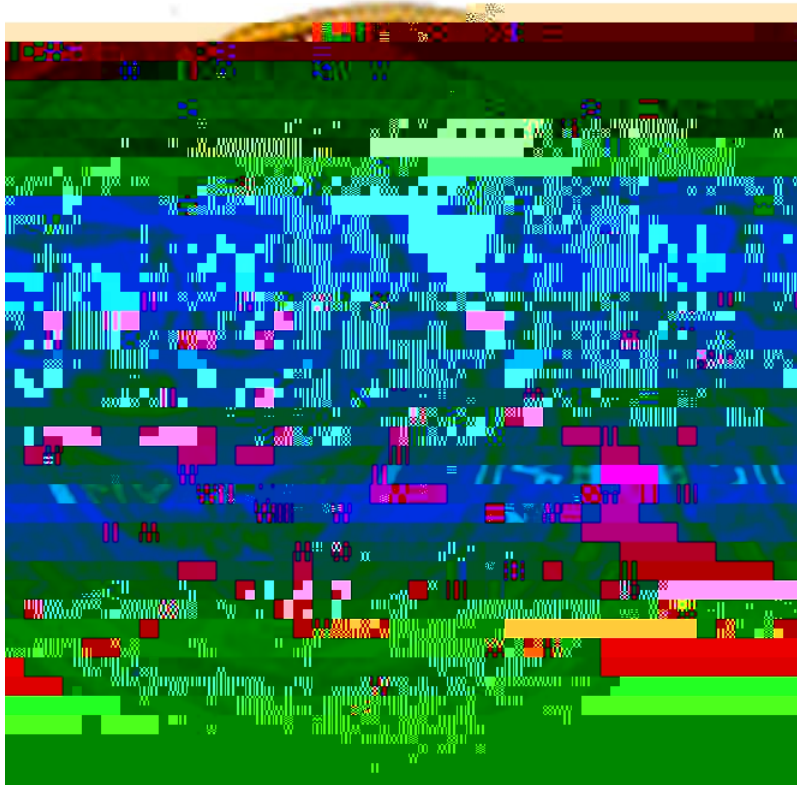


FEDERAL TRADE COMMISSION  
REPORT BY SARAH MACKEY  
ASSOCIATE GENERAL COUNSEL  
AND  
CHIEF FOIA OFFICER



MARCH 2018

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- If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: N/A

- During the reporting period, did your agency conduct a self-assessment of FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.
  - Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Answer: During the reporting period, a process for standardizing responses in our FOIA Library was developed and implemented to assist the requester community in locating published records quicker.

- The FOIA Improvement Act of 2016 requires initial notification to requesters about the services provided by the agency's FOIA Publication. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).

Answer: Approximately 25 times.

- Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.

Answer: It is not possible to provide an estimate because not an insignificant amount of the data we provide requesters is solely electronic in an Excel format.

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

Answer: The FOIA Office holds biweekly meetings which staff members evaluate processing procedures, identify areas that can be improved, 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 access these records to decrease processing time.

### 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 amount of material that is available on your agency websites. In addition to the questions below,

you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

Answer: Although statutorily we are required to post information when three or more requests seek the same set of documents, the FTC often posts requests and responds after we receive the second request seeking the same information. A FOIA staff 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 webpage. Additionally, during the FOIA Office bi-weekly meetings, we discuss all requests, which helps us identify frequently requested subjects. These requests can be found <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/frequently-requested-records>

2. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

Answer: Yes. In partnership with our Web Team, our FOIA Reading Room, aka FOIA Library, was re-organized during FY2017 to make it more user-friendly. High interest areas, such as Amazon, Google, Herbalife and Lifelock, were conspicuously tagged as Hot Topics.

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## Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOI Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Answer: Yes.

2. If so, for your agency overall in Fiscal Year 2017, was the average number of days to process simple requests twenty working days or fewer?

Answer: Yes. The FTC's average number of days to process simple requests was 5.7 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.

Answer: Approximately 60%.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty 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 and appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2016 and Fiscal Year 2017 when completing this section of your Chief FOIA Officer Report.

## BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the end of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?

Answer: Yes. The number of backlogged requests in FY2016 was 12; the number of backlogged requests in FY2017 was eight.

6. If not, 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:
  - x An increase in the number of incoming requests.
  - x A loss of staff.

- x 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.
- x Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A.

7. 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 2017.

Answer: 0.5%.

BACKLOG 0.52 39.3 1.1pED APPEALS <</MCID 8Lblah4.o you pr03 Tc 0 Tw -2 Td (BA0.0001272 39.3 1.1

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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.,

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Answer: N/A. The agency did not have any pending consultations at the close of FY2017.

19. 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 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

Answer: N/A.

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

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.

Answer: N/A.

21. If your agency was unable to close any of its oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Answer: N/A.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plausible explanation for why you were unable to do so.

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