DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

OFAC Guidance: Production Submission Standards

July 5, 2024

The Department of the Treasury's Office of Foreign Assets Control (OFAC) administers and enforces U.S. economic and trade sanctions, including by investigating potential civil violations of its regulations. During an investigation, persons may seek to produce to OFAC certain information, including documentary and other materials, voluntarily or in response to a request or administrative subpoena. To facilitate OFAC's review of such material and to expedite OFAC's consideration and disposition of matters before it, persons submitting information to OFAC are encouraged to follow the best practices outlined in these Production Submission Standards (the "Guidance").

This Guidance applies primarily to persons providing responses to administrative subpoenas, requests for information (RFIs), disclosures,[1] and especially for submissions that may entail voluminous documentation (e.g., more than 100 pages). Additionally, certain technical standards may also pertain to other forms of electronic submissions to OFAC, such as supporting documentation for mandatory reports and license application supplements.[2] If you are making a production and require additional clarification, please contact the OFAC representative handling your case directly and include any reference number that the agency has provided.

Unless informed otherwise, all submissions are expected to be made electronically according to the specifications detailed below. OFAC may consider adherence to these standards when assessing a person's cooperation with OFAC.

This Guidance is organized as follows:

- **Section I** provides guidance for organizing document productions.
- **Section II** provides general conventions for submitting electronic documents.
- **Section III** provides guidance on submitting productions under 150 megabytes in total size.
- **Section IV** provides guidance on submitting productions over 150 megabytes in total size.

I. Guidance for Organizing Document Productions

1) *Organizing Submissions:* Organize submissions, including subpoenas, RFIs, and disclosures, in a manner that is logical and easy to understand. When responding to an administrative subpoena or RFI, submissions should generally be organized in the order of the questions or requests made in the subpoena or RFI. Submissions, including records from multiple custodians, generally should include organizational charts and descriptions of the titles and responsibilities of all custodians as well as of other key persons identified in the submission. All submissions should follow a logical sequence (e.g., the cover letter, followed by the narrative response, followed by an exhibit list, followed by any exhibits, with supplementary documentation identified and

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[1] Initial self-disclosures should be sent to OFACDisclosures@treasury.gov.
[2] Refer to Section II of this Guidance for information on accepted PDF formats.

described). If questions arise, subpoena and RFI respondents are encouraged to discuss with the OFAC representative handling their case the most appropriate way to organize their submissions.

2) *File Structure and Passwords:* Submissions should explain how the files/folders are organized (e.g., *"All email communication is included in the folder titled 'Email Communication, which is further organized by custodian and year'"*). You should provide a single document or email cover note containing the password for documents, files, or compressed archives provided in the submission. You should provide one unique password for all files in a submission.

3) *Bates Numbering:* Documentary submissions to OFAC should include sequential pagination (*e.g.,* Bates numbering). Where one or more submissions has already been made in relation to the investigation, Bates numbers should continue sequentially from the final page of the immediately preceding submission.

  - For example, if the first submission is Bates numbered ABC- 0000001 – ABC-0005267, the next submission should begin with ABC-0005268.
  - All submissions should have the same Bates numbering format (spaces, dashes, etc.) and the same number of digits (*i.e.,* start the next submission ABC-0005268 and not ABC0005268, ABC 0005268, ABC-005268, or ABC-0000001).

4) *Narrative Document:* Each submission should generally contain a description of the documents; information necessary to understand the source, context, or nature of the documents; any custodians for the documents; the Bates numbers associated with the submission, and a summary of the records, images, emails, and attachments contained in the submission. A narrative document should identify the source and relevance of each Exhibit contained in the submission. For example:

  > *This disclosure includes [number] records, comprised of [number] email communications for [individual A, B, C]/[entity A, B, C], [number] commercial invoices, [number] contracts and contract revisions, payment records, compliance manuals, etc. The documents are Bates numbered ABC-0000001 – ABC-0010000. The documents were obtained from [location/operator of server, network, or other repository].*

5) *Exhibits:* Submissions should contain the documents underlying, supporting, or supplementing the narrative document, such as underlying transaction documents ("Exhibits"). A separate list of Exhibits should be included in the production. Generally, the Exhibits should be numbered in the order they appear in the narrative document and be free of duplicative copies of the same materials. The narrative document should explain the relationship between each Exhibit and the information in a voluntary self-disclosure, or the information OFAC has requested. For example, in response to a subpoena seeking information on a particular commercial transaction, the narrative document might state the following:

  > *Exhibit 1 includes the commercial invoice for the transaction in question, identifying [name] as the customer, the customer's address, product description, quantity, unit value, total sales value, and payment terms.*

Exhibit 2 is the bill of lading for the shipment related to this transaction, identifying [name] as the consignee.

6) *Information Being Withheld:* The legal basis for withholding, in whole or in part, any responsive information should be clearly noted in a prominent and appropriate place in the submission (e.g., the cover letter or narrative document). Submissions including redactions should use clear pseudonyms for any redacted names (*e.g.*, Employee 1, Client 2) that are applied consistently across all submissions pertaining to a given case. Please note that you may be asked to provide a list identifying each withholding; describing the nature of the information that is not being produced; identifying the legal basis upon which the withholding is based (e.g., a claim of attorney-client privilege); and providing sufficient information to enable OFAC to assess the claim without revealing privileged or protected information (e.g., the attorney(s) and client(s) involved in preparing the document).

7) *Translations:* English translations of non-English language documents should be provided via certified translation. Additionally, you should submit non-English language documents in both their original form and language.

8) *Transaction Reporting:* To submit data detailing a set of transactions, use the following steps:

   a. Prepare a separate computer data file (MS Excel® or Excel-compatible file) containing the list of transactions with relevant information organized by transaction and in a logical manner.

   b. Show all monetary amounts in the currency in which they were originally denominated, the currency in which they are registered in subject party's accounts, and, if neither are in U.S. dollars, the U.S. dollar equivalent with an explanation of the conversion methodology.

   c. The specific transaction-level information sought will often vary. *Subpoena respondents are strongly encouraged to discuss with the OFAC representative handling their case what specific fields should be provided and what level of detail is being requested.* In the absence of more specific instructions, information that should generally be included for each transaction includes but is not limited to:

      - All parties, including any known intermediaries
      - Role of Parties (e.g., distributor, end user)
      - Financial transfer routing details (e.g., SWIFT messages)
      - Reference Numbers
      - Transaction Date
      - Amount
      - Currency
      - Value in U.S. dollars (if currency is not USD)
      - Relevant Sanction(s) Program or Regulation
      - Description of the goods or services associated with the transaction

d. If applicable to a transaction, include also the following additional fields:

- Purchase Order
- Invoice Number
- Invoice Price
- Billing Adjustments
- Net price
- Date of receipt of payment
- For virtual currency transactions, transaction hashes and wallet addresses of senders and recipients

e. Notwithstanding the transaction reporting, the underlying documents for each transaction generally should be included as exhibits, organized by transaction and in a logical sequence, and adequately explained by the narrative document.

II. General Conventions for Electronic Productions

1) *File Types:* Unless otherwise specified, responsive documents should be produced in their native software format and should include all metadata.

a. Text and scanned hardcopy documents should be produced as PDF files. However, in some circumstances producing text documents in MS Word® may be permissible.

- All PDFs should contain embedded text to include all discernible words within the document, not only selected text. Each PDF file should have an image-quality resolution of no less than 300dpi (dots per inch).
- Optical Character Recognition (OCR) should be run on all PDF files. OCR should be run for all text in submitted documents (including images), and may be delivered in either of two ways:

  – OCR text may be delivered as multi-page ASCII files. The name of the file needs to match the IMAGEID field.
  – OCR text may be included in the delimited text file (OCRTEXT field).

  Regardless of delivery method, please place page markers at the beginning or end of each page or image as shown:

  *** LA000001 *** (example)

  The data surrounded by *** is the IMAGE ID.

b. Transactional data should be produced in Excel-compatible files.

c. Email collections should be submitted as PST or PDF files.

d. Electronic messaging records (e.g., MS Teams®) should be submitted in PDF and/or any other format as indicated by the OFAC representative handling the investigation.

e. Submit images as CCITT 6.0 (Group 4 Compression) JPG, PDF, or PNG files. Include a Bates number with each image. The number of files per folder is limited to 1,000 files.

f. Audio recordings should be submitted in MP3 format and video recordings should be submitted in MP4 format.

g. For guidance on all other file types, please email the OFAC representative handling the case.

2) All attachments relating to a single submission should have the same root name (e.g., "Disclosure_Exhibit 1", "Disclosure_Exhibit 2", "Disclosure_Password List").

3) All documents included in submissions should be labeled with:

- The OFAC-provided case number (if assigned),
- The submission date, and
- The Bates numbers.

4) All document family groups, (*i.e.,* email attachments, embedded files, etc.) should be produced together and children files should follow parent files sequentially in the Bates numbering.

5) Submissions with large files or a high number of documents should be compressed to create a unified container for easier file processing. Compressed files should be encrypted when appropriate or where data privacy concerns exit. Only encrypt and compress files using the Zip format compatible with WinZip. Other encryption and compression formats are not supported. Additionally, for security, do not submit encrypted data with a third-party decryption application.

III. Submitting Electronic Productions (under 150 megabytes)

1) Submissions under 150 megabytes (including email message plus attachments) may be emailed to OFAC directly to the OFAC representative handling the case, or to OFACDisclosures@treasury.gov if you are making an initial voluntary disclosure.

a. Productions submitted via email are limited to three emails of 50 megabytes each. If submitting more than one email, the subject line should clearly indicate the applicable part as part of the total (i.e., "Part 1/3", "Part 2/3", "Part 3/3").

IV. Submitting Electronic Productions (over 150 megabytes)

1) *File Transfer Portal:* Electronic productions over 150 megabytes should be sent to OFAC via the OFAC Secure File Transfer Portal (OSFTP), which allows for submissions of up to 2 gigabytes per submission. This is a free portal which allows submitters to upload files securely to OFAC. Access to upload documents to the portal is only granted upon request.

2) *Requesting Access:* To request access to the portal, either request access from the OFAC representative handling your case or include a request for access as part of your initial voluntary self-disclosure.

3) *Creating an Account:* Once your request has been approved, you will receive a Welcome Email which will provide instructions on how to log in and authenticate on the Portal (be sure to check your spam folder).

a. You will be required to create an ID.me account if you do not already have one.

b. You may access the log-in page from the link in the Welcome Email.

4) *Uploading Files*: Once you have access to the portal, you may upload your production which will automatically be shared with the OFAC representative handling your case. You should additionally email the OFAC Representative handling your case to let them know your documents have been submitted.