

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GRANT F. SMITH, pro se,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 17-1796 (TSC)
)	
UNITED STATES DEPARTMENT OF)	
THE TREASURY; and)	
)	
UNITED STATES OFFICE OF)	
PERSONNEL MANAGEMENT,)	
)	
Defendants.)	
)	

DECLARATION OF ELIZABETH M. HILL

I, Elizabeth M. Hill, pursuant to the provisions of 28 U.S.C. § 1746, declare as follows:

1. I am an attorney in Branch 7 of the Office of the Associate Chief Counsel (Procedure and Administration) ("P&A"), of the Internal Revenue Service ("Service" or "IRS") Office of Chief Counsel. Branch 7 of P&A provides subject matter experts for disclosure and privilege matters, whether arising in the context of tax litigation, the Freedom of Information Act ("FOIA") (5 U.S.C. § 552), or summons enforcement. The duties of Branch 7 include assisting the Department of Justice in defending the Service in litigation under the FOIA. These duties require knowledge of the types of records created and maintained by the various divisions and functions of the Service, and an understanding of the provisions of the FOIA which exempt certain types of records from disclosure in response to a FOIA request.

2. I was assigned to assist in the above-captioned matter because it pertains to claims premised on the FOIA.

3. The purpose of this declaration is to explain how the United States Department of the Treasury ("Department") processed the plaintiff's FOIA request for employee lists as of April 24, 2012, limited to the review and processing of such a list of IRS employees only. These statements are based upon my personal review of the IRS employee list and upon information furnished to me in the course of my official duties. I am generally familiar with efforts made by Department personnel to process the subject FOIA request.

4. In accordance with 26 CFR § 301.9000-1, 31 CFR § 1.5(c), and Pub. L. 105-206 § 3706, I understand that it is IRS policy to produce employee lists using the IRS Public Information Listing ("PIL") program as outlined in the Internal Revenue Manual ("IRM") at IRM 11.3.13.9.10.1. Employee lists pulled through the PIL program exclude the names of employees participating in the pseudonym program authorized by Pub. L. 105-206 and those holding positions identified as sensitive by the Office of Personnel Management ("OPM"): police officers; revenue agents; appeals officers; revenue officers; property appraisal and liquidation specialists; general inspection, investigation and compliance personnel; compliance inspection and support personnel; general investigating personnel; and special agents. Further, it is IRS policy as outlined at IRM 11.3.13.9.10.1 to withhold phone numbers when sought for all employees.

5. Accordingly, I contacted Anthony Maxey in the Human Capital Office ("HCO") of the IRS via email dated April 27, 2018 to obtain an employee list as requested in the subject FOIA request and in compliance with IRS policy. I received a PIL-compliant IRS employee list via email that day. I reviewed, and on May 15, 2018, I sent to the Department by email the PIL-compliant IRS employee list.

6. The IRS asserts FOIA exemption (b)(6), 5 U.S.C. § 552(b)(6), as the basis for withholding the names of employees participating in the pseudonym program and the names of employees holding sensitive positions and the phone numbers of all IRS employees. Release of these records would constitute a clearly unwarranted invasion of personal privacy are exempt from disclosure under. The names and phone numbers were withheld in full because they contain information about private individuals, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy, could lead to harassment, embarrassment, or other unwarranted invasion of privacy. Further, the release of a full phone list, such as would create a functional phone directory for IRS employees, may compromise the IRS Enterprise network system and/or subject IRS employees to various schemes and solicitations. There is no countervailing public interest in this information.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 10th day of July, 2018.



Elizabeth M. Hill
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