



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

10/7/2021

Emma North-Best
MuckRock News
DEPT MR 118680 - 411 A Highland Ave
Sommerville, MA 02144

118680-30047357@requests.muckrock.com

RE: Your FOIA Request to Treasury, Case Number 2022-FOIA-00008

Dear Ms. North-Best:

This is the final response of the Department of the Treasury (Treasury) to your Freedom of Information Act (FOIA) request dated 10/5/2021. You have requested access to the following records:

“Copies of lists or indexes of frequent requested records under FOIA and other disclosure laws, including but not limited to those subject to the Rule of Three. I also request copies of emails, memos and letters discussing the handling of frequently requested records that are subject to the Rule of Three but not limited to the removal of any such records. You may limit this request to records generated between January 1, 1999 (or since your office's creation, whichever came later) and December 31, 2019.”

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. Although the search did not produce a list of requests that qualified for the “rule of three”, emails and other responsive documents were located. In response to the search, 57 pages were located within the Departmental Offices of Treasury. After carefully considering these records, I am releasing one (1) page in full and four (4) pages in part. I am also withholding 52 pages in full. The withheld information is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552 (b)(5) and (b)(6).

Exemption (b)(5), Permits withholding information under the deliberative process privilege, including the pre-decisional documents, or information that could be withheld under civil discovery, attorney-client, or attorney-work product privileges.

Exemption (b)(6), Permits withholding of records and information about individuals when disclosure would be a clearly unwarranted invasion of personal privacy.

Please note that the “rule of three” was codified by the FOIA Improvement Act of 2016, and it was later added to Treasury’s FOIA regulations which can be accessed at <https://www.govinfo.gov/content/pkg/FR-2019-02-27/pdf/2019-03320.pdf>.

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 e-mail at FOIA@treasury.gov.

Please reference FOIA case number 2022-FOIA-00008 when contacting our office about this request.

Sincerely,



Mark Bittner
Director, FOIA & Transparency
Office of Privacy, Transparency, and Records

Enclosures

Responsive document set (57 pages)