



TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D C. 20224

Date July 19, 2016

Control Number: TE/GE-07-0716-0018
Expiration Date: July 19, 2018
Impacted IRM: 7.20.2

MEMORANDUM FOR EXEMPT ORGANIZATIONS RULINGS AND AGREEMENTS EMPLOYEES

FROM: Jeffrey I. Cooper
Director, Exempt Organizations Rulings and Agreement

SUBJECT: Interim Guidance on Redacting Social Security Numbers When Processing EO
Determination Letter Requests

This memorandum issues guidance on redacting social security numbers when processing Exempt Organizations (EO) determination letter requests, particularly requests subject to public disclosure under Internal Revenue Code (IRC) Section 6104. These procedures apply to EO Rulings and Agreements determination cases **closed on or after** the date of this memorandum.

Purpose: This guidance serves to protect the personal privacy of individuals affiliated with exempt organizations where sensitive personal information is included in a determination letter request that is otherwise subject to public disclosure.¹

Background/Source(s) of Authority: Approved applications for tax-exempt status, which consist of the application filed by an organization, papers submitted in support of the application or notice, and any letters or documents issued by the IRS regarding the application, are available to the public under IRC Section 6104. Other requests described in Revenue Procedure 2016-10 (updated annually) are also subject to public disclosure under Section 6104.

The only statutory exceptions to this rule are if the applicant requests that the IRS withhold a trade secret, process, patent, style of work, or apparatus and the IRS determines disclosure would adversely affect the organization or if the IRS determines disclosure of information would adversely affect the national defense (IRC Section 6104(a)(1)(D)). Treas. Reg. Section 301.6104(a)-5 provides the procedures for an applicant to request withholding. The IRS is not statutorily required to withhold any other information from public inspection on approved applications for tax-exempt status (and certain other determination letter requests) that are subject to public disclosure under Section 6104.

¹ IRC Section 6104 requires the IRS to disclose approved exemption applications, supporting documents, and IRS letters or documents for approved applications. Disclosable documents generally include the submitted application form and any amendments, revisions, or approved re-applications, filed power of attorney, original enabling instruments and any amendments, submitted financial information (even if not submitted on the application form), statements submitted as part of the application, correspondence from or to the organization related to the determination of exempt status, any other submitted printed material, publications, etc., and any issued determination letters.

Although the IRS cautions applicants not to include social security numbers with their requests, some applicants submit social security numbers as part of their applications for tax-exempt status. This information could be abused if made public. Because the IRS is required to disclose approved application information, in order to protect the personal privacy of individuals affiliated with these organizations, the IRS will make reasonable efforts to redact social security numbers from determination letter requests that are closed on or after the date of this memorandum.

Procedural Change:

(1) When processing a determination letter request, review the case file for the following information:

- Social security numbers
- Trade secrets, processes, patents, style of works, or apparatus that the organization requests to be redacted (pursuant to procedures in Treas. Reg. Section 301.6104(a)-5)
- National defense information

(2) If you identify information in item (1) for a case assigned to you in TEDS:

- a. Request the hard copy file from the Records Unit if the information is part of the organization's initial scanned submission.
- b. Print or make a copy of the document containing the information to be redacted.
- c. Redact the information on the printed or copied document.
- d. Create an electronic copy of the redacted version and upload it into TEDS case file, naming the document to indicate it contains redacted material or place the redacted copy in the case folder as a disclosable item to be scanned after the case is closed.
- e. Place the electronic redacted document in the TEDS Disclosable folder.
- f. Move the original, unredacted, electronic document to the TEDS Non-disclosable folder.
- g. Mark the original hard copy document as non-disclosable in the file and place a hard copy of the redacted version with the disclosable documents in the hard copy file.

Note: Ensure the original document (hard copy and/or electronic copy) is placed in the non-disclosable section of the case file. Ensure a redacted copy of the document (hard copy and/or electronic copy) is placed in the disclosable section of the case file.

(3) If you identify information in item (1) for a case assigned to you in hard copy:

- a. Make a copy of the original document.
- b. Redact the information on the copy and insert it in the disclosable case file in the place of the original.
- c. Place the original submission in the non-disclosable section of the case file.

(4) Document your actions on the case chronology record (CCR).

Effect on Other Documents: This guidance will be incorporated into IRM 7.20.2 by July 19, 2018, and supplements disclosure procedures in IRM 11.3.9, *Exempt Organizations*, and IRM 7.28, *Exempt Organizations Disclosure Procedures*.

Effective Date: July 19, 2016

Contact: EO Determinations Area 3 Manager

Distribution: www.IRS.gov