



DEPARTMENT OF THE TREASURY
FINANCIAL CRIMES ENFORCEMENT NETWORK

January 5, 2011

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

Re: FinCEN 2010-196A

Dear Mr. Rumold:

This letter responds to your appeal, dated November 30, 2010, of the initial determinations of the Financial Crimes Enforcement Network ("FinCEN"), issued on October 22, 2010, October 27, 2010, and October 29, 2010, in response to a request for records submitted by the Electronic Frontier Foundation under the Freedom of Information Act on September 29, 2010. FinCEN released approximately 877 pages of documents in response to your request. FinCEN withheld in full approximately 319 pages of documents and 241 e-mails.

I have reviewed your appeal and based on the statutory authorities referenced below, we are releasing 132 pages of additional documents. Please note that we have redacted the text from pages 56 through 64 which reflect a working draft of the Basel Committee on Banking Supervision paper entitled *Transparency in Payment Messages*. Out of respect for our working relationship with the Basel Committee, we direct you to the Basel Committee website (<http://www.bis.org/publ/bcbs139.htm>) for a consultative version of this document which is substantially similar to the working draft FinCEN received. A final version of the document is also available on the website.

The remaining documents have been redacted in accordance with the exemptions listed below:

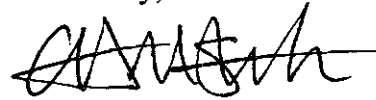
5 U.S.C. § 552(b)(5) – relating to documents that are not available to a party in litigation against the government, including communications that are part of an agency's deliberative process;

5 U.S.C. 552(b)(6) – relating to personnel, medical, 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.

You may obtain judicial review of this determination in the U.S. District Court for the judicial district in which you reside or have a principal place of business, the judicial district in which the requested records are located, or the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Steele', with a long horizontal flourish extending to the right.

Charles M. Steele
Deputy Director