

FREEDOM OF INFORMATION ACT ANNUAL REPORT

**FOIA Data Submission Form for Federal Trade Commission
Fiscal Year 2006
(Oct. 1, 2005 - Sept. 30, 2006)**

I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Caitlin Tobin

Freedom of Information Act.

3. *Appeal* – a request to a federal agency asking that it review at a higher 0 Tw 12 0 0 1r9,m8ati

records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. *Exemption 3 statute* – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. *Median number* – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. *Average number* – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year.

Federal Trade Commission Act, § 6(f), as amended, 15 U.S.C. § 46(f) -- prohibits the disclosure of "any trade secrets or any commercial or financial information which is obtained from any person and which is privileged or confidential." Its use was upheld in *Doherty v. FTC*, 1981-1 Trade Cas. (CCH) § 64,117 (D.D.C. June 24, 1981).

Federal Trade Commission Act, § 21(b), 15 U.S.C. § 57b-2(b) -- prohibits the disclosure of any materials received pursuant to compulsory process in a law enforcement investigation. Its use was upheld in *Dairymen, Inc. v. FTC*, 1980-2 Trade Cas. (CCH) ¶ 63,479 (D.D.C. July 9, 1980).

Exemption 9 0

4. Other reasons for non-disclosure: **340**

a. no records	228
b. referrals	3
c. withdrawn	26
d. fee-related	13
e. records not reasonably described	8
f. not a proper request for some other reason	27
g. not an agency record	8
h. duplicate request	18
i. other (specify)	9

(1) materials on the public record

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year: **23**
2. Number of appeals processed during fiscal year: **23**

B. Disposition of appeals.

1. Number completely upheld: **20**
2. Number partially reversed: **0**
3. Number completely reversed: **0**
 - a. Number of times each FOIA exemption used

(counting each exemption once per appeal)

Exemption 1 0

Exemption 2 0

Exemption 3	8
Exemption 4	2
Exemption 5	7
Exemption 6	3
Exemption 7(A)	5
Exemption 7(B)	0
Exemption 7(C)	1
Exemption 7(D)	0
Exemption 7(E)	0
Exemption 7(F)	0
Exemption 8	0
Exemption 9	0
4. Other reasons for non-disclosure (total): 3	
a. no records	2
b. referrals	0
c. withdrawn	1
d. fee-related	0
e. records not reasonably described	0
f. not a proper request for some other reason	0
g. not an agency record	0
h. duplicate request	0
i. other (specify)	0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median time for processing requests.

1. Simple requests:

- a. number of requests processed: **878**
- b. median number of days to process: **5**

2. Complex requests

- a. number of requests processed: **231**
- b. median number of days to process: **34**

3. Requests accorded expedited processing: **0**

B. Status of pending requests.

- 1. Number of requests pending at end of FY 06: **19**
- 2. Median number of days that such requests were pending as of that date: **27**

VIII. Expedited Processing

The agency did not receive any requests that satisfied the requirements for expedited processing.

IX. Costs/FOIA Staffing

A. Staffing levels.

- 1. Number of full-time FOIA personnel: **5**
- 2. Number of personnel with part-time or occasional FOIA duties (in work years): **2.65**
- 3. Total number of personnel (in work years): **7.65**

B. Total costs (staff and resources combined).

- 1. FOIA processing (including appeals): **\$513,160.58**
- 2. Litigation-related activities (estimated): **\$0**
- 3. Total Costs: **\$513,160.58**

X. Fees

A. Total fees collected FY 05: \$23,874.40

B. Percentage of total costs 4.65%

E. Concise description of FOIA Exemptions

The nine exemptions to the FOIA authorize fede