

United States of America  
FEDERAL TRADE COMMISSION

5. As the FTC's FOIA team reviews documents subject to a FOIA request, they understand that the goal is to review with an eye to openness and transparency as well as to whether the FTC can make a discretionary release that will produce no foreseeable harm from release.

6. The Federal Trade Commission discloses information in response to Freedom of Information Act requests and on its own initiative. The FTC routinely places a large volume of records on the agency's website to foster knowledge of the FTC's programs and activities. In addition, the agency's FOIA office applies the presumption of openness to the extent possible in the law enforcement context.

7. The FTC processed 1527 FOIA requests in FY 2011, with slightly approximately 48% of all requests granted in full, 29% were partially granted, and only 2% of requests were denied in full. In FY 2010 nearly 50% of all requests were granted in full, 25% were granted in part, and 2% were denied in full. The requests that were denied in full were denied based on statutory prohibitions on disclosure, because the subject documents contained personal information implicating privacy concerns, because they concerned active law enforcement matters, or were privileged deliberations. These percentages demonstrate the agency's commitment to openness, while protecting the agency's critical interest in conducting non-public law enforcement investigations. These numbers are consistent with FY2010 with a slight increase in the number of partial grants.

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## **II. Steps Taken to Ensure that the Federal Trade Commission has an Effective system for Responding to Requests**

1. The Federal Trade Commission's FOIA branch is located within the Office of General Counsel. The operations are overseen by the Assistant General Counsel for Information and Legal Support. The branch is staffed by one lead paralegal, and eight additional paralegals.

In addition to engaging managers at all levels, the FOIA office works closely with the agency IT specialists. The FTC FOIA office operates in a wholly electronic environment. When staff identifies record locations, IT staff ensures that the FOIA staff receives access to the appropriate drives, folders, or databases to download the responsive records. IT supports the commercial off-the-shelf FOIA software used to process all FOIA requests. FOIA staff also work with the agency's web team to post materials on the agency's website, <http://www.ftc.gov>, when applicable.

2. Yes, there is regular interaction between the FTC's FOIA professionals and the Chief FOIA Officer. During FY2011, the Chief FOIA Officer met almost every Monday with the Assistant General Counsel responsible for the FTC's FOIA program, as well as on an as-needed basis when issues arose. In addition, the Chief FOIA officer periodically

meets with our other FOIA professionals.

3. FOIA staff participated in the activities of the Agency's Open Government team.

4. The agency is always evaluating staffing levels. During a portion of FY2011, there was a period that the Agency was understaffed and was actively working to hire more staff. The Agency was able to hire more FOIA professionals before the end of the fiscal year to ensure that it was adequately staffed. As the Agency continues to evaluate its needs, it anticipates losing several FOIA professionals this coming summer and has begun the process to ensure we can replace these FOIA professionals as they leave the Agency. We also continue to evaluate the potential of increasing FOIA requests and we believe we may need to increase the staffing of the FOIA office and are looking at ways to do that under the possibility of budget cuts.

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#### **IV. Steps Taken to Greater Use Technology**

1. The FTC has a centralized FOIA process to receive FOIA requests electronically. The agency has been receiving FOIA requests electronically since 2001. The Agency has a dedicated email address ([FOIA@ftc.gov](mailto:FOIA@ftc.gov)) and on-line request form (<https://www.ftc.gov/ftc/foia.htm>); if requests are received in hard copy they are converted into electronic form. The FTC also process 100% of our requests electronically and has been doing so since 2003.

2. The FTC processes FOIA requests through a centralized process.

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Even though we started FY2011 with a low staff level we were able to decrease our backlog even with an increase in requests. We were able to decrease our backlog because our staff is well trained and they worked for overtime and credit hours. The majority of the backlog requests are complex requests involving tens of thousands of pages of records. In those instances, the agency provides responses on a rolling basis. The Agency sent 4 partial responses out of the 30 backlogged requests. Of the 30 backlogged cases, there were actually only 8 overdue requests. Because the FTC makes rolling releases in order to provide requesters as many records as possible in a timely fashion, some FOIA requests remain open despite the agency having substantially responded. The backlog of requests to which no response has yet been made is significantly below 1%.

In FY2010 the agency did not have any pending FOIA appeal and did not have any pending in FY2011. There is no administrative appeal backlog.

Despite the low backlog, the FOIA branch continues to train agency staff to reduce the processing time further. In addition, the agency has new, operating software that should enable faster searching and review of electronic records. The Agency and Chief FOIA Officer set goals for backlog reduction and monitor the caseload. The Chief FOIA Officer engages IT, senior level officials, and the Office of Human Capital in discussion about improving staffing levels, and using technology and existing staff to improve response times and reduce the backlog.

The FTC occasionally receives consultations from other agencies. The Agency has entered agreements with some other agencies, *e.g.*, the Consumer Financial Protection Board, on the handling of particular information. The FTC uses information technology to share documents when possible.

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