



DEPARTMENT OF THE TREASURY
FINANCIAL CRIMES ENFORCEMENT NETWORK

October 29, 2010

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

Re: FinCEN 2010-196(3)

Dear Mr. Rumold:

This letter is the third and final response 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 111 pages of documents responsive to your request; additionally, about 33 pages and 192 emails have been withheld in full. The documents and emails withheld in full concern draft memorandums, draft letters, draft fact sheets, and inter- and intra-agency communications that are predecisional and deliberative. Documents have been redacted or withheld in full in accordance with the exemptions listed below:

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; and

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.

If you believe this response and/or the previous two responses dated October 22, 2010, and October 27, 2010, to be in error, you may appeal them by writing to the following address: FinCEN Freedom of Information Act Appeal, P.O. Box 39, Vienna, VA 22183. The appeal must be received within 35 days from the date of this letter and must specify the date of your initial

request as well as the date of this letter. Both the letter and the envelope must be clearly marked "Freedom of Information Act Appeal" and must include a statement explaining why you believe these decisions are in error.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Amanda Michanczyk".

Amanda Michanczyk
Disclosure Officer

Enclosures