, or
 - (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (8) contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (9) geological and geophysical information and data, including maps, concerning wells.

ADMINISTRATIVE APPEAL

You may file an appeal with the Department of the Treasury when:

- Access to records has been denied in part or in whole;
- There has been an adverse determination of your requestor category;
- Your request for fee waiver or reduction has been denied;
- It has been determined that no responsive records exist; or
- Your request for expedited processing has been denied.

Your appeal, other than an appeal of a denial for expedited processing, must be submitted within 35 days after (1) the date of the initial determination, or (2) the date of the letter transmitting the last records released, whichever is later, except in the case of a denial of expedited processing. An appeal of a denial for expedited processing must be made within 10 days of the date of the initial determination to deny expedited processing. The appeal must be in writing, signed by you or your representative, and contain the following information:

- Your name and address;
- Date of your initial request;
- Date of the letter denying your request;
- Description of why you believe the initial determination was in error; and
- The FOIA/PA number assigned to your request.

Please mail your appeal to: Freedom of Information Act Appeal
 Disclosure Services, DO
 Room 6204, Annex
 Department of the Treasury
 Washington, D.C. 20220

The deciding official on your appeal will be the Assistant Secretary of the Office of Terrorist Financing and Financial Crimes.