

**FEDERAL TRADE COMMISSION  
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## Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's [FOIA Memorandum](#) and the Attorney General's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

### *FOIA Training:*

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

**Answer:** Yes.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

**Answer:** The Assistant General Counsel responsible for the FTC's FOIA program conducted a number of formal training sessions throughout the reporting period covering all aspects of the FOIA. First, she gave a presentation at a training session for all new attorneys and economists. In this session, the Assistant General Counsel emphasized the importance of the presumption of openness under the FOIA, and encouraged staff to contact the Office of the General Counsel should they locate a document that they feel should be proactively disclosed. Around thirty to forty Agency staff members attended this training in 2014.

Second, the Assistant General Counsel conducted substantive training for all Senior management and FOIA access officers in two of largest FTC Bureaus, the Bureau of Competition and Bureau of Economics. Approximately, fifty staff members attended this training. The purpose of this training was to improve the understanding and cooperation between FTC management and FOIA staff, and discuss best practices. Some of the topics addressed included: the statutory time frame to process FOIA requests, the proper places to search for responsive records, and common FOIA exemptions applied to responsive records.

Furthermore, each of the twelve staff members employed by the FOIA Office receive frequent in-house training on FOIA procedures and policies, including biweekly meetings designed to target areas that can be improved and discuss best practices.

The heads of the FTC's FOIA appeal program trained the eight attorneys responsible for processing appeals on the agency's procedures and discussed possible

improvements that could be made. They also held meetings to discuss substantive changes to FOIA case law and lessons learned from the Agency's FOIA litigation experience.

3. Did your FOIA professionals attend any FOIA training during the reporting period such as that provided by the Department of Justice?

**Answer:** The Associate General Counsel attended and taught at the American Society of Access Professional's annual training on the FOIA and Privacy Act. All new employees responsible for processing FOIA requests attend the Office of Legal Education's 3-day training program on FOIA processing procedures and exemptions. Additionally, staff attended Department of Justice's training on fee waivers and fee schedules. Finally, FOIA staff members responsible for compiling the FOIA Annual Report and this Chief FOIA Officer Report attended the associated training hosted by the Department of Justice's Office of Information Policy.

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

**Answer:** One hundred percent of staff members responsible for processing FOIA requests received substantive FOIA training throughout the past year.

5. In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.

**Answer:** The FTC's 2014 Chief FOIA Officer Report outlined the agency's plan to encourage FOIA professionals to attend external trainings. The FOIA team monitors the Office of Information Policy's calendar of training and outreach opportunities, and offers substantive internal training to Agency staff. Additionally, the report indicated that FOIA appeal staff would begin holding annual meetings to discuss substantive changes to FOIA case law and lessons learned from the Agency's FOIA litigation experience. As explained above, FTC FOIA professionals received training throughout the reporting period, and FOIA Appeals staff did and will continue to conduct annual meetings to discuss best practices.

*Outreach:*

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?

**Answer:** The FOIA staff member handling each request provides their direct telephone number to the requester in each acknowledgment letter, extension letter, and response letter.

Additionally, individuals can contact the FTC's FOIA Hotline, at (202) 326-2430, with questions. The FTC also provides the contact information for its FOIA Public Liaison on its website (<http://www.ftc.gov/about-ftc/foia/foia-resources/freedom-information-act-contacts>). Through these mechanisms, the FOIA Office routinely communicates with requesters and other members of the public on an individual basis, and is available to answer questions regarding FOIA policies or procedures. In the biweekly FOIA staff meeting, staff members have the opportunity to discuss any issues that have arisen, and determine whether changes in procedures would prevent future problems.

Furthermore, the FTC issued proposed changes to its FOIA regulations on February 28, 2013. The agency accepted public comments on these proposed changes through March 29, 2013, and received a number of comments from the requester community regarding the FTC's proposed changes and the Agency's FOIA procedures in general. The agency then used this information to modify and finalize its proposed changes. The Commission finalized these changes on March 21, 2014.

Additionally, the Chief FOIA officer with the help of many contributors throughout the FTC updated the FTC's [Open Government](#) plan in June, 2014. Before finalizing the Plan, members of the FTC's staff attended meetings that were also attended by open government groups.

7. If you did not conduct any outreach during the reporting period, please describe why.

**Answer:** N/A.

*Discretionary Disclosures:*

8. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a system in place.

**Answer:** The FTC makes every effort not to withhold information simply because it may do so legally. FOIA staff evaluates each document on a case-by-case basis, to determine not only if an exemption applies, but also what specific harm would result from its release. Typically, FOIA staff requires the author of the document to articulate such harm. In the absence of such a showing, FOIA staff will release the document to the requester. Whenever possible, FOIA officers will release more information than is legally required when disclosure will increase public understanding of the subject matter without interfering with agency proceedings.

9. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

**Answer:** Yes, the agency made numerous discretionary releases of legally exempt information. The Agency has long sought to comply with the FOIA's spirit of maximum possible disclosures and has a long-standing practice of releasing as much information to the public as possible. All reviewers are trained to conduct FOIA reviews in compliance with the provisions of the FOIA and relevant FOIA case law.

10. What exemptions would have covered the information that was released as a matter of discretion?

**Answer:** The agency will waive the deliberative process privilege imbedded in Exemption 5 of the FOIA when doing so will increase public understanding of the subject matter and have no chilling effect on agency proceedings.

11. Provide a narrative description, as well as some specific examples, the types of information that your agency released as a matter of discretion during the reporting year.

**Answer:** In some cases, the FTC released attorney notes and internal recommendations that the agency could have withheld under Exemption 5. We released this information because, following discussions with staff, we determined that release would not chill future deliberations or harm agency proceedings. For example, one request sought minutes or agendas for meetings of the Council of Counsels to Inspector General. Some records responsive to this request discussed various legal interpretations relevant to the IG's mandate, and a number of discrepancies in these interpretations. To the extent these documents reflected the analysis of individual staff members, the agency could have withheld these documents under Exemption 5 of the FOIA. However, because no evident harm would result from the release of these records, this exemption was waived.

On multiple occasions, the agency also created charts or other analytics in response to requests seeking data relating to various agency activities. While the agency is not required to create such documents in response to FOIA requests, it occasionally does so when the analytics can be generated easily.

However, the agency is statutorily prohibited from disclosing confidential business or financial information, information provided pursuant to compulsory process, information filed under the Hart-Scott-Rodino Act, and consumers' personally identifying information. These strict prohibitions hinder the agency's ability to make certain discretionary releases. Furthermore, release of some records relating to ongoing, non-public investigations could harm the agency's law enforcement proceedings.

12. If your agency was not able to make any discretionary releases of information, please explain why.

**Answer:** N/A.

*Other Initiatives:*

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligation under the FOIA.

**Answer:** As explained above, the Assistant General Counsel provides FOIA training for all new attorneys and economists. This training emphasizes the importance of the presumption of openness under the FOIA, provides an overview of each of the FOIA exemptions, and highlights the agency's record retention policies. Throughout the year, the Assistant General Counsel meets with agency staff as needed to discuss FOIA-related issues as they arise. The agency's FOIA officers are also available at any time to answer any questions that arise.

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

**Answer:** The agency posts frequently requested documents and documents relating to "hot topics" in its online FOIA reading room (<http://www.ftc.gov/about-ftc/foia/foia-resources/frequently-requested-records>). Both, FOIA and agency staff are responsible for identifying these topics, and are encouraged to make proactive disclosures. In addition, the FTC places a large volume of records relating to its both its enforcement and policy mandates on its public website, including all adjudicative decisions, rulemaking materials and comments, workshop information, speeches, and a wide range of other documents (<http://www.ftc.gov/>).

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

*Personnel:*

1. In the 2014 Chief FOIA Officer Report Guidelines, OIP asked agencies about the status of converting all eligible FOIA professionals to the new Government information Series. If your agency reported that its staff was eligible for conversion but had not yet converted all professionals to the new series, what is the current proportion of personnel that have been

converted?

**Answer:** 100% of eligible personnel have been converted to the new job series, GS-306.

2. If your agency has not converted all of its eligible employees yet, what is your plan to ensure that all FOIA professionals' positions descriptions are converted?

**Answer:** N/A.

*Processing Procedures:*

3. For Fiscal year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing?

**Answer:** On average, the agency adjudicated requests for expedited processing in 4.4 days.

4. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

**Answer:** N/A.

5. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

**Answer:** N/A.

6. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

**Answer:** N/A.

*Requester Services:*

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?

**Answer:** The FTC notifies requesters of the existence of the mediation services offered by OGIS in its response to all FOIA appeals. These letters describe the mediation process and provide requesters with information on how to pursue this option.

8. When accessing fees, does your agency provide a breakdown how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication? *See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications."* (Nov. 22, 2013)

**Answer:** Invoices issued by the agency provide requesters with a breakdown of the fees incurred by their requests on the basis of search time, review time, and duplication costs.

9. If estimated fees are particularly high, does your agency provide an explanation for the estimate to the requester?

**Answer:** The FTC's FOIA Officers will contact requesters when the fees associated with a request exceed what the requester has agreed to pay. FOIA staff will explain the FTC's fee schedule and provide a rough estimate of the costs associated with the request. If this estimate is particularly high, FOIA staff will work with the requester to amend their request to reduce these associated costs.

*Other Initiatives:*

10. If there are other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

**Answer:** As noted above, the FOIA Office holds biweekly meetings in which staff members evaluate processing procedures, identify areas that can be improved, and offer recommendations for improvement. In addition, FOIA staff frequently consults with FOIA Access Officers throughout the Commission to determine how to make the agency's search process more efficient. FOIA staff also searches the agency's electronic FOIA database for related requests. If a similar request has been filed in the past, staff asks the requester if they would like to access these records to decrease processing time.

Additionally, FOIA requests occasionally seek documents submitted by outside parties, for which the submitting party has requested confidential treatment. If the agency determines that the document does not qualify for confidential treatment under the FOIA, it must provide the submitter with ten days written notice, and give the submitter an opportunity to provide additional information justifying the request for confidential treatment (15 U.S.C. § 57b-2(c)). This notice frequently causes delay and results in the



agency's inability to respond to the request within twenty days. To avoid such delay, the FOIA Office has begun sending these notices via email, rather than by USPS. This procedural change has eliminated much of the delay caused by the submitter notice requirement.

### **Section III: Steps Taken to Increase Proactive Disclosures**

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

#### *Posting Material:*

1. Does your agency have a distinct process or system in place to identify records for proactive disclosures? If so, describe the system that is in place.

**Answer:** Yes. Whenever the Commission votes to approve any action, the Commission determines whether documents that are the result of that action are of public interest. If so, the Commission creates a press release pertaining to the action and proactively posts the documents in conjunction with the news release.

2. Does your process or system involve any collaboration with agency staff outside the FOIA Office? If so, describe this interaction?

**Answer:** Agency policy directs staff to notify the FOIA Office of documents that are of significant public interest and will likely be the subject of FOIA requests, so that the FOIA Office may release these records prior to receiving a request.

3. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

**Answer:** FOIA staff are trained to identify instances where three or more requests have sought the same set of documents. When this occurs, staff posts the accessible documents in the agency's FOIA reading room. These requests can be found here: <http://www.ftc.gov/about-ftc/foia/foia-reading-rooms/frequently-requested-records>.

4. Provide examples of material that your agency has proactively disclosed during the past this past reporting year including links to the posted material.

**Answer:** As explained above, documents posted on the Agency's website include court documents and adjudicative decisions (<http://www.ftc.gov/enforcement/cases-proceedings>), rulemaking materials (<http://www.ftc.gov/os/1997/04/merger.htm>), public comments (<http://www.ftc.gov/policy/public-comments>), workshop and event information (<http://www.ftc.gov/news-events/events-calendar>), speeches (<http://www.ftc.gov/news-events/speeches>), and a wide range of other documents.

Additionally, the FOIA Office has posted frequently requested records, such as complaints relating to health insurance scams and documents relating to Herbalife and Google (<http://www.ftc.gov/about-ftc/foia/foia-resources/frequently-requested-records>), as well as hot topics such as the Do-Not-Call and Consumer Sentinel complaint databases (<http://www.ftc.gov/about-ftc/foia/foia-resources/hot-topics>).

*Other Initiatives:*

5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

**Answer:** The FTC increases proactive disclosure by disseminating new information daily, through a variety of mechanisms. The FTC's Office of Public Affairs routinely issues press releases announcing Commission activities and directing consumers to web pages containing additional information. This office also maintains Twitter, Facebook and YouTube accounts. The FTC's official twitter account is available in both English and Spanish. In addition, the Chairwoman and Commissioners each have their own Twitter accounts, which they use to disseminate a wide array of information regarding Commission activities. Finally, various divisions throughout the Commission maintain blogs relating to specific topics of interest to consumers or businesses. For more information on the FTC's use of social media, please see <http://www.ftc.gov/news-events/social-media>.

## **Section IV: Steps Taken to Greater Utilize Technology**

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

*Online tracking of FOIA requests and Appeals:*

1. Can a member of the public track the status of his/her request or appeal electronically?

**Answer:** Yes. Requesters can track the status of his or her request on the FTC's public website. Additionally, requesters can seek status updates by sending an e-mail to [FOIA@ftc.gov](mailto:FOIA@ftc.gov), or by calling the FOIA officer processing their request.

The agency does not currently have a system in place for requesters to track his or her appeal electronically.

2. If yes, how is this tracking feature provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or through another medium?

**Answer:** The FTC posts two FOIA logs on the Agency's public website, which are updated on a monthly basis (<http://www.ftc.gov/about-ftc/foia/foia-reading-rooms/track-your-foia-request>). These logs are created by FOIA staff based on data from the FOIA Xpress system. Unfortunately, because of security concerns, the agency is unable to connect requesters to this system directly.

3. If the agency does provide online tracking, please describe the information that is provided to the requester through this feature. For example, some online tracking features may tell the requester whether the request is "open" or "closed," while others will provide further details through the course of the processing, such as "search commenced" or "documents currently in review."

**Answer:** The first log contains a list of all of the requests that remain open at the end of the month. Specifically, this log provides the request number, the requester's organization, a description of the request, the received date, and the request status. The second log contains a list of all requests closed in the previous month. This log provides the request number, the requester's organization, a description of the request, the received date, and the date that the request was closed. The FTC will continue to consider if additional information should be included in these logs, based on input from the requester community.

4. If your agency does provide online tracking for requesters, does this feature also provide an estimate date of completion?

**Answer:** The FOIA logs do not provide the estimated delivery date for each request, because this date may change throughout the FOIA process. The FTC's electronic FOIA processing system, FOIA Xpress, documents the statutory 20-day deadline for each request. However, the FTC frequently responds to requests well before this deadline, and occasionally seeks an extension of this deadline under one of the exceptional circumstances outlined by the FOIA. Because the statutory deadline does not always correspond to the expected response date, the FOIA Office chose not to include this

information in its electronic logs. However, FOIA professionals inform requesters of their projected delivery date when asked.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

**Answer:** N/A.

*Making Material Posted Online More Useful:*

6. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

**Answer:** Yes.

7. If yes, please provide examples of such improvements.

**Answer:** The FOIA Office is currently working with the agency's web team to make its Frequently Requested Documents page more user friendly. Additionally, FOIA staff routinely guide requesters to pertinent information on the FTC's public website when they are having difficulty navigating the site.

8. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

**Answer:** As noted above, the FOIA Office is currently working with the agency's web team to discuss new ways to structure the agency's Frequently Requested Documents page. Additionally, last year, the FTC launched a new public website, which organizes Commission information in a more user-friendly format and contains improved search capabilities. FOIA Staff has received training from the agency's web team to help them better navigate this new website.

9. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

**Answer:** As explained above, the FTC disseminates new information daily through a variety of mechanisms. The FTC's Office of Public Affairs routinely issues press releases announcing Commission activities and directing consumers to web pages containing additional information. The agency also uses social media to announce the proactive disclosure of information that it feels will be of particular interest to the public. For example, the FTC recently notified consumers of a follow-up study conducted on

credit report accuracy, and provided a link to where this report can be found on the FTC's public website.

10. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

**Answer:** No.

11. If so, please briefly explain what those challenges are.

**Answer:** N/A.

*Use of technology to facilitate processing of requests:*

12. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If so, describe the technological improvements being made.

**Answer:** Yes, the FTC utilizes various electronic databases to facilitate the processing of FOIA requests. The FTC has processed all of its FOIA requests electronically since 2003, using the FOIA Xpress software. The agency frequently upgrades to new versions of this software, to ensure that it is able to process requests as quickly as possible. Agency staff is able to provide the FOIA Office with responsive records electronically, either via email or by placing the documents on the agency's share drive.

FOIA requesters most frequently request consumer complaints or data relating to these complaints. This information is contained in the Agency's Consumer Sentinel database, and is accessible to the FOIA staff. Therefore, the FOIA office can process these requests extremely efficiently.

Additionally, the Office of the Secretary maintains a document management database containing congressional correspondence, investigative records, internal memoranda and coding forms, and documents relating to the agency's consumer education and advocacy initiatives. The agency also utilizes Oracle's Business Objects software to document all official matters. FOIA staff is able to search these two databases to locate responsive records or determine which offices throughout the Commission may have responsive records.

13. Are there additional tools that could be utilized by your agency to create further efficiencies?

**Answer:** Yes. The FTC's processing times would likely be improved if the agency were able to implement a system capable of sorting or de-duplicating documents. However, the agency has not done so because of the prohibitive costs of these programs.

*Other Initiatives:*

14. Did your agency successfully post all four quarterly reports for Fiscal Year 2014?

**Answer:** Yes, the FTC successfully posted all four quarterly reports for Fiscal Year 2014. Please note that the agency has had some technical difficulties exporting these reports to FOIA.gov, but that the FTC and DOJ are working closely to remedy this issue.

15. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

**Answer:** N/A.

16. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? *See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications."* (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

**Answer:** Regularly, FOIA staff emails requesters to discuss the scope of their requests or fee-related issues.

17. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

**Answer:** N/A.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2013 Annual FOIA Report and, when applicable, your*

*agency's 2012 Annual FOIA Report.*

*Simple Track:* Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

**Answer:** Yes.

2. If so, for your agency overall, for Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?

**Answer:** Yes. The agency processed simple requests at an average of 5.2 days.

3. Please provide the percentage of request processed by your agency in Fiscal year 2014 that were placed in your simple track.

**Answer:** 74% of requests processed by the FTC in FY2014 were simple requests.

4. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

**Answer:** N/A.

*Backlogs:* Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests –Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

*Backlogs:*

5. If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with Fiscal Year 2013?

**Answer:** No. However, at the end of Fiscal Year 2013, the FTC had three backlogged

requests. At the end of Fiscal Year 2014, the FTC had seven backlogged requests. The agency continues to successfully close the vast majority of its overdue requests before the end of each Fiscal Year.

6. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal year 2014.

**Answer:** The FTC's backlog was 0.48% of the total number of requests the agency received.

*Backlogged Appeals:*

7. If your agency had a backlog of appeals in Fiscal Year 2014, did that backlog decrease as compared to Fiscal Year 2013?

**Answer:** N/A. The FTC did not have any backlogged administrative appeals at the end of Fiscal Year 2013. The FTC had two pending appeals at the end of FY2014, but neither of these appeals were overdue.

8. If your agency had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal year 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer "N/A."

**Answer:** N/A.

*Backlog Reduction Plans:*

9. In the 2014 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2013 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2014.

**Answer:** N/A.

10. If your agency had a backlog of more than 1000 requests in Fiscal year 2014, what is your agency's plan to reduce this backlog during Fiscal Year 2015.



**Answer:** N/A.

*Status of Ten Oldest Requests, Appeals, and Consultations:* Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C (5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled “Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency,” show the ten oldest pending requests, appeals, and consultations.

*Ten Oldest Requests:*

11. In Fiscal Year 2014, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2013?

**Answer:** Yes, the FTC closed its ten oldest requests pending at the end of FY2013.

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six out of seven “oldest” requests.

**Answer:** N/A.

13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the requests was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

**Answer:** Out of the ten oldest requests that the agency closed last year, four were withdrawn by the requester. The FTC issued four partial responses for one of these requests. Though the agency did not issue partial responses for the other three requests, these requests were not overdue at the end of fiscal year 2013. Because these requests were not overdue at the end of the 2013 fiscal year, none of them were included in our FY2013 Annual Report.

*Ten Oldest Appeals:*

14. In Fiscal Year 2014, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2013?

**Answer:** N/A. No administrative appeals were pending at the end of Fiscal Year 2013.

15. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

**Answer:** N/A.

*Ten Oldest Consultations:*

16. In Fiscal Year 2014, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

**Answer:** N/A. No consultations were pending at the end of Fiscal Year 2013.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten oldest consultations to close, please indicate that.

**Answer:** N/A.

*Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:*

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals and consultations from Fiscal Year 2014.

**Answer:** N/A. The FTC closed its ten oldest requests from FY2013. The agency did not have any appeals or consultations pending at the end of FY 2013.

19. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the requests initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultations was pending.

**Answer:** N/A.

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intended to close those “ten oldest” requests, appeals and consultations during Fiscal Year 2015.

**Answer:** N/A.

*Interim Responses:*

21. Does your agency have a system in place to provide interim responses to requesters when appropriate?

**Answer:** The FTC frequently issues rolling responses to requesters.

22. If your agency had a backlog in Fiscal Year 2014, please provide the estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

**Answer:** The FTC issued a rolling response for two out of the seven requests that were backlogged at the end of Fiscal Year 2014.

### **Use of FOIA’s Law Enforcement “Exclusions**

1. Did your agency invoke a statutory exclusion during Fiscal Year 2013?

**Answer:** No.

2. If so, what was the total number of times exclusions were invoked?

**Answer:** N/A.

### **Success Stories**

Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency **success stories** will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

**Answer:** In April 2013, the FTC concluded its Robocall Challenge, an innovative contest seeking solutions to the widespread problem of unsolicited and illegal robocalls in the United States. In this challenge, the FTC offered a \$50,000 prize to the individual, team, or small corporation who submitted the best technical solution to the country's robocall problem. Throughout the Challenge, the FTC provided participants with data relating to all of the Do-Not-Call complaints filed with the agency.

Since then, the Agency has continued to release Do-Not-Call complaint data to the winner of the Challenge on a biweekly basis, to aid him in creating his solution. Since then, the FTC has received numerous FOIA requests from other individuals interested in the same data.

Furthermore, the FTC conducted a follow-up contest in August of 2014, highlighting the agency's ongoing desire to involve the public in its campaign to combat illegal telemarketing calls. In response to the widespread public interest in this information, the FTC has begun to publish this data on a biweekly basis on its public website, available here: <http://www.ftc.gov/about-ftc/foia/foia-reading-rooms/frequently-requested-records>.