

Federal Trade Commission

Federal Trade Commission
2020 Chief FOIA Officer Report
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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 FTC administers its FOIA-2 (c)4 (o), Tj(c)0.6 (-7. 0.006 Tw4 (v)-10 (ed)-14 (er)-11 (al)-6 (T)-3rC)

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 (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/aboutftc/foia/freedominformationact/contact>. 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 FOIA-professionals of the obligations under the FOIA. In 2016, the Department publicized FOIA-related performance standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered FOIA-related performance standards in employee work plans for employees who have any role in administering the FOIA.

Answer: The FTC Office of General Counsel (OGC) and its FOIA office engages in ongoing conversations with agency staff on FOIA best practices, making every effort to inform FOIA professionals of their obligations under the Act. The Assistant General Counsel oversees the FOIA program and provides a FOIA briefing to each New Employee Orientation seminar.

The FTC has FOIA performance elements for its FOIA professionals but has not incorporated such an element into non-FOIA professional performance standards. The percentage of a non-FOIA employee's time participating in the agency's FOIA program is too de minimis to warrant a unique FOIA performance element. Non-FOIA professionals generally receive ratings on the timeliness, thoroughness, and quality of all their work including any FOIA responsibilities.

FOIA staff conducted FOIA 101, a comprehensive training for agency liaisons and staff to work with FTC offices and custodians whose records are the subject of FOIA requests, appeals, or litigation. FOIA staff routinely advise offices and custodians of their responsibilities under FOIA.

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

9. If there are

Trains nonFOIA professional~~a~~, 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.

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 9 (g)c (an)-4 (d)-4 <4 (9 (g)c (an)-4 ()-6 (es)-5 u)-15.1 g g55.1 9 (d)-4 (o)-14

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 posts 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 biweekly 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 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 fo

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 describes your agency's efforts in this area.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

Answer: FY2018FTC FOIA Annual Report Raw Data is located at <https://www.ftc.gov/system/files/documents/reports/foia-report-fy18/2018rfo.csv>.

FY2019 Raw Data is unavailable as of the creation of this report. FY2019 data will be posted on or before March 1, 2019.

6. Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

Answer: Since 2003, the FTC has accepted and processed FOIA requests using the FOIAXpress application. FOIAXpress allows for faster processing of requests, as it allows FOIA processing from cradle-to-grave (request receipt and document collection, review, redaction, etc.), all within a centralized web-based system. During this reporting period, the FOIA program upgraded to FOIAXpress version 10.2, which includes more features to process requests. Along with that upgrade, the program migrated to FOIAXpress cloud and implemented the FOIAXpress Public Access Link (PAL) online portal where requesters can submit requests, access records, and connect with the agency.

The FOIA program also sends correspondence via email unless specifically requested otherwise by a requester. A secure file sharing application, Accellion, is occasionally used to transmit large files or documents containing personally identifiable or sensitive information. FOIA requesters receive documents much quicker when transferred via Accellion than when sent in print or on a CD-ROM via USPS.

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

The Department of Justice has emphasized the importance of improving efficiency in responding to requests. This section of your Chief FOIA Officer Report addresses both timeliness and backlog reduction. Backlog reduction is measured both in terms of number of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the respective sections of your agency's 2019 Annual FOIA Report and, where applicable, your agency's 2018 Annual FOIA Report.

Answer: Yes. The numbe

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 provide examples when possible.

Answer: N/A.

12. 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 Fiscal Year 2018. If your agency did not receive any appeals in Fiscal Year 2018 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A.

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2018 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 2019.

Answer: N/A.

14. If your agency had a backlog (a) - (a) - 6 (g) - (d) - (e) - (f) - (g) - (h) - (i) - (j) - (k) - (l) - (m) - (n) - (o) - (p) - (q) - (r) - (s) - (t) - (u) - (v) - (w) - (x) - (y) - (z) - (aa) - (ab) - (ac) - (ad) - (ae) - (af) - (ag) - (ah) - (ai) - (aj) - (ak) - (al) - (am) - (an) - (ao) - (ap) - (aq) - (ar) - (as) - (at) - (au) - (av) - (aw) - (ax) - (ay) - (az) - (ba) - (bb) - (bc) - (bd) - (be) - (bf) - (bg) - (bh) - (bi) - (bj) - (bk) - (bl) - (bm) - (bn) - (bo) - (bp) - (bq) - (br) - (bs) - (bt) - (bu) - (bv) - (bw) - (bx) - (by) - (bz) - (ca) - (cb) - (cc) - (cd) - (ce) - (cf) - (cg) - (ch) - (ci) - (cj) - (ck) - (cl) - (cm) - (cn) - (co) - (cp) - (cq) - (cr) - (cs) - (ct) - (cu) - (cv) - (cw) - (cx) - (cy) - (cz) - (da) - (db) - (dc) - (dd) - (de) - (df) - (dg) - (dh) - (di) - (dj) - (dk) - (dl) - (dm) - (dn) - (do) - (dp) - (dq) - (dr) - (ds) - (dt) - (du) - (dv) - (dw) - (dx) - (dy) - (dz) - (ea) - (eb) - (ec) - (ed) - (ee) - (ef) - (eg) - (eh) - (ei) - (ej) - (ek) - (el) - (em) - (en) - (eo) - (ep) - (eq) - (er) - (es) - (et) - (eu) - (ev) - (ew) - (ex) - (ey) - (ez) - (fa) - (fb) - (fc) - (fd) - (fe) - (ff) - (fg) - (fh) - (fi) - (fj) - (fk) - (fl) - (fm) - (fn) - (fo) - (fp) - (fq) - (fr) - (fs) - (ft) - (fu) - (fv) - (fw) - (fx) - (fy) - (fz) - (ga) - (gb) - (gc) - (gd) - (ge) - (gf) - (gg) - (gh) - (gi) - (gj) - (gk) - (gl) - (gm) - (gn) - (go) - (gp) - (gq) - (gr) - (gs) - (gt) - (gu) - (gv) - (gw) - (gx) - (gy) - (gz) - (ha) - (hb) - (hc) - (hd) - (he) - (hf) - (hg) - (hh) - (hi) - (hj) - (hk) - (hl) - (hm) - (hn) - (ho) - (hp) - (hq) - (hr) - (hs) - (ht) - (hu) - (hv) - (hw) - (hx) - (hy) - (hz) - (ia) - (ib) - (ic) - (id) - (ie) - (if) - (ig) - (ih) - (ii) - (ij) - (ik) - (il) - (im) - (in) - (io) - (ip) - (iq) - (ir) - (is) - (it) - (iu) - (iv) - (iw) - (ix) - (iy) - (iz) - (ja) - (jb) - (jc) - (jd) - (je) - (jf) - (jg) - (jh) - (ji) - (jj) - (jk) - (jl) - (jm) - (jn) - (jo) - (jp) - (jq) - (jr) - (js) - (jt) - (ju) - (jv) - (jw) - (jx) - (jy) - (jz) - (ka) - (kb) - (kc) - (kd) - (ke) - (kf) - (kg) - (kh) - (ki) - (kj) - (kk) - (kl) - (km) - (kn) - (ko) - (kp) - (kq) - (kr) - (ks) - (kt) - (ku) - (kv) - (kw) - (kx) - (ky) - (kz) - (la) - (lb) - (lc) - (ld) - (le) - (lf) - (lg) - (lh) - (li) - (lj) - (lk) - (ll) - (lm) - (ln) - (lo) - (lp) - (lq) - (lr) - (ls) - (lt) - (lu) - (lv) - (lw) - (lx) - (ly) - (lz) - (ma) - (mb) - (mc) - (md) - (me) - (mf) - (mg) - (mh) - (mi) - (mj) - (mk) - (ml) - (mm) - (mn) - (mo) - (mp) - (mq) - (mr) - (ms) - (mt) - (mu) - (mv) - (mw) - (mx) - (my) - (mz) - (na) - (nb) - (nc) - (nd) - (ne) - (nf) - (ng) - (nh) - (ni) - (nj) - (nk) - (nl) - (nm) - (nn) - (no) - (np) - (nq) - (nr) - (ns) - (nt) - (nu) - (nv) - (nw) - (nx) - (ny) - (nz) - (oa) - (ob) - (oc) - (od) - (oe) - (of) - (og) - (oh) - (oi) - (oj) - (ok) - (ol) - (om) - (on) - (oo) - (op) - (oq) - (or) - (os) - (ot) - (ou) - (ov) - (ow) - (ox) - (oy) - (oz) - (pa) - (pb) - (pc) - (pd) - (pe) - (pf) - (pg) - (ph) - (pi) - (pj) - (pk) - (pl) - (pm) - (pn) - (po) - (pp) - (pq) - (pr) - (ps) - (pt) - (pu) - (pv) - (pw) - (px) - (py) - (pz) - (qa) - (qb) - (qc) - (qd) - (qe) - (qf) - (qg) - (qh) - (qi) - (qj) - (qk) - (ql) - (qm) - (qn) - (qo) - (qp) - (qq) - (qr) - (qs) - (qt) - (qu) - (qv) - (qw) - (qx) - (qy) - (qz) - (ra) - (rb) - (rc) - (rd) - (re) - (rf) - (rg) - (rh) - (ri) - (rj) - (rk) - (rl) - (rm) - (rn) - (ro) - (rp) - (rq) - (rr) - (rs) - (rt) - (ru) - (rv) - (rw) - (rx) - (ry) - (rz) - (sa) - (sb) - (sc) - (sd) - (se) - (sf) - (sg) - (sh) - (si) - (sj) - (sk) - (sl) - (sm) - (sn) - (so) - (sp) - (sq) - (sr) - (ss) - (st) - (su) - (sv) - (sw) - (sx) - (sy) - (sz) - (ta) - (tb) - (tc) - (td) - (te) - (tf) - (tg) - (th) - (ti) - (tj) - (tk) - (tl) - (tm) - (tn) - (to) - (tp) - (tq) - (tr) - (ts) - (tt) - (tu) - (tv) - (tw) - (tx) - (ty) - (tz) - (ua) - (ub) - (uc) - (ud) - (ue) - (uf) - (ug) - (uh) - (ui) - (uj) - (uk) - (ul) - (um) - (un) - (uo) - (up) - (uq) - (ur) - (us) - (ut) - (uu) - (uv) - (uw) - (ux) - (uy) - (uz) - (va) - (vb) - (vc) - (vd) - (ve) - (vf) - (vg) - (vh) - (vi) - (vj) - (vk) - (vl) - (vm) - (vn) - (vo) - (vp) - (vq) - (vr) - (vs) - (vt) - (vu) - (vv) - (vw) - (vx) - (vy) - (vz) - (wa) - (wb) - (wc) - (wd) - (we) - (wf) - (wg) - (wh) - (wi) - (wj) - (wk) - (wl) - (wm) - (wn) - (wo) - (wp) - (wq) - (wr) - (ws) - (wt) - (wu) - (wv) - (ww) - (wx) - (wy) - (wz) - (xa) - (xb) - (xc) - (xd) - (xe) - (xf) - (xg) - (xh) - (xi) - (xj) - (xk) - (xl) - (xm) - (xn) - (xo) - (xp) - (xq) - (xr) - (xs) - (xt) - (xu) - (xv) - (xw) - (xx) - (xy) - (xz) - (ya) - (yb) - (yc) - (yd) - (ye) - (yf) - (yg) - (yh) - (yi) - (yj) - (yk) - (yl) - (ym) - (yn) - (yo) - (yp) - (yq) - (yr) - (ys) - (yt) - (yu) - (yv) - (yw) - (yx) - (yy) - (yz) - (za) - (zb) - (zc) - (zd) - (ze) - (zf) - (zg) - (zh) - (zi) - (zj) - (zk) - (zl) - (zm) - (zn) - (zo) - (zp) - (zq) - (zr) - (zs) - (zt) - (zu) - (zv) - (zw) - (zx) - (zy) - (zz)

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 Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Answer: N/A.

17. 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 responses prior to the withdrawal?

Answer: Zero (0).

Answer: N/A.

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 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.