

FEDERAL TRADE COMMISSION  
FREEDOM OF INFORMATION ACT ANNUAL REPORT  
Fiscal Year 2015  
(Oct. 1, 2014 ~~to~~ Sep. 30, 2015)

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## I. Basic Information Regarding Report

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

Shelley M. O'Hara  
General Attorney  
FOIA Office, Room 585  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Telephone: (202) 326-0772  
E-mail address: [sohara@ftc.gov](mailto:sohara@ftc.gov)

2. Electronic link for access to the Report on the FTC's website:

<http://www.ftc.gov/foia/annualreports.shtm>.

3. How to obtain a copy of the report in paper form:

Federal Trade Commission  
Consumer Response Center, Room 130  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

## II. Making a FOIA Request

All FOIA requests must be in the form of a written request precisely describing the records sought. Any request for nonpublic records will be handled as a FOIA request regardless of how it is identified, but requests should be identified as a "FOIA request" in order to avoid delay in processing.

FOIA requests should contain a precise description of the records sought, including the subject matter, relevant time period, the name and address of any company to which the request pertains. Requests should also include an agreement to pay any FOIA processing fees and the requester's address and telephone number.

1. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests:

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

Freedom of Information Act Request  
Office of the General Counsel  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Facsimile: (202) 326-4777  
E ~~mail~~ address FOIA@FTC.GOV

2. Brief description of why some requests are not granted and an overview of certain general categories of records to which the FOIA exemptions apply.

The FTC primarily receives requests to consumer complaints regarding a company's business practices and requests for records relating to the FTC's law enforcement investigations. The majority of requests that are initially denied, or partially denied, are based on personal privacy concerns reflected in FOIA Exemption 6. Many denials are also due to statutory constraints on disclosure or because disclosure would interfere with ongoing law enforcement activities.

### III. Acronyms, Definitions, and Exemptions

#### 1. Agency-specific acronyms or terms:

FOIA – Freedom of Information Act (5 U.S.C. § 552)

FTC – Federal Trade Commission

HSR – Hart-Scott-Rodino (Clayton Act)

FY – Fiscal Year

PA – Privacy Act (5 U.S.C. § 552a)

#### 2. Basic terms, expressed in common terminology:

- a. Administrative Appeal – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. 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.
- c. Backlog – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year and are beyond the statutory time period for a response.
- d. Component – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. Consultation – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. Exemption 3 Statute – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

g. FOIA Request— a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first party” requests) when these requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applied and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the request are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. Full Grant – an agency decision to disclose records in full in response to a FOIA request.
- i. Full Denial – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- 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 on 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 meets 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 multiple processing places in a slower rate based on the high volume and/or complexity of the records requested.

l. Partial Grant/Partial Denial – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

m. Pending Request or Pending Administrative Appeal – a request or administrative appeal for which an agency has not taken final action in all respects.

n. Perfected Request– a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

o. Processed Request or Processed Administrative Appeal– a request or administrative appeal for which an agency has taken final action in all respects.

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an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a 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	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
15 U.S.C. § 46(f)	"[A]ny trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential"	Doherty v. FTC, No. 80-0513, 1981 WL 2094, at *3 (D.D.C. June 24, 1981) (15 U.S.C. § 46(f)).	FTC	54	54
15 U.S.C. § 57b-2	Certain investigative materials received by the FTC and "provided pursuant to any compulsory process under this				

41 U.S.C. § 253b(m)(1)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts.	Sinkfield v. HUD No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Hornbostel v. U.S. Dep't of the Interior, 805 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	FTC	2	2

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	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 End of Fiscal Year
FTC	26	1,531	1,531	26
				0
AGENCY OVERALL	26	1,531	1,531	26

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

				Number of Full Denials Based on Reasons Other than Exemptions	
Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemption:	No	

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS  
 BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
FTC	Publicly Available Information	22	22
AGENCY OVERALL			22



VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS  
 -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
FTC	2	36	37	

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
FTC	23	9	5	0	37
					0
AGENCY OVERALL	23	9	5	0	37



VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
FTC	0	0	4	4	17	6	10	0	3	1	3	0	0	0
AGENCY OVERALL	0	0	4	4	17	6	10	0	3	1	3	0	0	0

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	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 on Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
FTC	5	0	1	2	0	0	1	0	0	0	7
AGENCY OVERALL	5	0	1	2	0	0	1	0	0	0	7

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

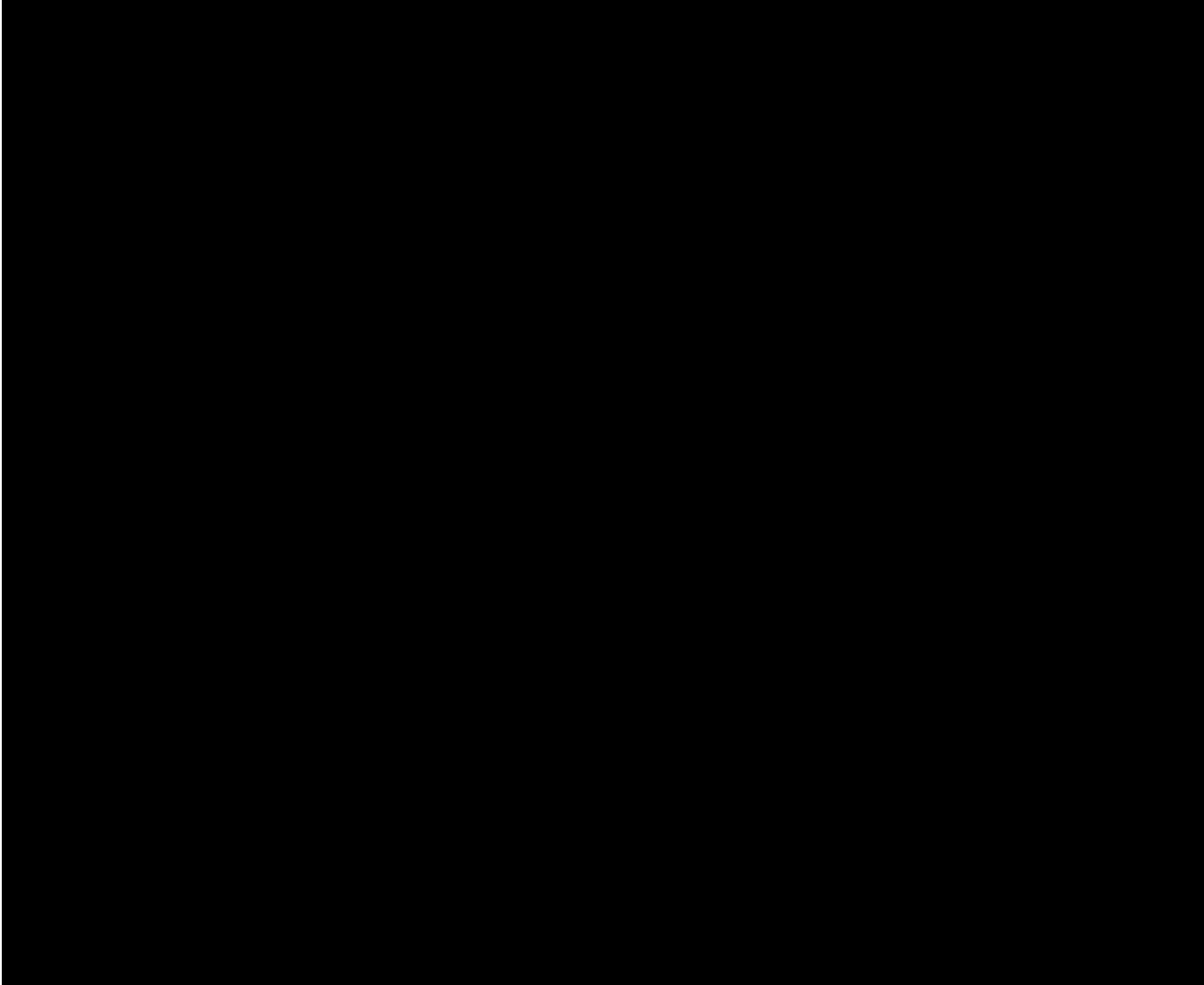
Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
FTC	Agency Performed Adequate Search	4	7
	Withheld documents not responsive to FOIA request	1	
	Improper Appeal	2	
AGENCY OVERALL			7

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Day	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	29.00	30.00	22.00	43.00

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal										
	Number of Days Pending										
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2015-09-28
	Number of Days Pending	0	0	0	0	0	0	0	0	0	2



VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	4	6.02	1	50	18	30.92	1	328	N/A	N/A	N/A	N/A

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<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
FTC	883	25	5	0	0	0	0	0	0	0				



VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40
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VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of Receipt										
	Number of Days Pending										
AGENCY OVERALL	Date of Receipt	2015-08-2	2015-08-1	2015-08-0	2015-07-2	2015-07-2	2015-07-1	2015-07-0	2015-07-0	2015-01-2	2015-01-07
	Number of Days Pending	26	30	40	48	51	55	59	61	169	184

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	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	18	7	8	17

## VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied
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IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
FTC	1	25	26	\$728,816.00	\$37,486.00	\$766,302.00
			0			\$0.00
AGENCY OVERALL	1	25	26	\$728,816.00	\$37,486.00	\$766,302.00

## X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
FTC	\$46,559.00	6.39%
AGENCY OVERALL	\$46,559.00	6.39%

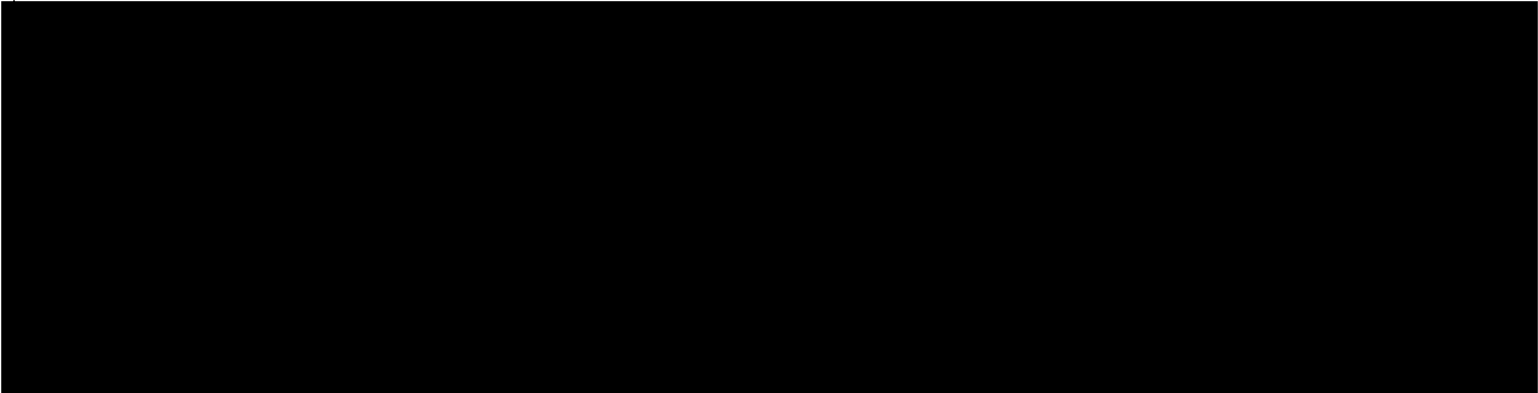


XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
FTC	8	0
AGENCY OVERALL	8	0

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were Pending at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at the Agency as of <u>End</u> of the Fiscal Year
FTC	0	3	3	0
ALL	0	3	3	0



XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
	Date										
	Number of Days										

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT --  
 REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED
	Number Received Durin Fiscal Year from Last Year's Annual Report	Number Received Durin Fiscal Year from Curren Annual Report	Number Processed Durir Fiscal Year from Last Year's Annual Report

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
FTC	7	8
AGENCY OVERALL	7	8

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
FTC	15	36	16	37
AGENCY OVERALL	15	36	16	37

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous
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