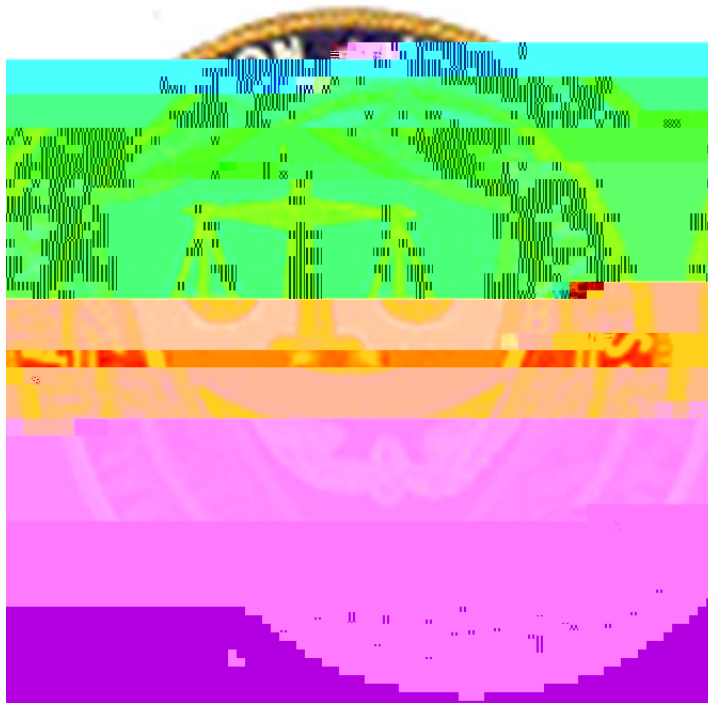


FEDERAL TRADE COMMISSION

SARAH MACKEY
ASSOCIATE GENERAL COUNSEL
AND
CHIEF FOIA OFFICER



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I. Steps Taken to Apply the Presumption of Openness

1. Shortly after the President's FOIA memorandum and the Attorney General's FOIA Guidelines were published, the Chief FOIA officer circulated the materials to all agency senior managers and to each division designee responsible for coordinating those FOIA responses. Also, the Assistant General Counsel responsible for the FTC FOIA program conducted several formal training sessions throughout FY2012 on all aspects of FOIA including training for the Agency's new Commissioner and a presentation for all new attorneys and economists. The Assistant General Counsel also provided refresher training to the Office of Public Policy. All of the FOIA training highlighted the important role of each employee in the FOIA process and strongly encouraged staff to contact the FOIA Unit with any FOIA concerns.

All paralegals attend the Office of Legal Education's 3-day FOIA training program and receive in-house training on FOIA procedures and policies. In addition,

II. Steps Taken to Ensure that the Agency has an Effective System for Responding to Requests

1. The FOIA office works closely with the agency IT specialists. The FTC FOIA

3. The Agency is in the process of overhauling its website. With the completion of the build out, the ability to search the Agency's website will greatly improve. The FOIA branch continually reviews its website to make sure that the Agency is proactive with its disclosures, while also protecting personally identifiable information from disclosure.

4. In addition to the website, the agency maintains a Facebook page and a Twitter account. Both are used to ensure that information is broadcast to the widest audience possible in a timely fashion. The agency discloses material daily to best serve the public.

IV. Steps Taken to Use Technology More Effectively

1. Yes.

2. 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) and on-line request form (<https://www.ftc.gov/ftc/foia.hm>). If requests are received in hard copy, they are converted into electronic form. The FTC processes 100% of its requests electronically and has been doing so since 2003.

3. Currently, a requester cannot track the status of his/her requests electronically.

4. N/A.

5. N/A.

6. The Agency has begun to look into steps that would allow a requester to track the status of his/her request electronically.

7. The agency tracks all requests electronically in the FOIAXpress application (a commercial FOIA application). All FOIA requests are processed in FOIAXpress. All new FOIA requests are entered into the database and assigned a tracking number. Once they are assigned to FOIA staff, the staff uses the application to send out requests for documents, track the status, import the responsive records for review and redaction, generate response letters and send the records in the format requested. Paper records are scanned and then electronically imported into the system. Because all portions of the request are performed in FOIAXpress, the agency uses the system to generate the Annual Report and Quarterly Reports.

8. In addition, the agency has new, FOIAXpress operating software that should enable faster searching and review of electronic records.

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. The agency makes every effort to respond to request in a timely manner. Most complex requests and many simple requests require the agency to locate and review thousands of pages of records. The Agency routinely responded to simple requests within twenty working days; on average, the number of days to respond to simple requests in FY2012 was 5.29 days.

2. In FY2012, the FTC closed 10 of the 10 oldest requests from FY2011.

The Agency decreased its FY2011 FOIA backlog from eight overdue requests to one because the FOIA staff is well trained and they worked for overtime and credit hours. The majority of the FY11 backlog requests were complex requests involving tens of thousands of pages of records. In FY2012, there was only one overdue request. In that one instance, the FTC made rolling releases. The backlog of requests to which no response has yet been made is 0%. There is no appeal backlog.

3. Despite only one request in backlog, the FOIA branch continues to train Agency staff to improve administrative efficiency by decreasing the processing time further. The Agency and Chief FOIA Officer monitor the caseload. The Chief FOIA Officer also engages IT, senior level officials, FOIA staff, and the Office of Human Capital in discussion about improving staffing levels, and technology to improve the timeliness in responding to requests.

4. This year, the number of requests pending at the end of the fiscal year decreased from 30 in FY2011 to seven in FY 2012. The Agency made partial response in two of the pending 7. Of the seven pending requests, there was actually only one overdue request. Because the FTC makes rolling releases in order to provide the requesters as many responses as possible in a timely fashion, some FOIA requests remain open despite the Agency having substantially responded.

VI. FOIA's Law Enforcement "Exclusions"

1. The FTC did not invoke a statutory exclusion as subject to the requirements of 5 U.S.C.552 sec. 552(c)(1), (2), (3).

VII. Spotlight on Success

1. In FY2012 despite tight budgets, the Agency demonstrated its commitment to a strong FOIA program and took steps to add resources to the FOIA program. These resources included, but were not limited to, the hiring of more FOIA staff, training, and software updates. These additional rescoures enabled the FOIA Unit to close out ten of its ten oldest requests while simultaneously processing new requests efficiently and expeditiously.

2. The Agency also increased its number of partial grants by approximately 10%. Working with senior staff at the agency, the FOIA Office released a large volume of the material, to the requesters. The materials included the discretionary release of internal deliberations at the highest level, demonstrating the Agency's commitment to openness.