

Federal Trade Commission  
FREEDOM OF INFORMATION ACT ANNUAL REPORT  
Fiscal Year 2009  
(Oct. 1, 2008 - Sept. 30, 2009)



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## I. Basic Information Regarding Report

1. Name, title, address, and telephone num

1. Names, addresses, and telephonenumber of all individual agency componentsand offices thatreceive FOIA requests.

Regardless of how submitted (via mail, fax, or e-mail) requests should be addressed as follows:

Freedom of Information Act Request



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

k. Multi-Track Processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

i. Expedited Processing- an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

ii. Simple Request- a FOIA request that an agency using multi-track processing places in its fastest (expedited) track based on the low volume and/or simplicity of the records requested.

iii. Complex Request- a FOIA request that an agency using multi-track processing places in a slower track.

- a. Exemption 1: classified national defense and foreign relations information
- b. Exemption 2: internal agency rules and practices
- c. Exemption 3: information that is prohibited from disclosure by another federal law
- d. Exemption 4: trade secrets and other confidential business information
- e. Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges
- f. Exemption 6: information involving matters of personal privacy
- g. Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
- h. Exemption 8: information relating to the supervision of financial institutions
- i. Exemption 9: geological information on wells

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Total Number of Times Relied upon by Agency
FTC Act Section 6f, 15 U.S.C. §46(f)	“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 <i>Doherty v. FTC</i> , 1981-1 Trade Cas. (CCH) § 64,117 (D.D.C. June 24, 1981).	50
FTC Act Section 21b, 15 U.S.C. §57b-2(b)	Materials received pursuant to compulsory process in a law enforcement investigation.	Its use was upheld in <i>Dairymen, Inc. v. FTC</i> , 1980-2 Trade Cas. (CCH) ¶ 63,479 (D.D.C. July 9, 1980).	2
FTC Act Section 21f, 15 U.S.C. §57b-2(f)	Material obtained pursuant to process or voluntarily in lieu of process in a law enforcement investigation.	Its use was upheld in <i>A. Michael's Piano v. FTC</i> , 18 F.3d 138 (2d Cir. 1994).	133
Clayton Act (Hart-Scott-Rodino Provisions), Section 7A(h), 15 U.S.C. §18a(h) Section 1114 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, 21 U.S.C. § 355	Material filed pursuant to the premerger (HSR) provisions of the Act.  Any information or documentary material that may have been filed 2	Its use was upheld in <i>Lieberman v. FTC</i> , 771 F.2d 32 (2 <sup>nd</sup> Cir. 1985).	13

V. FOIA Requests

A. Received, Processed and Pending FOIA Requests

Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of
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B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions”

Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	Total
Public Record	9
Burden (The resources required to process these requests would have caused an unreasonably burdensome search and review for the agency)	2

B. (3) Disposition of FOIA Requests- Number of Times Exemptions Applied

Ex. Ex. Ex. Ex. Ex. Ex. Ex. Ex.  
 1 2 3 4 5 6 7(A) 7(B)

7(A)Ex.

0	1	4	3	4	5	1	0	2	2	0	0	0	0
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C. (2) Reasons for Denial on Appeal Reasons Other than Exemptions

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other
2	0	0	2	0	0	0	0	0	0	1

## VII. FOIA Requests: Response Time for Processed and Pending Requests

C. Processed Requests – Response Time in Day Increments

Simple Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
Agency Overall	1129	55	15	14	0	0	0	0	0	0	0	0	0	1213

Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
Agency Overall	156	43	20	21	5	6	1	1	0	0	1	0	0	2

Tot8  
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D. Pending Requests – All

Pending Perfected Requests

	Simple			Complex			Expedited Processing		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
Agency Overall	1	25	25	17	53	76	N/A	N/A	0

One pending simple request The review of responsive records in this case was simple; however, the request comprised over 10,000 pages of records, which were released on a rolling basis in 7 responses.

E. Pending Requests – Ten Oldest Perfected Requests

10 <sup>th</sup> Oldest Request and Number of Days Pending	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Request and Number of Days Pending
8/25/09 25 days	7/17/09 53 days	6/01/09 86 days	5/29/09 87 days	5/08/09 103 days	4/03/09 127 days	4/01/09 129 days	4/01/09 129 days	3/24/09 134 days	4/03/08 340 days

VIII. Requests for Expedited Processing and Requests for Fee Waiver

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
Agency Overall	0	5	3	2.8	5

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
Agency	8	7	8	13.13

Overall				
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IX. FOIA Personnel and Costs

	Personnel			Costs		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employee"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
Agency Overall	6	2.26	8.26	\$490,427.51	\$6308.58	\$496,736.09

X. Fees Collected for Processing Requests

	Total Amount of Fees Collected	Percentage of Total Costs
Agency Overall	\$17, 485.03	3.52%

XI. FOIA Regulations

The Federal Trade Commission's FOIA regulations, including the fee schedule, are located at <http://www.ftc.gov/foia/index.shtml>

XII. Backlogs, Consultations, and Comparisons

A. Backlogs of FOIA Requests and Administrative Appeals

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
Agency Overall	10	0

Our request backlog has increased because we received 294 more requests in this fiscal year (a 25% increase over FY2008 numbers), including 62 more complex requests (a 32% increase over our numbers last year).

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

The Federal Trade Commission did not receive any consultations from other agencies during FY2009.

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

