

**Federal Trade Commission
Chief FOIA Officer Report**

March 2020

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INTRODUCTION

The Federal Trade Commission (FTC) is an independent law enforcement agency established in 1914. The FTC's dual mission is to promote competition and protect consumers in broad sectors of the economy. The FTC's work is performed by the Bureaus of Consumer Protection, Competition, and Economics. That work is aided by seven regional offices and a number of program offices.

The

Answer: N/A.

C. Outreach

- 7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

Answer: Each FOIA staff member handling requests provides his or her direct telephone number to the requester in the acknowledgment, extension, and response letters. Additionally, individuals can contact the FTC's FOIA Hotline (at 202-326-2430) with questions. The FTC also provides the contact information for its Chief FOIA Officer and FOIA Public Liaison online (at <https://www.ftc.gov/about-ftc/foia/freedom-information-act-contacts>). Through these avenues, 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.

D. Other Initiatives

- 8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In 2016, the Department publicized FOIA-related performance list

Aside from providing formal FOIA guidance and training, the FOIA office is always available to answer questions from FTC staff, and provides an individual FOIA contact to staff for all FOIA requests sent to staff for document searches so that the staff may ask questions, as needed.

9. 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: Pursuant to the principles set forth in OMB's 2009 Open Government Directive and the U.S. Chief Information Office's 2016 Open Plan Guidance, the FTC created its [Open Government Plan](#). In keeping with that plan, the FTC has taken and continues to take steps to improve its transparency and enable customers and website visitors to more easily locate information. For instance, the FTC has made available online: [business guidance](#), [economic reports](#), [speeches](#), consumer [robocall complaints](#), [FOIA](#) responses, and a wide range of other information and datasets that would otherwise require a FOIA request to access. More information is available at <https://www.ftc.gov/site-information/open-government>.

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

x Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Answer: Yes. The FTC's FOIA program continually conducts self-assessments of its timeliness in processing requests and the quality of its responses and customer service. In addition to reviewing the FTC FOIA Annual and Quarterly Report data to identify areas where the program might need to streamline and improve its processing procedures, the FOIA team generates biweekly management reports and holds biweekly staff meetings to, among other things, discuss

- x Trains non-FOIA professionals, and advises and communicates with records custodians during the course of processing FOIA requests as a way to resolve issues that arise, for instance, when preparing fee estimates or executing a search for documents.

- x Holds bi-weekly meetings to review the status of outstanding requests, resolve pending issues, collaborate on processing requests to avoid redundancy, and identify process efficiencies and opportunities for greater customer outreach.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long 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

2. Please describe how your agency identifies records that have been requested and released three or more times (and are therefore required to be proactively disclosed pursuant to 5 U.S.C. § 552(a)(2)(D)).

Answer: Although the FOIA requires agencies to post information when three or more requests seek the same set of documents, the FTC often tries to post requests and responsive records after we receive the second request seeking the same information. FOIA staff members are trained to identify instances of related requests. When this occurs, FOIA staff instruct the agency's Web Team to post the accessible documents in the agency's [FOIA Reading Room](#). Additionally, the FOIA Office holds a bi-weekly meeting in which staff discuss all pending requests, which helps the office identify frequently requested records and subject matters.

3. 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.

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

Answer: The FTC has for years provided information in various file formats to make it more accessible and useful to the public. More recently, the agency has begun identifying datasets that can be made available via an Application Programming Interface (API) or in machine-readable format, which allows data users and developers to query, gather, and manipulate the FTC's data. Providing data in this format should facilitate broad dissemination of its content to the public, and it aligns with the FTC's Open Government Plan and Strategic Plan. The FTC's first API endpoint is for Early Termination Notices for mergers that are reviewed under the HSR Act, which are released most weekdays and are among the most popular content on FTC.gov. More information on the FTC API is available at <https://www.ftc.gov/developer>.

5. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Answer: As mentioned in my answer to question two of this section, FOIA staff are trained to identify instances of related requests, and routinely meet with management to discuss trends in requests to determine those records that might quali (T)- impIroucti(na)1 Tw [(t)d Strf2 (os)-1 (t)u

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. 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 that describes your agency's efforts in this area.

1. Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used. If not, please explain why and please describe the typical search process used instead.

Answer: Yes. The FTC FOIA office leverages available technology to collaborate and consult with program offices when searching for responsive documents. For instance, program offices and FOIA staff utilize internal network drives to deliver and share documents. FOIA staff also request and receive records electronically through a document management tool in FOIAXpress. When a set of documents is particularly voluminous, FOIA staff often utilize e-discovery applications to sort, compare, deduplicate, and search for keywords. This capability is especially useful for deduping multiple strings of emails, where original messages are repeated in later versions of the string. It reduces overall processing time significantly by eliminating the need for time intensive manual search and review.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Answer: Yes.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

Answer: Yes. The FTC's quarterly reports can be accessed at <https://www.ftc.gov/policy/reports/policy-reports/foia-quarterly-reports>.

4. 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 2020.

Answer: The FTC did not successfully post all quarterly reports on FOIA.gov because the person responsible for doing so left the agency and did not transfer the responsibility. Moving forward, the Technology and Information Specialist will assume the responsibility of posting these reports on FOIA.gov as soon as a quarter ends, and well before they are due.

A. Simple Track

Answer: Yes. The number of backlogged requests in FY2018 was six (6). That number in FY2019 was three (3).

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

Answer: N/A.

7. If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A.

8. 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 2019. If your agency has no request backlog, please answer with "N/A."

Answer: 0.002%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Answer: N/A. The FTC had no backlogged appeals at the close of either fiscal year.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

Answer: N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.

16. 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 Sectio

23. 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 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Answer: N/A.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

24. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

Answer: N/A.

25. If your agency was unable to close any of its ten oldest requests because you were waiting to 1 (t)-2 (of) (c)-
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