

**FEDERAL TRADE COMMISSION
REPORT BY SARAH MACKEY
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10. During the reporting period, did your agency make any discretionary releases of information?

Answer: Yes, the agency made numerous discretionary releases of legally exempt information. The Agency has long sought to comply with the FOIA's spirit of maximum possible disclosures and has a long-standing practice of releasing as much information to the public as possible. All reviewers are trained to conduct FOIA reviews in compliance with the provisions of the FOIA and relevant FOIA case law.

11. What exemption(s) would have covered the material released as a matter of discretion?

Answer: The agency will waive the deliberative process privilege imbedded in Exemption 5 of the FOIA when doing so will increase public understanding of the subject matter and have no chilling effect on agency proceedings. Additionally, the agency has released information that would otherwise have been covered by Exemption 2.

12. Provide a narrative description, as well as some specific examples, of the type of information that your agency released as a matter of discretion during the reporting year.

Answer: In some cases, the FTC released internal recommendations and drafts of the F.4(at)-6()-6(e)-9.9(r)-1(n)W(eas) a5ss p5-4(f)-7as pos[(cas)-1madi[(can<</MC-4(

Other Initiatives

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

Answer: The FOIA Office holds biweekly meetings in which staff members evaluate processing procedures, identify areas that can be improved, and offer recommendations for improvement. In addition, FOIA staff frequently consults with FOIA Access Officers throughout the FTC to determine how to make the agency's search process more efficient. FOIA staff also searches the agency's electronic FOIA database for related requests. If a similar request has been filed in the past, staff asks the requester if they would like to access these records to decrease processing time.

Section III: Steps Taken to Increase Proactive Disclosures

Both the [President's](#) and [Attorney General's](#) FOIA memoranda 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 amount of material that is available on your agency websites. In addition to the questions below,

Other Initiatives:

8.

8. 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 FY 2016.

Answer: The FTC has worked with DOJ to ensure successful reporting in FY 2016.

9. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Answer: The FOIA staff e-mails requesters regularly to discuss the scope of their requests or fee-related issues, and often sends responses to FOIA requests via e-mail correspondence.

10. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

Answer: N/A.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

2. If so, for your agency overall in FY 2015, what was the average number of days to process simple requests 20 working days or fewer?

Answer: 5.73 days

3. Please provide the percentage of requests processed by your agency in FY 2015 that were placed in your simple track.

Answer: 59.6%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests 20 working days or fewer?

Answer: N/A.

Backlogs:Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

5. If your agency had a backlog of requests at the close of FY 2015, did that backlog decrease as compared with the backlog reported at the end of FY 2014?

Answer: No. In FY 2015, FTC had a backlog of eight requests, as opposed to FY 2014, which had a backlog of seven requests.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog.

Answer: N/A.

10. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in FY 2015.

Answer: N/A.

Backlog Reduction Plans

11. In the [2015 guidelines for Chief FOIA Officer Reports](#), any agency with a backlog of over 1,000 requests in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2015.

Answer: N/A.

12. If your agency had a backlog of more than 1,000 requests in FY 2015, what is your agency's plan to reduce this backlog during FY 2016?

Answer: N/A.

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annu(t)-2(s)-consultations.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

Answer: N/A.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during FY 2016.

Answer: N/A.

Interim Responses

23. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Answer: The FTC frequently issues rolling responses to requesters.

24. If your agency had a backlog in FY 2015, please provide an estimate on the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Answer: Approximately 55%. As stated above, it is standard procedure for the FTC to issue partial releases to requesters.

Use of the FOIA’s Law Enforcement Exclusions

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during FY 2015?

Answer: No.

2. If so, please provide the total number of times exclusions were invoked.

Answer: N/A.

Success Story

Out of all the activities undertaken by your agency since March 2015 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, these agency [success stories](#) will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer: During the reporting period, the FTC received and processed the most FOIA requests than it had in previous years. This occurred despite attrition in FOIA staff and submission of increasingly complex requests. These significant milestones were achieved as a result of focused training and program oversight, working smarter, and support from the highest levels FTC

management. The FTC also received high rating in the Department of Justice's Summary of Agency Chief FOIA Officer Reports.