



Federal Trade Commission Chief FOIA Officer Report

March 2019

**Federal Trade Commission
2019 Chief FOIA Officer Report**

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Federal Trade Commission
2019 Chief FOIA Officer Report
Heather Hipsley, Deputy General Counsel and Chief FOIA Officer

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 program through its Office of General Counsel. The FOIA program employs five attorneys and three government information specialists, with occasional support of contractors and other staff, and processes all record requests made to the agency. As Chief FOIA Officer for the FTC, I am pleased to report that the FOIA program continues to improve its administration of FOIA. In Fiscal Year 2018, the FTC processed approximately 1,460 FOIA and Privacy Act requests and had only six backlogged requests at the end of FY2017. Other FOIA successes and initiatives undertaken in 2018 include:

- During the reporting period, the FOIA program successfully upgraded its FOIAXpress request tracking and management system and moved that system to a cloud-based environment. Along with this upgrade, the program integrated the FOIAXpress public access link (PAL), a secure public-facing web portal that connects agencies with requesters.
- The FTC continued its strong performance in the first quarter of Fiscal Year 2019. Specifically, the agency received 188 FOIA requests in the first quarter of FY2019, over 70% of which are complex requests, and it processed and issued final responses to 163 requests. The agency also closed 31 of the 37, or over 83%, of the requests pending at the end of FY2018.
- FTC employees from the Office of General Counsel (OGC) received awards in 2018 for their outstanding contributions to the agency's FOIA program. A FOIA attorney received the FTC's Stephen Nye Award, which recognizes a junior attorney who has completed a major project or whose overall performance far exceeds that of a relatively new practitioner. Also, OGC's IT Specialist received AINS, Inc.'s Wayne R. Jewell award for his significant role in the FTC's transition to the upgraded FOIAXpress.

Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at or above this level?

Answer: Yes. In a 2018 report, the Government Accountability Office (GAO) recommended that the FTC designate a Chief FOIA Officer at the assistant secretary level or equivalent. (GAO-18-365, June 25, 2018.) According to GAO, assistant secretary level is comparable to senior executive positions at levels III, IV, and V. The FTC designated a Deputy General Counsel, a senior executive position, as the agency's Chief FOIA Officer.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Answer: Heather Hipsley, Deputy General Counsel.

B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Answer: Yes.

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Answer: One or more FOIA professionals attended the following DOJ/OIP courses: *Introduction to the Freedom of Information Act* (December 2018); *FOIA Reports Refresher Training* (October 2018); *FOIA Litigation Seminar* (November 2018). FOIA professionals also attended AINS, Inc. training and conferences: *FOIAXpress & Advanced Document Review Training* (August 2018) and *FOIAXpress User Conference & Tech Summit* (October 2018). FOIA staff trained each new FOIA liaison. The FOIA liaisons are responsible for ensuring staff in their FTC unit conduct proper FOIA request document searches in the timeframe requested by the FOIA office. FOIA staff instruct the liaisons on best practices for records management and the FOIA process generally.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Answer: Approximately 90%.

6. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

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 standards for employees that have any role in administering the FOIA, including non-FOIA professionals. Please also indicate whether your agency has considered including 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 matters, making every effort to inform non-FOIA professionals of their obligations under the Act. The Assistant General Counsel who oversees the FOIA program provides a FOIA briefing at each New Employee Orientation seminar and, during this reporting period, she provided FOIA training for five new Commissioners and their staff.

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 standard. Non-FOIA professionals generally receive ratings on the timeliness, thoroughness, and quality of all their work including any FOIA responsibilities.

FOIA staff 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 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

DOJ's FOIA Guidelines emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2018, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2018 Annual FOIA Report.

Answer: 9.2 days.

2. 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.

3. During the reporting period, did your agency conduct a self-assessment of its 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 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 backlogged and complex requests, strategize solutions, and identify areas in need of improvement. During the reporting period, the FOIA program identified several such areas, and as a result, undertook steps to improve its FOIA processing or procedures. Among other changes that were made, a number of FOIA response templates and language were revised to accord with case law and agency policy. In addition, work was commenced and is ongoing to update the public FTC FOIA webpages to make them more user-friendly and navigable.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2018 (please provide a total number or an estimate of the number).

Answer: Approximately 60 times.

5. Please describe the best practices used to ensure that your FOIA system operates efficiently and effectively and any challenges your agency faces in this area.

Answer: The FOIA program has a number of practices in place to foster consistency and efficiency of responses. For example, the program:

- Utilizes a web-based FOIA processing system (FOIAXpress) to manage its FOIA requests, which is an effective tool for document sharing and review. The system allows FOIA staff to electronically assign request numbers and quickly search for specific requests, requesters, and other request-related information. It also allows management to effectively track the FOIA program's performance, by issuing real-time reports and charts showing FOIAs pending, backlogged, and much else.

- Upgraded its FOIAXpress system specifically to maximize efficiency, improve search capabilities, and increase collaboration between different program offices within the agency when searching for responsive records and reviewing requests. As part of this upgrade, the FTC moved to Public Access Link (PAL) online portal, through which requesters can submit and check the status of FOIA requests. These changes have streamlined the intake process and improved workflow generally.
- Maintains a FOIA Training Manual that covers standard operating procedure and training, to include step-by-step guidance on using the FOIAXpress system, searching for responsive records, processing records, making redactions, and responding to requesters.
- 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.
- 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 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: The FTC continued to update its FOIA Reading Room, posting frequently requested agency records, to include the following:

- Consumer complaints, email records, and other correspondences relating to World Patent Marketing and Matthew Whitaker, which are available at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/world-patent-marketing>.
- Copies of Facebook's Privacy Assessment Reports and communications concerning that report, relating to the companies 2011 consent decree with the FTC, available at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/facebook>.

- Communications and other documents exchanged between FTC staff and the White House, available at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/white-house>.
- Consumer complaints pertaining to online dating websites and mobile apps, including Tinder, Bumble, OKCupid, Grindr, and Match.com, available at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/online-dating>.
- Consumer complaints concerning FleetCor, available at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/fleetcor>.
- Copies of compliance warning letters to six major marketing companies over possible violations of the Magnuson-Moss Warranty Act, available at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/magnuson-moss-warranty-act>.

Aside from records identified as frequently requested, the FTC posts information or data online, without waiting for individual requests to be received, that it deems of interest to the public. More about this policy can be found at <https://www.ftc.gov/site-information/open-government>.

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, 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 mention 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 qualify for proactive disclosure under the FOIA. The number of "hot topics" (or frequently requested records or subjects) identified and proactively posted by the FOIA program has steadily increased each year, ticking up from approximately five in FY2016 to six in FY2017 to nine in FY2018.

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 2018?

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 2019.

Answer: N/A.

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 2017 Annual FOIA Report and, if available, for your agency's Fiscal Year 2018 Annual FOIA Report.

Answer: FY2017 FTC FOIA Annual Report Raw Data is located at <https://www.ftc.gov/system/files/documents/reports/foia-report-fy17/2017r-fo.csv>.

FY2018 Raw Data is unavailable as of the creation of this report. The FY 2018 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 2001, the FTC has accepted FOIA requests electronically, through a dedicated FOIA email address and on-line FOIA request form. It processes 100% of its requests electronically, and has been doing so since 2003, 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), an 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 timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers 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 specified sections of your agency's 2018 Annual FOIA Report and, when applicable, your agency's 2017 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA 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? If your agency uses a multi-track system beyond simple, complex, and expedited to process requests, please describe the tracks you use and how they promote efficiency.

Answer: Yes, the FTC uses a multi-track processing system, which places simple requests on a different processing track than more complex requests and requests granted expedited processing. It does not utilize tracks beyond simple, complex, and expedited.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2018?

Answer: Yes. The FTC's average number of days to process simple requests was 11.9 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2018 that were placed in your simple track.

Answer: Approximately 63.9%.

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.

B. 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 2017 and Fiscal Year 2018 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. *If your agency had a backlog of requests at the close of Fiscal Year 2018, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2017?*

Answer: Yes. The number of backlogged requests in FY2017 was eight (8). That number in FY2018 was six (6).

6. *If not, did your agency process more requests during Fiscal Year 2018 than it did during Fiscal Year 2017?*

Answer: N/A.

7. *If your agency's request backlog increased during Fiscal Year 2018, 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 2018. If your agency has no request backlog, please answer with "N/A."*

Answer: 0.4%

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 2017?*

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 2018 than it did during Fiscal Year 2017?

Answer: N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2018, 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.
- 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.

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 2018 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2017 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you 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 2018?

Answer: N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2018, what is your agency's plan to reduce this backlog during Fiscal Year 2019?

Answer: N/A.

D. Status of 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 Annual FOIA Reports for both Fiscal Year 2017 and Fiscal Year 2018 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2018, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Answer: Yes.

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 2017 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 interim responses prior to the withdrawal?

Answer: Zero (0). The ten oldest requests were all processed to completion and final responses were provided to each.

18. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

Answer: N/A.

TEN OLDEST APPEALS

19. In Fiscal Year 2018, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Answer: Yes.

20. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2017 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Answer: N/A.

21. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Answer: N/A.

TEN OLDEST CONSULTATIONS

22. In Fiscal Year 2018, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2017 Annual FOIA Report?

Answer: N/A. The FTC did not have any pending consultations at the end of the fiscal year.

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 2017 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 2018.

Answer: N/A.

25. If your agency was unable to close any of its ten 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.

26. 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 Fiscal Year 2018.

Answer: N/A.

F. Success Stories

Out of all the activities undertaken by your agency since March 2018 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.

Answer:

Our success story is in the **Steps Taken to Greater Utilize Technology** category.

- The FTC successfully rolled out the upgraded FOIAXpress system. FOIA staff and OGC’s technical staff worked with AINS/FOIAXpress representatives for months to beta test new FOIA-processing products and participate in multiple trainings on the

new FOIAXpress tools and functionality. AINS honored our technical support specialist at their annual conference.

- In December 2018, the FTC implemented the PAL portal. The PAL allows FOIA requesters to submit requests online, correspond with FOIA staff members assigned to their requests, receive status updates, view the entire request submission history, receive final response letters and download records. Since implementing the portal, nearly 40% of all requests submitted to the FTC have been received via PAL.