



DEPARTMENT OF THE TREASURY
WASHINGTON

INSPECTOR GENERAL

The Honorable Ron Johnson
Chairman, Committee on Homeland
Security and Governmental Affairs
United States Senate
Washington, D.C. 20510-6250

Dear Mr. Chairman:

I am responding to your June 23, 2015 letter requesting that I conduct an inquiry into the Treasury's program for managing and responding to requests for records under the Freedom of Information Act, and specifically about the involvement of non-career officials in that process. You asked that we determine if non-career officials are, or have been, involved, and if so, "whether their involvement resulted in any undue delay of a response to any FOIA request or the withholding of any document or portion of any document that would have otherwise been released but for the non-career officials involvement in the process." If we found any such delay or withholding, you asked for particulars. You also asked that we seek a written certification from Treasury's Chief FOIA Officer on the same factors.

My office has completed this inquiry; a copy of the report is enclosed. We found that non-career officials are involved in the Department's FOIA program. And we found no evidence that such involvement resulted in undue delay, withholdings at odds with career employees' recommendations, or other improper activity. We found instances where other agencies and offices were consulted on release decisions, done in accordance with standard FOIA "third agency" practice, as implemented in the Treasury FOIA regulations. Lastly, the Assistant Secretary for Management, who is Treasury's Chief FOIA Officer, advised me that he has read our report, that it states his understanding of the situation, and that he agrees with its findings.

We would be pleased to brief you further or otherwise discuss this matter. Please contact me on 202-622-1090 or thorsone@oig.treas.gov or your staff can contact my Counsel, Rich Delmar, on 202-927-3973 or delmarr@oig.treas.gov.

Sincerely,

Eric M. Thorson
Inspector General

Enclosure

cc: The Honorable Thomas R. Carper
Ranking Member




OFFICE OF
INSPECTOR GENERAL

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

March 9, 2016

MEMORANDUM FOR INSPECTOR GENERAL THORSON

FROM:  Rich Delmar
Counsel

SUBJECT: Role of Non-Career Officials in Treasury FOIA Processing

The Senate Homeland Security and Governmental Affairs Committee asked you to review the Treasury Department's FOIA response process, to determine if the involvement of non-career officials has resulted in any undue delay of a response to any FOIA request, or the withholding of any information that would have been released but for the intervention of a non-career official. You tasked Counsel to conduct this review, along with an inquiry already planned about an article in National Review concerning Treasury's FOIA practices. We have done so, and we conclude that the involvement of non-career officials in the FOIA process has not compromised it, and that we have seen no evidence of undue delay or improper intervention.

We interviewed officials and employees of the offices involved in this coordination process¹ to specifically understand their roles, their understanding of their authority and responsibility, and to determine if they either had themselves, or had heard of others, interfering with the process, changing a proposed response, or otherwise affecting how the Department answered a FOIA request. We found no indication that non-career officials (which we understand to comprise Presidential Appointee with Senate Confirmation (PAS), Presidential Appointee (PA), Schedule C, and non-career SES appointments) had tampered with, delayed, or otherwise compromised the proper functioning of the FOIA process.

¹ The Deputy Assistant Secretary (DAS) for Privacy, Transparency and Records (PTR)
The PTR Director of FOIA
The Chief of Staff (COS)
The Treasury White House Liaison
The Deputy Chief of Staff
The former Deputy COS
The Executive Secretary
A staff analyst in the Office of the Executive Secretary
The Assistant Secretary for Public Affairs
The Counselor to the Assistant Secretary for Public Affairs
The Deputy Assistant Secretary, Legislative Affairs (Appropriations and Management)
A Schedule C employee in the Treasury Office of Legislative Affairs
The Counselor to the General Counsel
The Assistant General Counsel for General The Director, Ethics, and Regulation
The Deputy Assistant General Counsel for General The Director and Regulation

Discussion with program managers

The process by which we came to this conclusion started with a discussion with the Deputy Assistant Secretary (DAS) for Privacy, Transparency and Records (PTR), who oversees the FOIA program. She and the FOIA Director, the actual manager of the FOIA program, are both career employees. They provided us with background on how the FOIA request intake, analysis, assignment, and finalization process works, how the process had been improved under their leadership since June 2013, and particularly about a coordination process implemented to assure that all affected offices in the Department have input on proposed responses to certain categories of FOIA request².

They explained that their office does the FOIA program for Departmental Offices (DO, Main Treasury). DO doesn't do bureau processes, although they may initially intake a request and farm it out to the bureaus in appropriate cases. They have case managers review requests from the public. This review includes determining fee status, waiver concerns, and the like, as well as a determination of what offices would likely have responsive records. The case managers put together their recommendations and present them to management for review to determine if the recommendations are consistent, accurate, and supported by The Director and policy. Then the request is referred to the Treasury offices determined to have responsive records. Once the records are collected, they go through the case manager and then to an analyst. At this point in the process, no one who is a PAS, PA, non-career SES or Schedule C is involved. Then the FOIA office asks if the request's scope is reasonable and interacts with the program offices for the collection. At that point, they may deal with the head of the office holding responsive records, who may be a PAS, PA, or Schedule C employee.

We were told that the Coordination Review Process (CRP) is the new name for the Sensitive Review Process since December 2013. The current PTR officials provided us with a chart illustrating the process, which is attached below as an exhibit. They were not aware of any legal requirement for this process, but stated that it appeared to be developed as a standard procedure

The Director explained that FOIA request cases get into the CRP pipeline if they are nominated by him or by a FOIA supervisor or a program office. He said that such cases would be either high profile, sensitive, or require cross-agency coordination. He stated there was no definition for the first two categories: it required application of a judgment call. The purpose is, he stated, whether or not the request or released information was something the Secretary or Deputy Secretary would be questioned about, or in which

² In an early email, the DAS described the program thusly:

We have a coordination review with Exec Sec, Leg Affairs and Counsel—after the documents have been fully prepped for release. We meet with those folks to let them know what documents are about to be released—for purposes of awareness. We do not review redactions with them, although we do talk about whether or not the search was adequately conducted (i.e.—did we ask all the right offices for the responsive records.

She stated that the process did not cause delays. She later told us about the role of the Office of General Counsel in a number of requests involving records not necessarily produced by OGC, an aspect of the process we discuss below, where we did not find improper delay or intervention.

members of Congress would be interested. However, the question of what rises to the level of senior level awareness was not firmly set forth.

The Director noted that not all media requests go to Review; that the process was more about the content of records. There is no policy or practice by which particular media requests are sent into the CRP. Rather, particular sensitive topics: for example, the debt ceiling; the fiscal situation in Puerto Rico; the government shutdown; borrowing, or Extraordinary Measures. The Director stated the CRP rarely meets, and has only had 21 cases since December 2013, which were all closed out.

They advised that many records are retained longer than NARA regulations require, largely because of a large number of litigation holds. Regarding "White House" involvement, they said standard third agency practice³ would be followed if responsive Treasury records had White House information in them. They were not aware of any instances of White House intervention or interference.

Discussions with other offices involved

Chief of Staff

The Chief of Staff stated that since becoming assuming the office in May 2013 he has had no involvement with the FOIA coordination process. Further, he stated that the 2015 National Review article (discussed below) was the first time he became aware in his role as Chief of Staff of allegations of inappropriate involvement by non-career employees in the FOIA process. He seemed to imply that the article was an example of how things may have been done in the past, but he reiterated that he has had no involvement in the coordination process since beginning in his current role.

Additionally, he stated that he is not sure who from the Chief of Staff office could be involved in the process, but he trusts their involvement and noted that nothing has been elevated to him. One former and one current Deputy Chiefs of Staff were mentioned as potentially having knowledge or being involved with the process. Lastly, he stated that he was not aware that he had ever been invited, as Chief of Staff, to the coordination committee meetings.

He advised that these two persons, as well as the current Treasury White House Liaison, might have relevant knowledge. We sent email inquiries to all of them; all advised that they had no involvement in the CRP.

³ This is a standard FOIA practice, implemented at Treasury in its FOIA regulations (31 C.F.R. Part 1) whereby records or information from another agency found in Treasury's responsive records are referred to that other agency for its views on releasability. It states, in relevant part:

31 C.F.R. Section 1.5, Specific requests for other records

(c) Requests for records not in control of bureau; referrals; consultations.

(3) When a FOIA request is received for a record created by a Treasury bureau that includes information originated by another bureau of the Department of the Treasury or another agency, the record shall be referred to the originating agency or bureau for review and recommendation on disclosure. The agency or bureau shall respond to the referring office. The Treasury bureau shall not release any such records without prior consultation with the originating bureau or agency.

Office of the Executive Secretary

The Executive Secretary, stated that he has a general understanding of the FOIA coordinating meetings and the Executive Secretary's role in attending those meetings, but since he has been in the position of Executive Secretary for only three weeks at the time of our interview on September 30, 2015, he has not attended a meeting in that official capacity. He has, however, attended one of the FOIA meetings while transitioning into this position, and he previously "subbed-in" at a meeting once when he served as a Deputy Executive Secretary. Additionally, he once saw the PTR FOIA Director bring a FOIA request to the previous Executive Secretary.

The staff analyst stated that he has attended the FOIA meetings and added that offices can flag FOIAs that they want discussed at the coordination meetings.

The Executive Secretary described the meetings as being more about discussing redactions to documents than discussing whether documents should be disclosed at all. In the limited number of meetings he has attended, He could not recall anyone attempting to stop a disclosure nor could he recall any discussion of coordinating with the White House.

When asked is any non-career employees have ever slowed or changed a FOIA response, he answered that his was not aware of any instances of that happening. He explained that his impressions is that political appointees often want to move FOIA requests even faster to reduce the backlog of requests.

Office of Public Affairs

The Assistant Secretary for Public Affairs stated that she personally was not involved in the Coordination Review (CR) process, but stated that her Counselor was the one in attendance when such meetings were held. She stated that Public Affairs doesn't attend all of the meetings; only those where there is an imminent FOIA package that might attract media attention, and then she understands PA is invited as a courtesy to Public Affairs. She stated that PA is 99% political appointees: She stated that she is the only PA but the rest of the staff are Schedule C or non-career SES.

She stated that her Counselor does not brief her after the meetings. She does not know how FOIA handles the meetings but as far as Public Affairs has seen so far, there's been nothing further that has come to her attention. She could not recall any release of FOIA material that had press interest she had to deal with. Likewise, she stated that it was part of her office's ongoing job to coordinate with the White House Communications staff as to what Treasury and the Secretary are doing, with respect to things that will attract public interest or things they hope will attract public interest. As part of that process, she hypothesized she might advise the White House of a particular FOIA matter ("flag it for the White House as part of that process"), but only after release. She could not think of a time in her tenure where this has ever happened. It should be noted that flagging after release is not part of third agency practice, which is by definition a pre-release consultative step. Public Affairs has the separate function of

flagging Treasury matters to the White House for their news or other official or public interest significance.

The Assistant Secretary's Counselor, in her capacity representing the Office of Public Affairs, attends periodic FOIA meetings that involve FOIA requests from the media. Since she began working in her current position with Public Affairs in June 2014, she has attended approximately 10 of these meetings and is usually the only person from Public Affairs present at the meetings.

She described the meetings as an update or a "heads-up" that information was going to be disclosed to the media. The meetings are an intermediate step in the process that occurs after the FOIA office has collected and determined what information will be disclosed but before that information has actually been given to the requestor. She stated that there are generally two outcomes when the responsive documents are presented to the group during these meetings: 1) participants present identify additional documents that would also be responsive, and/or 2) participants question if any of the information contained in the responsive documents meets an exception to disclosure. As an example of this, she recalled a responsive document that contained all the email addresses used by Treasury Secretary Geithner. At the time, she questioned whether those should be released in full because the format of those email addresses could be used to determine email addresses of other senior Treasury officials. Further, she stated that Exemption 5 (pre-decisional) is often raised when discussing responsive documents.

Office of Legislative Affairs

We interviewed the Deputy Assistant Secretary within Legislative Affairs whose portfolio includes the CRP. She is a non-career SES. She stated she did not go to the meetings, but that her understanding was that they looked at FOIAs for "Treasury equities". She stated that the meetings were rarely held and she did not attend, and that if whoever attended the meetings [from Legislative Affairs] had to tell her about something, they did.

She said that there are no instances she can think of where non-career officials at Treasury or the White House slowed down or protested the release of certain records. She said the DAS for PTR "wouldn't allow it."

She referred us to the staffer in her office who actually participates in the CRP. He is a Schedule C employee. He advised that he understands his role is to be aware of what is being released. He indicated he had no input on the information that was actually released, and thinks he is the only one from Legislative Affairs that has gone. He is not aware of any instances of White House clearance being called for.

Office of General Counsel

As noted in Footnote 2 above, we were told that the Department's Office of General Counsel is involved in a number of FOIA requests that involve records produced and controlled by other offices, but which related to certain litigation issues and other high-visibility matters. While there is no indication that this has been done with the intent to

or effect of reducing production, and does not appear to be instigated by any non-career officials, it has resulted in several requests taking additional time to be completed. We obtained a master list from PTR of these cases, and discussed the matter with the responsible Assistant General Counsel and her Deputy. Both of these officials are career SES employees. As discussed below in the summaries of their information, we conclude that the reasons for OGC involvement in these FOIA requests are appropriate, from a response correctness and consistency perspective, or because of litigation-related concerns. We do not see any "political" or non-career influence or involvement, or any improper purpose. However, many of these requests are getting old, and that is a concern which should be addressed and cured.

In general, OGC presents its role in the FOIA process in the following way:

In addition to FOIAs that request records held by OGC, there are a number of other instances where a FOIA may be assigned to OGC. For example, OGC may handle FOIA cases where OGC was substantially involved in the underlying subject matter. OGC may also assume a coordinating role on FOIA cases where responsive records reside in multiple program offices (many times including OGC). OGC may also be tasked with handling FOIA cases where records have already been collected for other purposes such as in litigation or Congressional productions. Similarly, if the FOIA request itself is in litigation, GLER or another component of OGC will assist DOJ in the FOIA litigation. Regardless of whether OGC is assigned a FOIA, the office often advises on the proper assertion of FOIA exemptions.

The Assistant General Counsel (AGC) for General Law, Ethics, and Regulation (GLER) and her Deputy are responsible for legal advice and litigation management regarding FOIA. Sometimes GLER is assigned a FOIA, like any other office. And if the matter is going through litigation, GLER will offer assistance to DOJ. If it's litigation of a FOIA arising out of Domestic Finance, for example, then the attorneys at Banking and Finance might take that. PTR copies her office on the report they do weekly on new FOIA cases. Her Deputy may flag a case for the CRP if he thinks it has been misrouted programmatically or relates to a matter in litigation or crosses offices.

If something is already a subject of oversight or litigation on the merits of the subject under FOIA request, additional caution is necessary. This includes matters such as the debt limit. OGC pointed out that it made sense to get involved, as OGC's Banking and Finance attorneys are "all over" the debt limit, for instance. If it's likely to generate press interest, or the subject matter of the documents are already under Hill oversight, such as things related to the Affordable Care Act (ACA) or Supreme Court litigation on the ACA, then OGC is also likely to get involved.

The AGC stated it would not surprise her if senior people in the office who happen to be political appointees are involved in the process at a senior level to discuss matters: they're going to discuss the release and what is legal and appropriate. She stressed that just because the head of an office may be a political appointee, it doesn't make the matter "political" or politically influenced. She noted that all of Public Affairs and almost all of Legislative Affairs except for support staff are political appointees of one sort or another: they are all non-career SES, Schedule C's or PA.

She said she was not aware of any FOIA request where the recommendation of a career FOIA analyst had been changed by a political appointee. She stated she could imagine where a person who happens to be a political appointee contributes and that contribution results in change, perfectly rationally, but can't think of a single case where that happened. Similarly she said she knew of no case where the White House directed the denial or reduction of a Treasury FOIA response, though she said that standard third agency practice would be observed if a responsive Treasury record contained White House created or provided information. She was not aware of any situation where the White House interfered with the process.

The Deputy Assistant General Counsel for General Law and Regulation advised that earlier Treasury FOIA practice sometimes resulted in an inconsistent application of FOIA exemptions, which had adverse impacts in litigation. The benefit of the CRP is a more even and correct application of the exemptions. It is also to help determine if the right searches are being done for responsive records. People in different offices, with different subject matter knowledge, can often advise on bodies of information that may be responsive to particular requests.

He did not think the requests were delayed overlong in the CRP meeting. He stated, however, that sometimes at a meeting someone would direct the matter to another office, so things are always moving even if they "appear" to be languishing. He noted that an action item might go to another office if it might need checks on the exemptions, or, citing a FOIA request for information regarding a particular treaty matter where he believed particular proposed redactions were not warranted, if it needed reevaluation under protective statutes. He says this is not "undue delay", but it is ensuring the proper theories are being properly considered.

He stated that cases can be assigned or controlled by OGC because of ethics, litigation or other legal considerations. He also said that there are no guidelines that certain requests get put into the CRP pipeline, and that third agency practice is adhered to when required. He was not aware of any misuse of the process, or any interference by non-career employees in the decision making on FOIA responses.

Assertions in National Review article

In June 2015 National Review published an article raising questions about the role of non-career and "political" employees in FOIA operations. The key, Treasury-centric allegations addressed in the article were:

1. At the Treasury Department, the memo came down from the deputy executive secretary in December of 2009. Going forward, the memo stated, "sensitive information" requested under the Freedom of Information Act was to be reviewed not only by career FOIA officials but also by a committee of political appointees, including that deputy and representatives from the public-affairs, legislative-affairs, and general counsel's office, before release.
2. The 2009 memo setting out the sensitive-review process was a reaction, in part, to the release of then-secretary Timothy Geithner's calendars in response to a FOIA request from the Associated Press.

3. In fact, Treasury's "sensitive review" process seems to have been created after Bloomberg News requested, in 2009, the calendar of TARP's "pay czar," Ken Feinberg. An e-mail from an attorney in the general counsel's office says as much, noting that "the Feinberg FOIA was the impetus for this policy."

4. The memo made calendars, in addition to internal correspondence, memoranda, e-mails, drafts of documents and e-mails, and travel logs of nearly all political appointees subject to review by political officials, including members of the public-affairs staff.

5. Requests from the media were singled out for particular scrutiny. (FOIAs are also filed by law firms, nonprofits, and other groups.) In fact, every FOIA request from a reporter, regardless of the information requested, was subject to sensitive review.

6. That deputy, and the official who is now the Chief of Staff, drove the sensitive-review process. The latter was "very quick" to send any Treasury material that was sensitive politically to the White House counsel's office for review, even if none of the underlying records referred to the White House or included White House emails.

7. The agenda for one sensitive-review meeting in July 2010 shows a number of sensitive FOIA requests were sent to the White House for review.

8. FOIA documents were shipped over to the White House "countless" times on this official's watch, including all of the records pertaining to the \$500 million federal loan to the now-bankrupt solar-panel firm Solyndra.

It should be noted that the deputy is no longer a Treasury official, and that several of the assertions relate to events that took place in 2009, before the current Chief of Staff joined Treasury. We talked to the Assistant General Counsel GLER on this topic as well, along with the Counselor to the General Counsel. They provided a copy of the memo in question (a copy is attached to this memo), and addressed the assertions largely as the standard way agencies deal with requested information that was obtained from or is otherwise controlled by other agencies. A summary of their explanation is:

In early 2009, the Obama Administration adopted new policies to increase transparency and openness in government, including changes to the FOIA process. In line with these policies, Treasury created an internal process to improve FOIA processing and inform departmental offices when certain information—including information that may be subject to a valid FOIA exemption but was cleared for discretionary release—was being made public.

The 2009 proposed FOIA process document describes the process for reviewing FOIA productions that include "sensitive information," which the process document defines as "Controlled unclassified information materials including internal correspondence, memoranda, emails, drafts, calendars, and travel logs of the Secretary, the Deputy Secretary, the Chief of Staff, the Deputy Chief of Staff, the Executive Secretary, Under Secretaries, Assistant Secretaries, legal advisors, senior advisors, and counselors. Press inquiries about any of the sensitive information or the positions involved also meet the general definition of 'sensitive information.'" According to the process

document, "sensitive information" was to be reviewed by representatives from "Executive Secretary's/Chief of Staff Office, General Counsel, Legislative Affairs, and Public Affairs." The then-Deputy Assistant Secretary for Privacy and Treasury Records, or a member of her office led and set the agenda for regular meetings with these representatives. Since some of these offices do not have career employees, the representatives at the meeting were a mix of political and career employees. The particular inclusion of Public Affairs was to be able to respond properly to media inquiries, provide accuracy on reporting on Treasury activities, and develop press strategies. The stated purposes of the new process were to:

- A) To ensure the appropriate offices are fully informed that sensitive materials are in the process of being reviewed for possible release
- B) To inform the designated review office staff of applicable exemptions that may apply to the materials, if any
- C) To provide a discreet and specific process step for the designated review offices to assess and review the possible release of information
- D) To ensure that all applicable statutes, regulations, and internal guidelines have been followed in the review and release of materials

Some of the press statements noted in the article discuss White House review of documents responsive to FOIA requests. This is consistent with "Third Agency" practice, the standard established in DOJ's public FOIA guidance and Treasury's FOIA regulation, set out earlier in Footnote 3, for agencies to refer or consult with other agencies prior to producing documents under FOIA when the documents potentially contain the other agency's equities. Consistent with that standard practice, Treasury, like other agencies, consults with the Office of White House Counsel prior to releasing documents with White House equities.

This is consistent with our understanding of FOIA practice and procedure, and the way we have seen the process work over many years. Absent any specific indication of deliberate or even accidental hiding or delay in producing otherwise-responsive records, we conclude that the assertions in the article are properly addressed and explained, and concerns about interference in the proper, regular operation of Treasury's FOIA response process are not warranted.

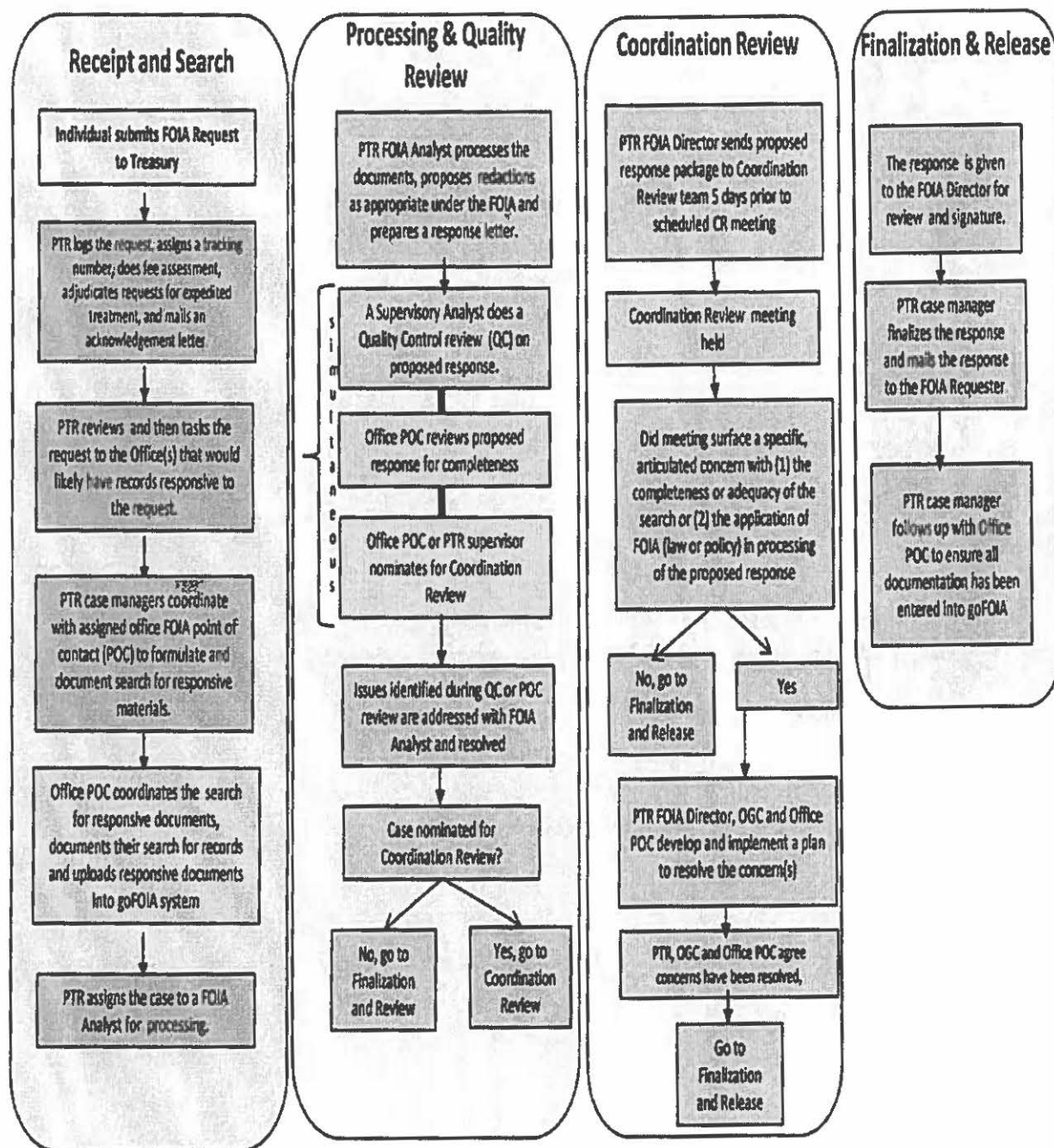
Conclusion

Our inquiry leads to our conclusion that while non-career employees (PAS, PA, Schedule Cs, and non-career SESs) do participate in the FOIA process, there is no evidence that such participation has caused any undue delay of responses, or withholding of information that career employees recommended providing to a requester.

The committee also asked that we seek a written certification from the Department's Chief FOIA Officer that, if non-career officials were involved in the Department's response to any FOIA request, that involvement has never resulted in the undue delay of a response, or the provision of less information than would have been provided but for the involvement of the non-career officials.

Treasury's Chief FOIA Officer is the Assistant Secretary for Management. As we discussed, OGC presented this report to him and discussed the certification request. By email to you earlier today, he stated: "I have reviewed the memorandum prepared for you by your Counsel, which finds that the involvement of non-career officials in the FOIA process has not compromised it or contributed to undue delay and does not reflect improper intervention. That finding is consistent with my own understanding of how our FOIA process operates."

"Transformed" FOIA Process Map



Proposed policy for Executive level clearance of Sensitive Information under FOIA process:

Definitions:

Sensitive information: Controlled unclassified information materials including internal correspondence, memoranda, emails, drafts, calendars, and travel logs of the Secretary, the Deputy Secretary, the Chief of Staff, the Deputy Chief of Staff, the Executive Secretary, Under Secretaries, Assistant Secretaries, legal advisors, senior advisors, and counselors. Press inquiries about any of the sensitive information or the positions involved also meet the general definition of "sensitive information." The definition encompasses all prior records of these offices and official positions, in addition to current office holders.

Public documents: Agency records which are available on the internet, or have been previously disclosed to the public, or constitute a final agency decision.

Purpose of Process: To ensure the appropriate review of all sensitive information as described in the definition above by the Executive Secretary's/Chief of Staff Office, General Counsel, Legislative Affairs, and Public Affairs prior to disclosure. The purpose of this process step and underlying policy is:

- A) To ensure the appropriate offices are fully informed that sensitive materials are in the process of being reviewed for possible release
- B) To inform the designated review office staff of applicable exemptions that may apply to the materials, if any
- C) To provide a discreet and specific process step for the designated review offices to assess and review the possible release of information
- D) To ensure that all applicable statutes, regulations, and internal guidelines have been followed in the review and release of materials

Policy: Management policy is to review all information proposed to be released under FOIA and responses to FOIA requests which involve sensitive information, as described above, with the Executive Secretary/Chief of Staff Office, General Counsel, Legislative Affairs, and Public Affairs.

These reviews will normally occur after initial redactions have been made and will include a cover action memorandum providing recommendations on the applicability of exemptions, if any, under the Freedom of Information Act. These requests should be submitted electronically leveraging the functionality of Adobe Acrobat 8.0 (or above) for redaction. Utilization of this tool enables the reviewers to see what is being proposed for redaction and supports a paperless workflow. Comments from the reviewers can then be applied via the "sticky note" or "comment" function and returned to the program office.

1. Sensitive requests will be identified one of two ways:
 - a. By Disclosure Services upon receipt and review
 - i. Identify the request as "sensitive" on the FAF
 - ii. Create folder on SharePoint site under DO FOIA, Sensitive requests, titled by request number
 - b. By program office upon review of responsive records after conducting the records search
2. In each case, the following procedures apply:
 - a. Identify the request as "sensitive" on the FAF
 - b. Notify the following offices via e-mail
 - i. Disclosure Services at Hugh.Gilmore@do.treas.gov
 - ii. Your office FOIA coordinator, who will notify all other assigned offices
 - c. E-mail subject line should read: Sensitive Request 2009-XX-XXX Identification
 - d. Attach updated FAF
3. Perform FOIA analysis and indicate proposed redactions
 - a. Preferred method is to perform all redactions electronically using Adobe Acrobat 8.0 or higher version
 - b. Paper documents should be scanned and converted into PDF documents to enable use of Adobe Acrobat
 - c. File naming convention: X-request number-description-reviewer initials (if appropriate)
 - i. X category descriptors:

C = comments version (either via Sticky Note feature on PDF or a Word file with comments enumerated)

D = document(s) for review

F = FOIA Action Form (FAF)

M = cover memo

P = final file with all redactions applied, version that will be sent to requester

S = cover sheet for reviewers

4. Prepare cover memo to reviewers describing the exemptions applied and the rationale for their application
5. Provide electronic versions of the memo and the documents to your office FOIA coordinator
6. Office FOIA coordinator uploads the following files to the SharePoint site **DO FOIA, Sensitive FOIA Documents**, in the folder with the appropriate FOIA request number. **[Note: Notify Disclosure Services at Hugh.Gilmore@do.treas.gov if there is not a folder with the appropriate FOIA request number and they will create the folder.]**
 - a. Cover memo to reviewers
 - b. Cover sheet for reviewers - indicate the point of contact from the coordinating office if the reviewers have questions
 - c. Documents to be reviewed
7. Office FOIA coordinator e-mails cover sheet for reviewers via the "Submit by e-mail" feature in the form
8. Reviewers go to appropriate folder on SharePoint site and review the relevant documents
 - a. Documents must be saved to individual's computer and opened in Adobe Acrobat to have full program functionality, e.g. adding sticky notes, comments, new redactions
9. Reviewers indicate on the cover sheet if they "agree" or "disagree" with proposed redactions, and also indicate if they want to "discuss" the proposed redactions, and then send the cover sheet file to the Office of General Counsel contact.
10. Office of General Counsel is responsible for ensuring all reviewers questions are addressed and preparing a file describing resolution of questions
11. Office of General Counsel prepares final response and uploads the following files to the SharePoint site under the requisite folder:
 - a. Cover sheet for reviewers indicating all reviewers have agreed to proposed redactions
 - b. File describing resolution of reviewer questions or comments
 - c. Response file(s) with final redactions applied (the same file that will be sent to requesters)
12. Exec Sec completes final review and sends e-mail to coordinating office point of contact that approved/revised documents are ready on the portal

13. Coordinating office submits completed FAF to Disclosure Services

14. Disclosure Services closes out request

