



TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
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MEMORANDUM FOR EXEMPT ORGANIZATIONS
RULINGS AND AGREEMENTS EMPLOYEES

FROM: Stephen A. Martin /s/ *Stephen A. Martin*
Director, Exempt Organizations Rulings and Agreements

SUBJECT: Processing IRC 6104 Redaction Requests

This memorandum provides processing procedures for redaction requests under IRC 6104 contained in an application or subsequent correspondence submitted by an exempt organization.

Background/Source(s) of Authority

IRC Section 6104(a)(1)(A), in part, states that if an organization described in Section 501(c) or (d) is exempt from taxation under Section 501(a) for any taxable year or a political organization is exempt from taxation under Section 527 for any taxable year, the application filed by the organization with respect to which the Secretary made his determination that such organization was entitled to exemption under Section 501(a) or notice of status filed by the organization under Section 527(i), together with any papers submitted in support of such application or notice, and any letter or other document issued by the Internal Revenue Service with respect to such application or notice shall be open to public inspection.

IRC Section 6104(a)(1)(D), states that upon request of the organization submitting any supporting papers described in subparagraph (A) or (B), the Secretary shall withhold from public inspection any information contained therein which he determines relates to any trade secret, patent, process, style of work, or apparatus, of the organization, if he determines that public disclosure of such information would adversely affect the organization. The Secretary shall withhold from public inspection any information contained in supporting papers described in subparagraph (A) or (B) the public disclosure of which he determines would adversely affect the national defense.

Treasury Regulation Section 301.6104(a)-5(a) - Tax exempt organizations —

(1) Trade secrets, patents, processes, styles of work, or apparatus. An organization whose application for tax exemption is open to public inspection under Section 6104(a)(1)(A) and 301.6104(a)-1 may in writing request the withholding of information contained in the application

or supporting documents which relates to any trade secret, patent, process, style of work, or apparatus of the organization. The information will be withheld from public inspection if the Commissioner determines that the disclosure of such information would adversely affect the organization. Requests for withholding information from public inspection should be filed with the office with which the organization files the documents containing the information. The request must clearly identify the material desired to be withheld (the document, page, paragraph, and line) and must state why the information should not be open to public inspection. The organization will be notified of the Commissioner's determination as to whether the information will be withheld from public inspection. If the Commissioner determines that the information will be disclosed, the organization will be given 15 days after notification of the Commissioner's decision to contest that decision before the document is disclosed.

(2) National defense material. The Internal Revenue Service will withhold from public inspection any information which is submitted by an organization whose application for tax exemption is open to inspection under Section 6104(a)(1)(A) and 301.6104(a)-1, if the Commissioner determines that public disclosure would adversely affect the national defense.

IRM 7.20.2.5(7) states that when reviewing the case file, if you find trade secrets, processes patents, styles of works, or other apparatus that the organization requests to be redacted according to procedures in Treas. Reg. 301.6104(a)-5, national defense information, or Social Security numbers or other sensitive information neither requested nor required to be provided on the application:

- a) Redact the information.
- b) Upload the redacted version into the Modified EO-EP Determination System (MEDS) Disclosable folder, naming the document to indicate it contains redacted material.
Note: If the case is not approved (for example, rejection, failure to establish, adverse, etc.), the documents will all be moved to the MEDS Non-disclosable folder upon case closing.
- c) Move the original unredacted document into the MEDS Non-disclosable folder.
- d) Document actions taken on the case chronology record (CCR).

Procedural Changes

If a request for redaction of certain information is contained in an application or subsequent correspondence, determine if the request meets the criteria in IRC Section 6104, which allows for the withholding from public inspection of information related to any trade secret, patent, process, style of work, or apparatus of the organization, if public disclosure of such information would adversely affect the organization. The applicant must clearly identify the relevant portion of the application or other document (the document, page, paragraph, and line) that they are requesting to be redacted. To process the request:

1. Obtain manager concurrence with decision to grant or deny the organization's request (and Area Counsel concurrence with decision to deny). Document manager and Area Counsel concurrence on the CCR.
2. If the applicant does not provide enough information to determine if the request meets IRC Section 6104 redaction criteria, send Letter 1312 to request additional information. If the organization does not provide this information, and if there are other reasons to close the case as a failure to establish (FTE) (without considering the IRC Section 6104(a)(1)(D) redaction issue), as described in IRM 7.20.2.5.6, Failure to Establish, then

proceed to do so. Otherwise, if the organization does not provide sufficient information to meet IRC Section 6104 redaction criteria, follow the procedures in paragraphs 4 and 5 below prior to issuance of a favorable or adverse determination letter on exempt status or other issues (other than the redaction issue).

3. If the request is approved:
 - a. Redact the information requested to be removed from the application.
 - b. Move the unredacted pages to the MEDS Non-Disclosable folder.
 - c. Place the redacted pages into the MEDS Disclosable folder.
 - d. Prepare a Form 14261, Memorandum to File - EO Determinations Case Closing (hereafter, Memo to File), detailing the reason for approving the request.
 - e. Add an addendum to the determination letter explaining that certain information was redacted under IRC 6104.
 - f. Add appropriate MEDS case category (6104 Request Approved or Denied).
4. If you recommend denying the request:
 - a. After receiving the concurrence of your manager and Area Counsel, call the applicant to explain why we are denying their request and that they have the option to withdraw their section 501(c) or (d) exemption application. Explain that they have 15 days to contest our decision from the date of the call and that we will proceed with processing without their requested redactions if we don't receive something from them in writing. Document the call in the CCR.
 - b. Hold the case for 15 days before closing. If they request an extension, discuss with your manager.
 - c. If we don't receive any additional information, prepare a Memo to File detailing why we denied their request and close the case without their requested redactions.
5. If the applicant contests the decision to deny the request, discuss with your manager. If the applicant's position:
 - a. Changes our determination, prepare a Memo to File to explain why we are granting their request. Document manager concurrence and proceed with case closure as described above.
 - b. Doesn't change our determination, email the EO Determinations Quality Assurance (EODQA) Manager with the case information. The EODQA manager will review the request in MEDS, document agreement or disagreement with the recommendation, and return the recommendation within five business days.
 - If the EODQA manager recommends approval of their redaction request, follow the procedures for granting a request.
 - If the EODQA manager doesn't recommend approval of their request:
 1. Call the organization and explain the outcome and why their request was denied.
 2. Give them another opportunity to withdraw their application if they still want the information to be redacted.
 3. Prepare a Memo to File detailing why we are denying the request.

If a Form 1023-EZ is worked through the predetermination or agent referral process and the applicant requests redactions, the same steps will be taken to process the request as a full application request.

Effect on Other Documents

This guidance will be incorporated into IRM 7.20.2 and 7.20.9 by June 12, 2026.

Effective Date

June 12, 2024

Contact

EO Determinations Area 3 Manager

Distribution

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