

JUL 16 2009



U.S. Immigration  
and Customs  
Enforcement

MEMORANDUM FOR: All Special Agents in Charge

FROM:

*MM* Marcy M. Forman *MM*  
Director, Office of Investigations

SUBJECT: Annual Reminder of IRS Safeguard Requirements

The Internal Revenue Service (IRS) requires that agency personnel who have access to *Ex Parte* tax information, receive an annual reminder of their responsibility to safeguard this information pursuant to Section 6103 of Title 26, Internal Revenue Code. Any unauthorized disclosure to those persons who do not have a "need to know" is prohibited.

Employees must also be aware that there are civil and criminal penalties that apply to unauthorized disclosures made during or after employment with the respective agency. Further information concerning the safeguard requirements may be obtained from IRS Publication 1075, which can be accessed via the Office of Investigations (OI) Proprietary website under Division II – Financial, Narcotics & Public Safety Division, Financial Programs/Cornerstone Unit. In addition, IRS Publication 1075 can be accessed directly at the following website address: <http://www.irs.gov/pub/irs-pdf/p1075.pdf>.

Additionally, the IRS instructional videos "Stop UNAX In Its Tracks" and "Safeguarding Federal Tax Information" are also posted on the OI Proprietary website. These videos should be used as an annual training tool for employees on IRS Safeguarding procedures.

Please note that pursuant to Section 5331 of Title 31, and effective January 1, 2002, Form 8300's are no longer considered to be, exclusively, tax information. Forms 8300's are required to be filed with the Financial Crimes Enforcement Network (FinCEN). Special Agents can obtain Form 8300's directly via the Web Currency Banking and Retrieval System (WebCBRS) and are subject to the disclosure requirements of the Bank Secrecy Act.

**Record-Keeping:** Each Special Agent in Charge (SAC) office must maintain a permanent log which records the date of the request for Federal Tax Information (FTI), the date of the receipt of the information in the SAC office, who had access to the information, if and to whom copies of the information were disclosed, and the final disposition of the information (destroyed or returned to the IRS). The SAC office will maintain the permanent log for all (FTI) received by reporting field offices and task force offices under their jurisdiction. Each SAC office will designate a custodian who will be responsible for maintaining the log and submitting the

annual report to the Financial, Narcotics & Public Safety Division. To facilitate and standardize recordkeeping, we are attaching sample logs (in electronic spreadsheet format) recommended by IRS for tracking the receipt and disposition of FTI.

The information contained in the *Ex Parte* tax return is to be handled at the "Sensitive" level. The individual who receives this information is responsible for protecting it from unauthorized access or disclosure, and ensuring that it is disseminated only to those persons with a "need to know." This information may be disclosed to those federal, state, and local law enforcement officials who are participating in an investigation with the requesting ICE office. It is the responsibility of the requesting individual to also ensure that the data is stored in a secure container in a restricted area when not in use (all SAC/RAC offices are considered "restricted"). If the information is received from the IRS in digital or electronic format, or later converted to digital or electronic format, all digital or electronic media must be similarly secured. The electronic media must contain only the tax information, and this data may not be commingled with other data. This information may not be stored on computer hard drives.

When the *Ex Parte* tax return information is no longer needed, it is imperative that it be returned to the IRS, or properly destroyed, and its disposition noted in the permanent log. This includes all media (paper or electronic) on which the information is recorded. Destruction, as opposed to returning the document to the IRS, is the preferred disposition, using either an approved shredder or by burning.

If you have any questions on this matter, please contact Financial Programs/Cornerstone Acting Unit Chief (b)(6),(b)(7)(C) at (202) 732-(b)(6),(b)(7)(C)



**DESTRUCTION LOG**  
**OFFICE:**  
**YEAR:**

<b>Control Number</b>	<b>Case Agent</b>	<b>AUSA</b>	<b>Date of Destruction</b>	<b>Manner of Destruction</b>	<b>Person executing Destruction</b>	<b>Witness</b>