



DEPARTMENT OF THE TREASURY  
FINANCIAL CRIMES ENFORCEMENT NETWORK

October 22, 2010

Mark Rumold  
Open Government Legal Fellow  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

Re: FinCEN 2010-196

Dear Mr. Rumold:

This letter is the first of several responses to your Freedom of Information Act (FOIA) request dated September 29, 2010, for all agency records (including, but not limited to, electronic records) discussing, concerning, or reflecting on the rationale for FinCEN's published proposed rule increasing reporting on cross-border transactions, the development of the proposed rule, and data and security requirements of the proposed rule. Thank you for providing clarification in your email message dated October 21, 2010, in which you agreed that the multiple drafts of the proposed rule in our records could be excluded from your request for documents.

Enclosed are about 586 pages of documents responsive to your request. Of these, about 580 pages are released to you in full; six pages are released to you in part. Additionally, about 33 pages of documents and five email messages are withheld in full. Information has been withheld in accordance with the exemptions listed below:

**5 U.S.C. § 552(b)(2)** - relating to the internal personnel rules and practices of an agency;

**5 U.S.C. § 552(b)(5)** – relating to documents that are not available to a party in litigation against the government; principally this covers documents that are part of the agency's deliberative process, including pre-decisional opinions and recommendations that are not incorporated into a final decision;

**5 U.S.C. § 552 (b)(6)** – relating to personnel, medical, financial, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

**5 U.S.C. § 552(b)(7)(E)** - relating to law enforcement records, the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

I am reviewing the next group of potentially responsive documents and will respond to you with additional information next week. I will provide you with your appeal rights with my last response.

Very truly yours,



Amanda Michanczyk  
Disclosure Officer

Enclosures