Federal Trade Commission Data Quality Appendix

Last Updated: April 4, 2024

This document contains detailed descriptions and information on the FTC's performance metrics, including data sources, how data is collected, how results are calculated, etc.

Most of the FTC's performance metrics are set by the FTC Strategic Plan, with results reported annually in the Annual Performance Report (APR). The APR includes additional metrics, not in the strategic plan, which are referred to as secondary metrics.

To see the FTC's Strategic Plan or other performance documents, visit https://www.ftc.gov/about-ftc/budget-strategy.

Performance Metrics

Metric 1.1.1 Amount of money returned to the public or forwarded to the U.S. Treasury resulting from FTC enforcement actions.

Description: This metric tracks the FTC's effectiveness in returning money to consumers who were defrauded and forwarding money to the U.S. Treasury (e.g., if sending money to individuals is impracticable, or if funds were paid as a civil penalty). The FTC targets law enforcement efforts on violations that cause the greatest amount of consumer harm. The amount of money returned to consumers or forwarded to the U.S. Treasury is a useful indicator that the FTC is targeting the right defendants.

Calculation/Formula: Sum of refund payments issued by the FTC and cashed by consumers, plus the amount of redress payments issued to consumers by defendants and third parties, plus the amount of money paid to the FTC by defendants and forwarded to the U.S. Treasury, either because sending refunds was not feasible or because the money was paid as a civil penalty.

Definitions: N/A

Data Sources: The redress data are based on BCP's collection's database exports, the agency's financial system maintained by the Financial Management Office (FMO), redress contractor reports, and Qualified Settlement Fund bank statements. The civil penalty data are summarized in a spreadsheet maintained by BCP staff in the Division of Consumer Response and Operations (DCRO).

Data Collection:
- The BCP Collection and Enforcement Database tracks all consumer protection judgments entered and all collections made on those judgments. BCP Enforcement staff maintains a spreadsheet with aggregate case-by-case distributions made to consumers by defendants and other third parties.
- The Office of Claims and Refunds (OCR) in DCRO reconciles monthly activity reports submitted by the redress contractors with Qualified Settlement Fund bank statements.
- OCR reconciles the monthly FMO sub-ledger with the approved dispersals for each individual matter.
- BCP budget staff reconciles the civil penalty spreadsheet with a separately maintained spreadsheet that includes a list of all civil penalty orders in the current fiscal year. BCP budget staff also reconciles the civil penalty spreadsheet with data maintained by FMO and with memos received by the Department of Justice, which contain copies of the checks and/or electronic fund transfers for civil penalties.

Data Limitations/Response: The amount of money is not a perfect measure of the effectiveness of the agency's work protecting consumers. If the FTC steps in and stops scams in their incipiency, there is less injury and therefore less redress provided in those situations; but consumers are undoubtedly better off. For the amount of redress distributed to consumers by defendants and third parties, information on refund checks cashed by consumers is not always available, so the amount of refund checks mailed to consumers may be used. Also, the amount of money returned/forwarded to the U.S. Treasury may depend on the amount of money the defendants have to satisfy the judgment.

Metric 1.1.2 Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.

Description: This metric tracks the return on investment of the FTC's consumer protection law enforcement spending. We compare how much money the FTC saves consumers each year through law enforcement to the amount the FTC spends on consumer protection law enforcement. Consumer savings are comprised of: (a) the amount of money returned to consumers; and (b) an estimate of the amount of harm that would have occurred but for the FTC's law enforcement action. To calculate this latter figure, the FTC assumes that the unlawful conduct would have continued for one year but for our action. The FTC also assumes that the amount of harm that would have occurred in that year is the same as what consumers lost in the past.

Calculation/Formula: (Amount of money returned to consumers + the sum of the estimated consumer savings generated by law enforcement actions) / Annual expenditures on consumer protection law enforcement.
The amount of money returned to consumers is the sum of refund checks cashed by consumers as the result of FTC consumer protection enforcement actions plus the amount of redress distributed to consumers without FTC contractors (if refund check cashed information is not available).

The sum of the estimated consumer savings generated by law enforcement actions is the estimate of harm that would have occurred but for the FTC's law enforcement action. The FTC assumes that the unlawful conduct would have continued for one year but for our action and the amount of harm that would have occurred in that year is the same as what consumers lost in the past. This amount is estimated by BCP case managers by estimating the consumer loss due to fraudulent, deceptive, or unfair practices in the 12 months prior to the FTC's first contact with the defendants or by dividing the estimated total economic injury by the amount of time the defendants' business operated to derive an annualized estimate of consumer savings. The metric also includes instances wherein, as a result of FTC law enforcement action directed specifically at a business, that business stops its allegedly unfair or deceptive practices.

The annual expenditures on consumer protection law enforcement are the FTC budget dollars spent on consumer protection law enforcement. Dollars spent on the Consumer and Business Education and Economics and Consumer Policy work are excluded from this calculation.

Definitions: N/A

Data Sources: Amount of money the FTC returned to consumers: Based on BCP's collection's database data exports from Oracle Business Intelligence (OBI), the agency's financial system maintained by the Financial Management Office (FMO), redress contractor reports, and matter bank statements.

Sum of the estimated consumer savings generated by law enforcement actions: Staff uses company sales and other records, as well as information from company employees and customers, where applicable. After the completion of a case, staff is surveyed via email for the estimated dollar value of consumer loss.

For money spent on law enforcement: FMO staff provides the annual expenditures data to BCP staff for BCP cases.

Data Collection: Amount of money the FTC returned to consumers:
- The BCP Collection and Enforcement Database tracks all consumer protection judgments entered and all collections made on those judgments. BCP Enforcement staff maintains a spreadsheet with aggregate case-by-case distributions made to consumers by defendants and third parties.
- The Office of Claims and Refunds (OCR) in DCRO reconciles monthly activity reports submitted by the redress contractors with matter bank statements.
- OCR reconciles the monthly FMO sub-ledger with the approved dispersals for each individual matter.

Sum of the estimated consumer savings generated by law enforcement actions: The consumer savings by case are maintained in a spreadsheet by BCP. A spreadsheet with the completed cases for the current fiscal year is reviewed quarterly by headquarters and regional office management to ensure that all applicable cases are included in the report.

Data Limitations/Response: The calculation does not perfectly estimate the agency's impact because it assumes that the challenged business practices would have continued for only one more year and it ignores the deterrent effect of FTC enforcement.

Metric 1.1.3 Percentage of matters following up on Commission market-wide policy initiatives, e.g., Notices of Penalty Offenses, Policy Statement on Negative Option Marketing, workshops, and reports.

Description: This metric tracks the FTC's effectiveness in following up on Commission market-wide policy initiatives. This ensures we are understanding and responding to emerging trends in the marketplace, particularly problems that cause substantial consumer financial losses.

Calculation/Formula: The percentage is determined by dividing the number of enforcement actions that followed up on Commission market-wide policy initiatives by the total number of enforcement actions.

Definitions:
- Commission market-wide initiatives: Notices of Penalty Offenses, policy statements, rulemaking, workshops, and reports.
- Enforcement Action: A complaint filed in federal or administrative court to enforce federal consumer protection laws that prevent fraud, deceptive, and unfair business practices. If there are multiple defendants in the case, but only one complaint filed, we count the complaint only once.

Data Sources: For law enforcement actions: LexisNexis CourtLink, the FTC website, and reports from the FTC, Bureau of Consumer Protection (BCP) Director's office, divisions, and regional offices.

Data Collection: A list of all enforcement actions filed in the current fiscal year is compiled in an internal BCP spreadsheet and reviewed quarterly for completeness and accuracy by BCP staff and management. During the quarterly review, staff and management reports whether the action is a follow-up to a Commission market-wide policy initiative. BCP tracks within the internal spreadsheet whether the action is a follow-up to a Commission market-wide policy initiative.

Data Limitations/Response: Data collection for this metric is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this.

Metric 1.1.4 Percentage of matters seeking significant remedial, precedential, or deterrent effects across the marketplace.

Description: This metric tracks the FTC's effectiveness in negotiating consent orders and pursuing litigated orders that have a positive effect that goes beyond the individual defendant. Matters that seek significant remedial, precedential, and deterrent effects can have a larger impact on consumers.

Calculation/Formula: The percentage is determined by dividing the number of enforcement actions that are seeking significant remedial, precedential, or deterrent effects across the marketplace by the total number of enforcement actions.

Definitions:
- Enforcement Action: A complaint filed in federal or administrative court to enforce federal consumer protection laws. If there are multiple defendants in the case, but only one complaint filed, we count the complaint only once.

Data Sources: For law enforcement actions: LexisNexis CourtLink, the FTC website, and reports from the FTC, Bureau of Consumer Protection (BCP) Director's office, divisions, and regional offices.

Data Collection: A list of all enforcement actions filed in the current fiscal year is compiled in an internal BCP spreadsheet and reviewed quarterly for completeness and accuracy by BCP staff and management. During the quarterly review, staff and management reports whether the action is seeking remedial, precedential, or deterrent effects across the marketplace. BCP tracks within the internal spreadsheet whether the action is seeking remedial, precedential, or deterrent effects across the marketplace.

Data Limitations/Response: Data collection for this metric is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this.

Metric 1.1.5 Percentage of cases involving collaboration across organizational units, e.g., BC and BCP, Bureaus and OPP.

Description: This metric tracks the FTC's effectiveness in collaborating across organizational units. This interdisciplinary approach to protecting the public maximizes the agency's ability to analyze conduct and assess appropriate remedies.

Calculation/Formula: The percentage is determined by dividing the number of completed cases that involved collaboration across organizational units by the number of completed cases. If there are multiple orders resulting from a matter, that matter is only counted one time.

Definitions: N/A

Data Sources: For law enforcement actions: LexisNexis CourtLink, the FTC website, and reports from the FTC, Bureau of Consumer Protection (BCP) Director's office, divisions, and regional offices.

Data Collection: A spreadsheet with the completed cases for the current fiscal year is reviewed quarterly by headquarters and regional office management to ensure that all applicable cases are included in the report. During the quarterly review, staff and management reports whether the action involved collaboration across organizational units.

Data Limitations/Response: Data collection for this metric is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this. This metric does not include the collaboration across organization units related to redress, as redress may not occur until months or years after a final order is issued. In the annual write-up for the Annual Performance Report, we will include the percentage of redress distributions that involved collaboration across organizational units. The percentage will be determined by dividing the number of first distributions that involved collaboration across organization units by the total number of first distributions.

Metric 1.1.6 Percentage of the FTC's consumer protection law enforcement actions that targeted the subject of consumer reports in the FTC's Consumer Sentinel Network.

Description: The FTC collects reports about a host of consumer issues, including fraud, identity theft, financial matters, and Do Not Call violations. Reports are an integral component when determining the areas of greatest concern and injury to consumers. This metric gauges how well the FTC's consumer protection law enforcement actions target the subject of consumer reports.

Calculation/Formula: The percentage is determined by dividing the number of enforcement actions that targeted subjects of consumer reports by the total number of enforcement actions.

Definitions:
- Enforcement Action: A complaint filed in federal court to enforce federal consumer protection laws that prevent fraud, deceptive, and unfair business practices. If there are multiple defendants in the case, but only one complaint filed, we count the complaint only once.
- Consumer Reports: The agency collects consumer report information directly from three principal sources:
  1. ReportFraud.ftc.gov for reporting fraud, scams, and bad business practices, or through a toll-free helpline (1-877-FTC- HELP)
  2. IdentityTheft.gov for reporting identity theft, or through an identity theft hotline (1-877-ID-THEFT)
  3. Donotcall.gov for reporting unwanted calls, or through the National Do Not Call Registry helpline (1-888-382-1222)

  In addition, the FTC continues to gather consumer report information from other sources, including state, federal, and international law enforcement agencies, Better Business Bureaus, postal mail, and private entities. Consumer Sentinel Network (CSN): The FTC's secure online database that provides law enforcement agencies worldwide with access to tens of millions of consumer fraud, identity theft, financial, and Do Not Call Registry reports collected during the past five years. In addition to storing consumer reports from the sources identified above, the CSN also includes complaints filed with state law enforcement organizations, other federal agencies, and non-governmental organizations. More information about CSN can be found at www.ftc.gov/sentinel/index.shtm.

Data Sources:
- For consumer reports: The FTC's CSN database.
- For law enforcement actions: LexisNexis CourtLink, the FTC website, and reports from the FTC, Bureau of Consumer Protection (BCP) Director's office, divisions, and regional offices.

Data Collection: A list of all enforcement actions filed in the current fiscal year is compiled in an internal BCP spreadsheet and reviewed quarterly for completeness and accuracy by BCP staff and management. For each case, BCP staff completes CSN database searches by the matter name to determine if the action targets subjects of consumer reports to the FTC. If the defendants' names are available, staff also searches by the defendants' names. The results of the searches are also recorded on the internal BCP spreadsheet, and the percentage of actions targeting consumer reports is calculated based on this information. For all metrics reported by BCP, a second BCP employee compares the data entered into the performance tracking tool to the Bureau's tracking spreadsheet to ensure the accuracy of the data.

Data Limitations/Response: Data collection for this metric is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this.

Metric 1.1.7 User satisfaction with the FTC's Consumer Response Center call center.

Description: This metric quantifies how satisfied consumers are with the FTC's Consumer Response Center, which is responsible for collecting consumer complaints. Satisfaction is measured separately for consumers filing complaints through online forms, and for those filing complaints through the call center. The Consumer Response Center is often consumers' first contact with the FTC, and if consumers do not have a satisfactory experience, they may be less likely to file complaints. Consumer complaints help the FTC identify consumer protection issues and trends in the fast-changing, increasingly global marketplace.

Calculation/Formula:
- For users of our Call Center: Surveyed consumers are asked to rate the wait time, their experience with the interactive voice system, and service provided by the call center agents. The results are compiled by a third party, CFI Group, which converts the answers into a single customer satisfaction number. The formula used by the CFI group is proprietary.

Definitions:
- Consumer Response Center: The Consumer Response Center responds to consumer complaints and inquiries received by the toll-free consumer complaint lines, 877-FTC-HELP and 877-ID-THEFT, the FTC's Internet complaint forms at ReportFraud.ftc.gov, and postal mail. Information from complaints is entered into the FTC's Consumer Sentinel Network and used to target law enforcement and consumer and business education activities.

Data Sources: FTC staff can access survey results of the phone surveys through CFI Group's online portal. The CFI Group provides quarterly reports.

Data Collection: Consumers opt-in to receive a survey call and a sampling of those consumers receive a survey call. The CFI Group calculates the customer satisfaction number and reports it in a quarterly report.

Data Limitations/Response: Survey data are collected and results calculated by third-party company CFI Group. Participation in the surveys is voluntary.

Metric 1.1.8 User satisfaction with the FTC's Consumer Response Center website.

Description: This metric quantifies how satisfied consumers are with the FTC's Consumer Response Center, which is responsible for collecting consumer reports. Satisfaction is measured separately for consumers filing reports through online forms, and for those filing reports through the call center. The Consumer Response Center is often consumers' first contact with the FTC, and if consumers do not have a satisfactory experience, they may be less likely to file reports. Consumer reports help the FTC to identify consumer protection issues and trends in the fast-changing, increasingly global marketplace.

Calculation/Formula:
- For users of our Online Complaint Form: Surveyed consumers are asked to provide feedback on the site's performance, look and feel, and ease of navigation. The results are compiled by a vendor. The exact formula used by the vendor is proprietary.

Definitions:
- Consumer Response Center: The Consumer Response Center responds to consumer complaints and inquiries received by the toll-free consumer complaint lines, 877-FTC-HELP and 877-ID-THEFT, the FTC's Internet complaint forms at ReportFraud.ftc.gov, and postal mail. Information from complaints is entered into the FTC's Consumer Sentinel Network and used to target law enforcement and consumer and business education activities.

Data Sources: FTC staff can access survey results of the online complaint form through the vendor's online portal. The vendor provides monthly and quarterly benchmark reports.

Data Collection: All consumers that submit a complaint via the complaint website, ReportFraud.ftc.gov, are offered the opportunity to complete a short satisfaction survey. Survey results are collected by the vendor throughout the year. The vendor calculates the customer satisfaction number and reports it in monthly and quarterly reports.

Data Limitations/Response: Survey data are collected, and results calculated by the vendor. Participation in the surveys is voluntary.

Secondary Metric 1.1.9: Number of reports collected and entered into the Consumer Sentinel Network database.

Description: The agency uses the Consumer Sentinel Network (CSN) as a repository for millions of consumer complaints from a variety of sources, including direct consumer reports to the FTC and complaints received by the FTC's partners. CSN provides law enforcement members with access to millions of consumer complaints.

Calculation/Formula: N/A

Definitions:
- Consumer Sentinel Network (CSN): The FTC's secure online database that provides law enforcement agencies worldwide with access to millions of consumer fraud, identity theft, financial, and Do Not Call Registry reports largely collected during the past five years. In addition to storing consumer reports from the sources identified above, the CSN also includes reports filed with state law enforcement organizations, other federal agencies, and non-governmental organizations. More information about CSN can be found at www.ftc.gov/sentinel/index.shtm.

Data Sources: The FTC's CSN database.

Data Collection: BCP staff continuously monitors the number of reports that are entered into the CSN database for accuracy and volume.

Data Limitations/Response: The data in the CSN database are dependent on people providing accurate and complete information. CSN data reflects only a fraction of total consumer fraud violations.

Secondary Metric 1.1.10: Percentage of redress cases in which money designated for distribution is issued to consumers within six months.

Description: This secondary metric ensures that the FTC returns redress dollars to injured consumers as quickly as possible. Money is considered "designated for distribution" when the FTC is in receipt of all funds, legal issues are resolved, and a usable claimant list is ready. If there is a claims process in which consumers must apply for a refund, then dollars are "designated for distribution" after all claims have been reviewed and verified.

Calculation/Formula: When a redress distribution occurs, the date designated for distribution in the redress case status report is checked to determine whether or not redress occurred within six months. The percentage is determined by dividing the number of cases of redress distribution that occurred within six months by the total number of redress distributions in a quarter.

Definitions: N/A

Data Sources: BCP's Open Redress Case Status Reports, which are generated from the Redress Enforcement Database. The redress team uses this database to assign new cases to the redress vendors. The team also uses this system to track milestones, pay invoices, issue work assignments, and track the financial data for each individual case.

Data Collection: When a redress distribution occurs, the team compares the date the case was assigned to a vendor with the date of the distribution to determine whether redress occurred within six months. The database automatically records important case milestones, for example, when a new case is assigned to a vendor.

Data Limitations/Response: There are no significant data limitations.

Metric 1.2.1: Rate of customer satisfaction with the consumer education websites. (a) Mobile, (b) Desktop

Description: Consumer and business education serves as an important and vital resource in fighting against deceptive or unfair practices. Well-informed consumers are better able to recognize and report fraud, and well-informed business owners know where the FTC draws the line. This metric gauges the effectiveness, helpfulness, and usability of the FTC's consumer education website and includes the customer satisfaction scores for consumer.ftc.gov.

Calculation/Formula: When visiting consumer.ftc.gov consumers are given the option to complete a short survey to provide feedback on the following aspects of the site: information browsing, look and feel, navigation, site information, and site performance. The formula for the overall satisfaction score is proprietary to the vendor.

Definitions: N/A

Data Sources: FTC staff can access survey results through the vendor's online portal.

Data Collection: The vendor conducts user surveys and generates the measurement based on industry standard practices. In FY 2020, consumers completed more than 28,634 surveys on consumer.ftc.gov.

Data Limitations/Response: Survey data are collected and results calculated by the vendor. Participation in the survey is voluntary.

Metric 1.2.2 Rate of customer satisfaction with the ftc.gov website.

Description: This metric gathers site visitor feedback to determine the effectiveness of the FTC.gov website in enabling visitors to successfully complete their tasks and find the information they seek. Customer satisfaction is determined in a variety of functional areas and is benchmarked against other federal websites. The data enables the FTC to identify strengths and weaknesses in site components such as navigation, look and feel, search, content, etc., analyze the weaknesses, and take action to mitigate or prevent issues that hamper customer task completion and negatively impact satisfaction.

Calculation/Formula: FTC uses the Foresee voice of the customer service to measure customer satisfaction. The survey model and formula Foresee uses to calculate customer satisfaction are proprietary.

Definitions: NA

Data Sources: The source of the data is visitors coming to the FTC.gov website via desktop or mobile devices. The survey data, which is anonymous and aggregated, is stored in the Foresee portal. FTC staff can view, analyze and download the data, and create reports and dashboards to visualize the data.

Data Collection: Site visitors who navigate to a specific set number of pages on the website are invited to take the survey to help the FTC improve the site. If they opt in, they are presented with the survey upon completing their site visit. The survey is optimized for desktop and mobile devices. All responses are anonymous. Some questions are open-ended, giving the visitor the opportunity to provide feedback in their own words. The FTC receives twice as many responses from mobile visitors than desktop. The survey has been cleared by OMB.

Data Limitations/Response: While the survey is statistically valid, it is a voluntary survey so it is only capturing the feedback of visitors who navigate to enough pages for the survey to pop-up and indicate interest in completing the survey. A complicating factor regarding the data is that many respondents provide feedback on the FTC.gov survey for other FTC websites, e.g., a consumer education website or the report fraud website. Typically, they are responding to the FTC survey because they had an issue with one of these other sites, which can skew the satisfaction scores of FTC.gov. Either they were not prompted with a survey on the other sites, or they were confused about which survey to complete.

Metric 1.2.3 Number of outreach events.

Description: The FTC conducts outreach and events to provide practical knowledge, guidance, and tools, and to learn about key challenges and opportunities for future FTC engagement.

Calculation/Formula: N/A

Definitions: N/A

Data Sources: Staff reports quarterly on outreach events in which they participate by speaking, presenting, exhibiting, or providing a media interview.

Data Collection: The outreach events for the current fiscal year are added to an internal BCP spreadsheet, and the divisions and regions also provide quarterly input to ensure that all BCP outreach events are included.

Data Limitations/Response: Data collection for this metric is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this.

Metric 1.2.4 Number of unique page views for consumer and business education digital articles and blog posts.

Description: This metric gauges the reach of the agency's education messages for consumers and businesses via the web. The metric counts the number of unique page views of FTC consumer education articles, blog posts, and other materials on FTC websites, as well as the unique page views of FTC business education plain-language guidance articles, blog posts, and other materials.

Calculation/Formula: N/A

Definitions: N/A

Data Sources: Page view data from federal government's Digital Analytics Program.

Data Collection: FTC staff are trained by the federal Digital Analytics Program to generate reports of page views for designated websites and pages to determine the number of unique page views of consumer education pages and business education pages.

Data Limitations/Response: The data could be limited if there is downtime in the FTC's network or online systems. In addition, the number of page views of business education pages does not include legal resources posted in other sections of the FTC website, including Commission reports, rules, statutes, court filings and other documents with significant business education value.

Secondary Metric 1.2.5: Number of consumer protection reports the FTC released.

Description: FTC staff prepare reports regarding current important topics in consumer protection, and these reports are the basis for this metric. Consumer protection reports provide information to policy makers, both internally and externally, to help them understand important contemporary issues. This metric also ensures that the FTC releases a variety of informative reports to the public that help promote the understanding and awareness of consumer protection issues.

Calculation/Formula: N/A

Definitions: N/A

Data Sources: The FTC releases a variety of consumer protection reports that contain analysis of data or workshops held by the FTC, data books such as the Consumer Sentinel Network Data Book and the Do Not Call Registry books, reports to other federal agencies, and information-only reports such as the FTC Cigarette Report and the FTC Smokeless Tobacco Report. All reports are available on the FTC's website, https://www.ftc.gov/policy/reports.

Data Collection: At the end of each quarter, the website is checked to determine the number of consumer protection reports published. This information is also verified and validated against BCP's internal spreadsheet.

Data Limitations/Response: Reports are issued in discrete units and require substantial effort often over multiple years. Therefore, while their yearly production can vary substantially, the effort devoted to reports is more constant. The number of reports depends in part on the availability of staff time to conduct the analysis and write the report. The law enforcement workload affects the time available for producing reports.

Metric 1.3.1: Number of investigations or cases in which the FTC and other U.S. federal, state, and local government agencies shared evidence or information that contributed to FTC law enforcement actions or enhanced consumer protection.

Description: This metric tracks the amount of information sharing by the FTC and other domestic law enforcement agencies to further the goal of protecting consumers from fraud. The geographic location and other demographics may affect the types of fraud that consumers encounter, making it important for government agencies to share information and resources to enhance consumer protection.

Calculation/Formula:
- Sharing of information with other agencies:
  - o Count of number of completed requests tracked the Office of the General Counsel (OGC) authorizing the sharing of information with other U.S. federal, state, and local government agencies. BCP staff check these completed requests with request sent to OGC and BCP's Chief of the Criminal Liaison Unit (CLU).
  - o Count of number of law enforcement actions resulting from coordinated law enforcement sweeps led by the FTC. BCP staff will use the number reported in the press release about the sweep.
- Sharing of information with the FTC: Count of the number of U.S. federal, state, and local government agencies BCP staff received information from for a closed investigation or completed case.

Definitions: N/A

Data Sources:
- Sharing of information with other agencies:
  - o OGC authorizes the sharing of information in the possession of the FTC with other U.S. federal, state, and local government agencies. Memos approving this sharing are maintained by OGC, and OGC provides a copy of their tracking sheet to BCP staff.
  - o There is a press release issued for each FTC-led law enforcement sweep that includes the number of law enforcement actions resulting from the sweep. If the information is not available in the press release, BCP will obtain the information from the sweep coordinator.
- Sharing of information with the FTC: Email surveys after the completion of an investigation or case.

Data Collection:
- Sharing of information with other agencies:
  - o BCP staff track the emails sent to OGC, OGC's tracking sheet, and the findings of BCP's CLU Chief that include sharing of information to U.S. federal, state and local government agencies.
  - o BCP staff track the number of law enforcement actions resulting from FTC-led law enforcement sweeps.
- Sharing of information with the FTC: BCP staff are surveyed after the completion of an investigation or case to determine whether the FTC received information from other U.S. federal, state, and local government agencies. Staff report the names of the U.S. federal, state, and local governments from which they received information or evidence regarding a closed investigation via email.

After the completion of a case, staff are surveyed by email to report the names of the U.S. federal, state, and local government agencies from which they received information.

The results are maintained in a spreadsheet by BCP staff. A list of all the cases completed in the current fiscal year is compiled in a separate spreadsheet. This information is reviewed periodically by staff and management for completeness and accuracy. On at least a quarterly basis, BCP staff provide a spreadsheet listing closed investigations and indicating whether each investigation resulted in a filed law enforcement action. The OGC provides a copy of their tracking sheet that includes sharing of information to U.S. federal, state and local government agencies to BCP staff. BCP staff checks the spreadsheet to ensure that all requests for sharing of information are included.

<u>Data Limitations/Response</u>: Even with the internal review process, it is possible that an investigation or case will be inadvertently left out of the report.

Metric 1.3.2: Number of investigations or cases in which the FTC obtained foreign-based evidence or information or engaged in other mutual assistance that contributed to FTC law enforcement actions, or in which the FTC cooperated with foreign agencies and/or multilateral organizations on enforcement matters.

Description: The FTC's Office of International Affairs works to expand cooperation and coordination between the FTC and international consumer protection partners through information sharing, investigative assistance, and the development of investigative best practices and enforcement capacity. This metric counts the number of investigations and cases in which the FTC and foreign consumer protection agencies shared information or engaged in other enforcement cooperation.

Calculation/Formula: # of FTC consumer protection investigations or cases where supporting evidence or information or other investigative assistance was obtained from foreign agencies + # of foreign consumer protection investigations or cases where supporting evidence or information or other investigative assistance was provided by the FTC + # of enforcement matters where the FTC otherwise engaged in enforcement cooperation with foreign agencies or multilateral enforcement networks.

Definitions:
- Mutual assistance: Sharing information, including complaints or personally identifiable information, investigative assistance including obtaining evidence under appropriate legal authorities, coordinating enforcement actions and priorities, developing enforcement capacity and investigative best practices, or other appropriate assistance that aids in the enforcement of laws and rules.
- Multilateral organizations: Formal international organizations and agency-based peer networks that are pursuing enforcement –related cooperation projects and activities.

Data Sources: OIA weekly reports and internal tracking sheets.

Data Collection: OIA consumer protection team members report matters they worked on in which information was shared on a log maintained on an OIA shared drive. Managers review these matters to ensure that they qualify as part of the metric and have not been previously counted.

Data Limitations/Response: Data are captured at several different points within OIA including weekly reports and internal tracking sheets. Data are input by several different staff members. Management review is necessary to ensure all appropriate cases and investigations are counted and to avoid double counting of particular matters.

Metric 1.4.1: Percentage of actions taken to stop unfair or deceptive practices that we have identified as 1) targeting historically underserved communities; 2) disproportionately impacting historically underserved communities; 3) involving schemes or practices that research has shown to disproportionately impact historically underserved communities; or 4) involving conduct in languages other than English, including Native American languages.

Description: The FTC's core mission is to protect all consumers from unfair or deceptive practices in the marketplace. Fraud, as well as certain other business practices, have a disproportionately negative impact on communities of color, as well as other historically underserved communities. This metric seeks to gauge the impact of FTC law enforcement actions on historically underserved communities.

Calculation/Formula: The percentage is determined by dividing the number of enforcement actions that involve conduct that targeted or disproportionately affected historically underserved communities by the total number of enforcement actions.

Definitions:
- Enforcement Action: A federal or administrative complaint filed pursuant to federal consumer protection laws enforced by the Federal Trade Commission. If there are multiple defendants in the case, but only one complaint filed, we count the complaint only once.

- Historically Underserved Community: For the purposes of this reporting, BCP is counting matters involving Black Americans, Latinos, Indigenous/Native American persons, Asian Americans/Pacific Islanders or other persons of color, members of religious minorities, lesbian, gay, bisexual, transgender, and/or queer persons, persons with disabilities, persons who live in rural areas, persons adversely affected by persistent poverty or inequality, persons who speak languages other than English.

Data Sources: For law enforcement actions: LexisNexis CourtLink, the FTC website, and reports from the FTC, Bureau of Consumer Protection (BCP) Director's office, divisions, and regional offices.

Data Collection: A list of all enforcement actions filed in the current fiscal year is compiled in an internal BCP spreadsheet and reviewed quarterly for completeness and accuracy by BCP staff and management. Staff are surveyed by email to report whether the action targeted or disproportionately affected historically underserved communities, which may include data analysis of consumer reports or customer databases. BCP tracks within the internal spreadsheet whether the action targeted or disproportionately affected historically underserved communities.

Data Limitations/Response: Data collection for this metric is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this.

Metric 1.4.2: Percentage of redress payments made to people who live in communities that have a high proportion of members of historically underserved communities.

Description: The FTC works to halt illegal conduct harming historically underserved communities. FTC actions may result in redress payments to those harmed by the defendants' actions. This metric seeks to gauge the impact of those FTC law enforcement actions that result in redress payments by measuring the degree to which people in historically underserved communities receive payments.

Calculation/Formula: The percentage is calculated by dividing the estimated number of redress payments sent to people who likely belong to historically underserved communities by the total number of redress payments issued or by dividing the estimated dollar amount of redress payments sent to people who likely belong to historically underserved communities by the total aggregate dollars distributed.

Differences in case size and distribution amounts can vary widely, and therefore either metric can be used to determine if the target has been reached.

Definitions:
- Historically Underserved Community: For the purposes of this reporting, we are counting just a subset of underserved communities based on their race and ethnicity. The calculation includes Black Americans, Latinos, Indigenous/Native American persons, and Asian Americans/Pacific Islanders.

Data Sources: The approved redress distribution lists for FTC law enforcement actions, which generally include the name, mailing address, and payment amount for each recipient.

Data Collection: For each redress distribution, the Office of Claims and Refunds (OCR) in the Division of Consumer Response and Operations (DCRO) will provide a spreadsheet with the full names and mailing addresses of approved redress recipients to the Bureau of Economics. The Bureau of Economics will estimate the probability that each recipient belongs to each race and ethnicity group, using the Bayesian Improved Surname Geocoding (BISG) method. This process combines each recipient's first name, surname, and address with data from the US Census and Home Mortgage Disclosures Act (HMDA).

Data Limitations/Response: Identifying whether a redress recipient is a member of a historically underserved community is a challenge because such demographic data are often not generally obtained in FTC enforcement actions. BE will apply the best available analysis to redress data to predict which recipients are likely to be members of a historically underserved racial or ethnic community. There are some limitations with the methods available. First, this analysis relies on first name, surname, and physical mailing address and some redress distributions include records with incomplete or missing mailing address information. Second, some recipients have uncommon first names or surnames which cannot be matched to Census or HMDA data, and BE will use the best available information to make a prediction. In the end, this analysis will be the best available information as the agency strives to understand the trends in its distributions to Black Americans, Latinos, Indigenous/Native American persons, and Asian Americans/Pacific Islanders. Note, however, this methodology will not assist with estimating the number of redress recipients from other underserved communities, such as other persons of color, members of religious minorities, lesbian, gay, bisexual, transgender, and/or queer persons, persons with disabilities, persons who live in rural areas, or persons adversely affected by persistent poverty or inequality.

Metric 1.4.3: Number of outreach events targeting diverse audiences.

Description: The FTC conducts outreach and events to reach out to historically underserved communities to deliver timely and actionable consumer protection advice, including in languages other than Eblish; hear about the consumer issues they experience; and help staff develop specific education messages and resources.

Calculation/Formula: The Every Community Initiative team keeps track of outreach events in an Excel spreadsheet. The information collected in this tracker includes type of outreach event, audience, number of participants, and other relevant information that helps inform the reach of outreach efforts.

Definitions: N/A

Data Sources: Staff reports on outreach events in which they participate by speaking, presenting, exhibiting, sharing FTC resources, or providing a media interview.

Data Collection: Staff adds events to the tracker on an ongoing basis.

Data Limitations/Response: Budget restrictions might limit travel to in-person events and exhibiting costs. It is possible that the number of outreach events are much higher than reported, as staff may not recognize an event as related to Every Community or might not add events to the tracker.

Secondary Metric 1.4.4: Number of new organizations that partner with the FTC through the Community Advocate Center initiative.

Description: The FTC's Community Advocate Center initiative is aimed at partnering with community legal aid organizations to expand its outreach to lower-income communities to encourage them to report fraud and provide them with advice to help recover. The Community Advocate Center initiative provides a way for organizations that provide free and low-cost legal services to report fraud and other illegal business practices their clients have experienced directly to the FTC on behalf of their clients. By participating with the FTC's Community Advocate Center, organizations can connect members of their communities to specific, concrete steps they can take to try to get their money back.

Calculation/Formula: The number of new partners that sign up to participate in the Community Advocate Center at ReportFraud.ftc.gov/community.

Definitions: The Community Advocate Center provides member organizations with a link to file reports through the ReportFraud site. These reports are automatically tagged as coming from the member organization. This helps our investigators find these reports and helps the member organization track how many clients they are helping through our form.

Data Sources: Registrations for new organizations are processed and tracked through an online excel data sheet which includes the date and organization is approved and officially becomes a new member.

Data Collection: Every organization that submits a registration through our online portal is tracked on our member list excel sheet.

Data Limitations/Response: Every organization that joins has to go through our registration and approval process, so we would know every new member.

Metric 2.1.1: Total consumer savings and other measurable benefits generated through antitrust enforcement.

Description: This metric reports the estimated amount of money that the Commission saved consumers by acting against potentially anticompetitive mergers and business conduct. The number reported is a five-year "rolling average" (average of the current year and four prior year totals).

Calculation/Formula: When available, staff uses case-specific data to generate the estimate of consumer savings and other measurable benefits. Otherwise, staff uses a formula of three percent of the volume of commerce in the relevant geographic/product market(s) for two years. In order to create a balanced performance profile, performance is reported as a "rolling average" over five years, compensating for highly variable results in any individual year due to the influence of a few significant cases or the level of merger and nonmerger activity in that year.

Definitions:
- Consumer Savings and other measurable benefits: The estimated amount of money saved by U.S. consumers, workers, or others impact by anticompetitive mergers and business conduct as a result of FTC enforcement actions.
- Volume of Commerce: The size (in dollars) of the relevant geographic/product market(s) in which the FTC is attempting to maintain competition in a given case.
- Relevant Geographic/Product Market: The marketplace for the purchase and sale of a particular good, service or combination thereof, which is the focus of an FTC investigation.

Data Sources: The lead attorney estimates consumer savings and other measurable benefits for a particular case using either case-specific data or the applicable estimation formula developed by the Bureau of Economics. Staff economists review all attorney estimates for concurrence before they are used in reporting.

Data Collection: The data are entered into the BC Enforcement database by performance staff and reviewed monthly by analysts, attorneys, economists, and senior management.

Data Limitations/Response: The data are dependent on the estimates of consumer savings made by staff attorneys in accordance with the above procedures. In order to ensure accurate estimates, all staff attorney estimates are shared with staff economists for concurrence before being used in reporting.

Metric 2.1.2: Total consumer savings and other measurable benefits generated by antitrust enforcement action compared to the resources spent.

Description: This metric tracks the return on investment of the FTC's competition law enforcement spending. We compare the estimated consumer savings and other measurable benefits that the Commission saved consumers by acting against potentially anticompetitive mergers and business conduct to the amount spent on the merger and nonmerger programs. The amount reported is a five-year "rolling average" (average of the current year and four prior year totals).

Calculation/Formula: Estimated consumer savings generated under Metric 2.1.2 are divided by the amount of resources spent on merger and nonmerger law enforcement. When available, staff uses case-specific data to generate the estimate of consumer savings and other measurable benefits. Otherwise, staff uses a formula of three percent of the volume of commerce of the relevant product market(s) for two years. In order to create a balanced performance profile, performance is reported as a "rolling average" over five years, compensating for highly variable results in any individual year due to the influence of a few significant cases or the level of merger and nonmerger activity in that year.

Definitions:
- Consumer Savings and other measurable benefits: The estimated amount of money saved by U.S. consumers, workers, or others impact by anticompetitive mergers and business conduct as a result of FTC enforcement actions.
- Volume of Commerce: The size (in dollars) of the relevant geographic/product market(s) in which the FTC is attempting to maintain competition in a given case.
- Relevant Geographic/Product Market: The marketplace for the purchase and sale of a particular good, service or combination thereof, which is the focus of an FTC investigation.

Data Sources: The lead attorney estimates consumer savings and other measurable benefits for a particular case using case-specific data wherever possible, or the applicable estimation formula developed by the Bureau of Economics when case-specific data is unavailable. Staff economists review all estimates for concurrence before they are used in reporting. The FTC's financial management office provides the amount of resources expended on the competition law enforcement program on an annual basis.

Data Collection: The data are entered into the BC Enforcement database by performance staff and reviewed monthly by analysts, attorneys, economists, and senior management.

Data Limitations/Response: The data are dependent on the estimates of consumer savings and other measurable benefits made by staff attorneys in accordance with the applicable estimation formulas. In order to ensure accurate estimates, all staff attorney estimates are shared with staff economists for concurrence before being used in reporting.

Metric 2.1.3: Percentage of cases and investigations involving collaboration with BCP.

Description: This metric reports the percentage of full-phase investigations concluded in which the Bureau of Competition collaborated in some aspect(s) of the investigation, with FTC colleagues in the Bureau of Consumer Protection.

Calculation/Formula: The number of concluded full-phase investigations with inter-Bureau collaboration is divided by the total number of full-phase investigations concluded within the fiscal year period.

Definitions:
- Full-phase: Refers to any investigation, merger or nonmerger, in which the Commission either has issued a second request or has authorized staff to issue subpoenas and civil investigative demands to collect more information.

Data Sources: At the conclusion of each full-phase matter, the lead attorney assigned to the matter identifies whether inter-Bureau collaboration occurred during the pendency of the matter.

Data Collection: The data are entered into the BC enforcement database by performance staff and reviewed monthly by analysts, attorneys, economists, and senior management.

Data limitations/Response: The data are dependent on the determination made by each lead attorney of a full-phase investigation as to whether inter-bureau collaboration occurred in an investigation. Performance data is reviewed by Bureau management periodically.

Metric 2.1.4: Percentage of antitrust matters seeking significant remedial, precedential, or deterrent effects across the marketplace.

Description: This metric reports the percentage of concluded full-phase investigations that sought significant remedial action, or which were anticipated to have substantial precedential value or effectuate broad deterrence of future anticompetitive mergers or conduct.

Calculation/Formula: The number of concluded full-phase investigations identified as having sought significant remedial action, or which were anticipated to have substantial precedential value or effectuate broad deterrence is divided by the total number of concluded full-phase investigations during the fiscal year period.

Definitions:
- Full-phase: Refers to any investigation, merger or nonmerger, in which the Commission either has issued a second request or has authorized staff to issue subpoenas and civil investigative demands to collect more information.

Data Sources: On an annual basis, Bureau of Competition senior management review the full-phase investigations concluded during the fiscal year period and identify which cases sought significant remedial action, or which were anticipated to have substantial precedential value or effectuate broad deterrence of future anticompetitive mergers or conduct.

Data Limitations/Response: The dataset used for this metric relies on accurate entry of information on public and non-public actions for relevant investigations.

Metric 2.1.5: Percentage of full-phase investigations that (1) proceeded to litigation that ultimately halted or deterred lawbreaking or resulting in greater clarification of the law, or (2) ended when a merger was abandoned in anticipation of an FTC challenge.

Description**:** This metric reports the percentage of concluded full-phase investigations that either proceeded to a positive litigation outcome, or which ended when a merger was abandoned by the parties in anticipation of the Commission authorizing either federal court or administrative adjudication.

Calculation/Formula**:** The number of concluded full-phase investigations with successful litigation outcomes or with pre-litigation abandonments are divided by the total number of full-phase investigations concluded during the fiscal year period.

Definitions**:**
- Full-phase: Refers to any investigation, merger or nonmerger, in which the Commission either has issued a second request or has authorized staff to issue subpoenas and civil investigative demands to collect more information.
- Successful Litigation Outcome: Refers to a litigation decision affirming all or part of the Commission's complaint or a litigation concluded when the parties abandon their transaction after the issuance of a complaint.

Data Sources**:**
- Public Actions: The FTC's press releases are the primary source of information for public actions. Public actions include consent orders and litigated case outcomes.
- Non-Public Actions: Internal communications from staff attorneys are used to identify actions that are nonpublic. Non-public actions include investigations that were closed because parties abandoned or restructured a transaction or because staff determined that the transaction or conduct was unlikely to harm competition.

Information collected for this metric is stored in a database of enforcement information for the competition mission. This information is cross-referenced with data on second requests and compulsory process authorizations as recorded in the agency's matter management system of record.

Data Collection: The data are entered into the BC Enforcement database by BC performance staff and reviewed monthly by analysts, attorneys, economists, and senior management.

Data Limitations/Response: The dataset used for this metric relies on accurate entry of information on public and non-public actions for relevant investigations. The risk of inaccurate data entry can be mitigated by crosschecking information in the enforcement database with other systems of record. However, there is still a limitation that certain non-public actions may be overlooked in the reporting process, and thus not counted in this metric.

Secondary Metric 2.1.6: Total sales in the affected markets in which the Commission took merger and nonmerger enforcement actions.

Description: This metric demonstrates that the Commission's merger actions are guided in part by the size of the relevant product/geographic markets involved. It is important that the FTC use its resources in areas where it can achieve the most positive change. The number reported is a five-year "rolling average" (average of the current year and four prior year totals).

Calculation/Formula: The metric is calculated by taking the sum of the estimated volume of commerce in the relevant geographic/product market(s) in which the FTC took action for the current fiscal year plus the previous four fiscal years divided by five. Performance is reported as a five-year "rolling average," compensating for highly variable results in any individual year due to the influence of a few significant cases or the level of merger activity in that year.

Definitions:
- Volume of Commerce: The size (in dollars) of the relevant geographic/product market(s) in which the FTC is attempting to maintain competition in a given case.
- Relevant Geographic/Product Market: The marketplace for the purchase and sale of a particular good, service or combination thereof, which is the focus of an FTC investigation.

Data Sources: The lead attorney determines the volume of commerce for a particular case using publicly or internally (FTC) available information including company documents or evidence from the investigation. Staff economists review all attorney estimates for concurrence before they are used in reporting.

Data Collection: The data are entered into the BC Enforcement database by performance staff and reviewed monthly by analysts, attorneys, economists, and senior management.

Data Limitations/Response: The data are dependent on the estimated volume of commerce calculated using an applicable formula. In order to ensure accurate estimates, all staff attorney estimates are shared with staff economists for concurrence before being used in reporting.

Metric 2.2.1: Number of reports and studies issued on competition related topics.

Description: This metric reports competition policy-related activities such as Commission or staff research, reports, economic or policy papers, studies, or other significant antitrust guidance produced after substantive investigation, study, or analysis. These activities enhance the public's knowledge of competition issues and promote the adoption of policies based on sound competitive principles to the extent possible. Also included as part of this metric are reports to other federal agencies that report on the activities of the FTC.

Calculation/Formula: The metric is calculated by counting the number of reports, studies and policy statements issued by the FTC during a given fiscal year.

Definitions: N/A

Data Sources: Information on studies and reports on significant competition-related issues is taken from the press releases posted on FTC.gov.

Data Collection: BE notifies relevant staff in advance of publishing each BE competition-related report, study, or paper. At the end of each quarter, the website (noted above) is checked to verify and validate the data. Data are also verified and validated with BE, BC, and the Office of Policy Planning.

Data Limitations/Response: Review is necessary to ensure that all competition-related reports, studies and policy statements are identified.

Metric 2.2.2: Number of cases for which BE economists prepared to testify as expert witnesses in FTC antitrust enforcement actions.

Description: This metric is the number of cases for which BE economists (including economists, financial analysts, research analysts, statisticians, and other BE staff) prepared to testify as expert witnesses in FTC antitrust enforcement actions. This number is a measure of BE expertise developed through economic research related to competition analysis and represents not only the expertise of the testifying expert, but also the expertise of the BE economists and other staff that are supporting that expert.

Calculation/Formula: This metric is a count of the number of cases during the fiscal year for which a BE economist prepared to be a testifying expert for an antitrust enforcement action. The term "BE economist" refers to all BE staff members, including economists, financial analysts, research analysts, and statisticians.

Definitions: N/A

Data Sources: The performance data will be collected from the BE Weekly Report to the Commission. This report lists the cases for which a BE staff member is preparing to be a testifying expert witness. The list of cases for the report is provided each week by the BE Deputy Director of Antitrust and the Assistant Directors of the two BE antitrust groups.

Data Collection: The data will be collected weekly by the BE Performance Measure Reporting Official (PMRO) and calculated on an annual basis.

Data Limitations/Response: N/A

Metric 2.2.3: Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful.

Description: The FTC's competition advocacy takes many forms—including advocacy comments, amicus briefs, workshops, reports, and testimony. This metric evaluates the success rate for resolved competition advocacy comments and amicus briefs. Although the FTC is primarily a law enforcement agency, advocacy work is a cost-effective way to further the FTC's competition mission and allows the FTC to address situations where competition may be affected by the actions of public entities, including regulators and legislators.

To determine whether an advocacy comment or amicus brief is successful, staff waits for the relevant case, legislative process, or agency rulemaking to be fully resolved. Once resolved, the outcome is compared to the policy recommendations within the advocacy comment or the legal arguments set forth in the amicus brief. Advocacies are classified as successful, partially successful, moot, or unsuccessful based on the outcome achieved. We do not attempt to quantify or measure how much effect our advocacy had on the decision.

Calculation/Formula: All advocacies resolved during the fiscal year are classified as successful, partially successful, unsuccessful, or moot. Advocacies classified as moot are not counted. This metric is calculated as:
(# of successful advocacies + # of partially successful advocacies) /
(# of successful advocacies + # of partially successful advocacies + # of unsuccessful advocacies).

Definitions:
- Advocacy Comments: Formal letters or comments with policy recommendations sent to federal agencies, state legislators, state agencies and boards. Short letters that do not contain policy recommendations and other forms of advocacy, such as phone calls and meetings with decision makers, are not counted. International advocacy comments also are not counted here.
- Advocacy Matters/Advocacies: Refers to both advocacy comments and amicus briefs.
- Amicus Briefs: Court filings providing the FTC's recommendations in cases where the FTC is not a party. Only briefs signed by the Commission are included. Instances where significant informal input is provided to the Office of Solicitor General, which then files its own brief, are not counted.
- Moot: An advocacy is considered "moot" and not counted in the calculation if a matter is resolved without consideration of any of the issues upon which the FTC commented. For example, when the FTC submits an amicus brief, the court may resolve the case based on an independent issue that was not addressed in the FTC's brief. Comments on potential rulemakings may also be deemed moot if no proposed rule has been released after three or more years.
- Resolved: An advocacy is considered "resolved" when the relevant case/rulemaking/legislative process has run its course. More specifically:
  - Amicus briefs are considered resolved when no further relevant developments in the case are expected. Typically, this occurs after all appeals are exhausted or the parties settle.
  - Comments to rulemaking bodies are typically considered resolved when proposed rules are finalized.
  - Comments to legislative bodies are considered resolved when relevant legislation passes. If relevant legislation fails to pass after three years, the matter will be considered resolved, and will be counted as "successful" if the FTC's position opposed the legislation or "unsuccessful" if the FTC's position supported the legislation.
  Advocacies that are unresolved during the fiscal year are not counted in this metric, but may be counted in subsequent years if they become resolved during that time.
- Successful/Partially Successful: An advocacy is counted as "successful" if all or nearly all issues are resolved in accordance with the FTC's recommendations, and "partially successful" if some issues are resolved in accordance with the FTC's recommendations.
- Unsuccessful: An advocacy is counted as "unsuccessful" if all or nearly all issues are not resolved in accordance with the FTC's recommendations.

Data Sources:
- List of advocacy comments: www.ftc.gov/policy/advocacy/advocacy-filings
- List of amicus briefs: www.ftc.gov/policy/advocacy/amicus-briefs
- Feedback from advocacy recipients and publicly available information regarding the outcomes of advocacy matters (e.g., legislative materials, regulatory decisions, court decisions, news articles).

Data Collection: Staff in the Office of Policy Planning (OPP) tracks every advocacy filing during the fiscal year, as well as those advocacies not fully resolved in previous years. For each advocacy being tracked, staff collects information on resolution and policy outcomes from advocacy recipients and public web sites. Outcomes that are difficult to classify are discussed with the staff member who drafted the particular advocacy and the OPP Director. The OPP Director makes the final decision on borderline classification decisions. The full results are compiled into a yearly report called the Advocacy Scorecard, typically available six months after the close of the fiscal year.

Data Limitations/Response: Potential data limitations include the possibility of advocacies inadvertently not being counted and the potentially subjective nature of success classifications. OPP consults with relevant staff in OPP, OGC, and elsewhere within the agency, as appropriate, to ensure that no advocacies are missing from the count. To reduce subjectivity when determining success, OPP staff has developed a process memo that describes the process and criteria for determining success. Borderline cases are discussed with relevant staff and OPP management.

Metric 2.3.1: Percentage of FTC cases involving at least one substantive contact with a foreign antitrust authority in which the agencies followed consistent analytical approaches and reached compatible outcomes.

Description: The Office of International Affairs (OIA) strives to ensure appropriate cooperation on and coordination of investigations under parallel review by the FTC and foreign competition agencies. This metric gauges the effectiveness of the FTC's enforcement cooperation with foreign antitrust authorities pursuing parallel enforcement activities.

Calculation/Formula: # of FTC cases, with at least one substantive contact with a foreign antitrust agency, where the foreign agency is pursuing a case against the same company(ies) and where the agencies followed consistent analytical approaches and reached compatible outcomes / # of FTC cases where the FTC had at least one substantive contact with a foreign antitrust agency, where the foreign agency is pursuing a case against the same company(ies).

Definitions:
- Followed consistent analytical approaches: The core analytical approaches relied on by each of the cooperating reviewing agencies are based on accepted principles of competition law, economics, and policy.
- Reached compatible outcomes: the reviewing agencies' resolutions do not raise significant direct conflicts that impede each agency's desired outcome.

Data Sources: OIA weekly reports and internal tracking sheets.

Data Collection: OIA antitrust team members monitor and report on FTC matters in which substantive contact took place. Staff reviews and compiles the matters reported on a log maintained on an OIA shared drive. Managers review and ensure that the matters reported qualify for the metric and have not been previously counted. OIA senior management makes a final decision on compatibility for FTC measurement purposes based on their professional judgment.

Data Limitations/Response: Investigations may involve multiple agencies and may span more than one fiscal year, such that cooperation with different agencies on the same transaction may be accounted for in separate fiscal years. Data are captured at several different points within OIA including weekly reports and internal tracking sheets. Data are input by several different staff members. Management review is necessary to ensure both that the matters reported included substantive contact with a foreign antitrust authority and that the consistency of approaches and compatibility of outcomes are properly assessed.

Secondary Metric 2.3.2: Percentage of full investigations in which the FTC and other U.S. federal, state, and local government agencies shared evidence or information that contributed to FTC law enforcement actions.

Description: Due to the wide geographic impact of merger and nonmerger actions, it is important that the FTC share information and resources with other domestic federal, state, and local government agencies in the investigation and enforcement of competition cases. This indicator reports the number of full merger and nonmerger investigations concluded in a given fiscal year that involved information sharing with domestic federal, state, or local government agencies.

Calculation/Formula: This indicator is a count of the number of full merger and nonmerger investigations concluded that involved information sharing between the FTC and other U.S. federal, state, and local government agencies in which an enforcement action was taken.

Definitions:
- Full investigation: Refers to any investigation, merger or nonmerger, in which the Commission either has issued a second request or has authorized staff to issue subpoenas and civil investigative demands to collect more information.

Data Sources: Data on the full merger and nonmerger investigations concluded in a given year is derived from the BC Enforcement database underlying metric 2.1.1. Information on which investigations involved information sharing with federal, state, or local partners comes from the Office of the General Counsel which processes all investigation-related information sharing requests and maintains records of such actions.

Data Collection: Information on which investigations involved information sharing is collected from the Office of the General Counsel on a quarterly basis.

Data Limitations/Response: Careful review is necessary to ensure that all cases involving information sharing are identified.

Metric 2.4.1: Dollar value of harm from potentially anticompetitive conduct and transactions having an adverse economic impact of consumers, workers, and small businesses in historically underserved communities.

Description: This metric reports the percentage of consumer savings and other measurable benefits applicable to individuals who 1) are under the federal poverty line, or who 2) identify as Black, Hispanic, American Indian/Alaska Native, or Native Hawaiian/Other Pacific Islander in the relevant geographic markets of concluded, full-phase investigations.

Calculation/Formula: Zip-code level data on the above underserved communities as reported in the US Census is cross-referenced with relevant geographic market data uncovered during full-phase antitrust FTC investigations to determine the percentage of consumer savings and other measurable benefits applicable to individuals who belong to historically underserved communities.

Definitions:
- Full investigation: Refers to any investigation, merger or nonmerger, in which the Commission either has issued a second request or has authorized staff to issue subpoenas and civil investigative demands to collect more information.
- Historically Underserved Communities: For purposes of this metric, historically underserved communities refers to individuals who fall below the federal poverty line, and individuals who identify as Black, Hispanic, American Indian/Alaska Native, or Native Hawaiian/Other Pacific Islander.

Data Sources: Data on the relevant geographic markets in concluded full-phase antitrust matters is developed as part of the FTC's investigation. This information is then cross-referenced with socio-economic data and self-identified race/ethnicity data from the United States Census.

Data Collection: At the conclusion of full-phase antitrust matters, performance staff consult with staff economists in the Bureau of Economics to calculate the percentage of consumer savings and other measurable benefits applicable to individuals who belong to historically underserved communities.

Data Limitations/Response: US Census data is used as a proxy for the percentage of impacted populations who belong to underserved communities. Data from the US Census is not available for all underserved communities, so this metric reports on a key subset of historically underserved communities for which public data is available.

Metric 2.4.2: Percentage of populations impacted by actions taken to maintain competition who belong to historically underserved communities.

Description: This metric reports the percentage of populations who 1) are under the federal poverty line, or who 2) identify as Black, Hispanic, American Indian/Alaska Native, or Native Hawaiian/Other Pacific Islander in the relevant geographic markets of concluded, full-phase investigations.

Calculation/Formula: Zip-code level data on the above underserved communities as reported in the US Census is cross-referenced with relevant geographic market data uncovered during full-phase antitrust FTC investigations to determine the percentage of impacted populations who belong to historically underserved communities.

Definitions:
- Full investigation: Refers to any investigation, merger or nonmerger, in which the Commission either has issued a second request or has authorized staff to issue subpoenas and civil investigative demands to collect more information.
- Historically Underserved Communities: For purposes of this metric, historically underserved communities refers to individuals who fall below the federal poverty line, and individuals who identify as Black, Hispanic, American Indian/Alaska Native, or Native Hawaiian/Other Pacific Islander.

Data Sources: Data on the relevant geographic markets in concluded full-phase antitrust matters is developed as part of the FTC's investigation. This information is then cross-referenced with socio-economic data and self-identified race/ethnicity data from the United States Census.

Data Collection: At the conclusion of full-phase antitrust matters, performance staff consult with staff economists in the Bureau of Economics to calculate the relevant percentages of relevant geographic markets who belong to historically underserved communities.

Data Limitations/Response: US Census data is used as a proxy for the percentage of impacted populations who belong to underserved communities. Data from the US Census is not available for all underserved communities, so this metric reports on a key subset of historically underserved communities for which public data is available.

Metric 2.4.3: Percentage of actions taken to maintain competition where the merger or conduct was identified as adversely impacting historically underserved communities.

Description: This metric reports the percentage of full-phase investigations concluded with an action for which staff identified a likely adverse impact on one or more historically underserved communities during the course of its investigation.

Calculation/Formula: The percentage of concluded full-phase investigations with an action for which staff identified a likely adverse impact on one or more historically underserved communities is divided by the total number of concluded full-phase investigations with an action during the fiscal year period.

Definitions:
- Action: Refers to any successful enforcement actions taken other than closing an investigation. Examples include litigated victories, consent orders authorized, and transactions either abandoned or restructured due to antitrust concerns raised by the FTC.
- Historically Underserved Communities: For purposes of this metric, historically underserved communities refers to the list of impacted communities enumerated in the January 20, 2021 Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

Data Sources: Lead attorneys on concluded full-phase antitrust matters report whether an adverse impact on a historically underserved community was identified during the course of the FTC's investigation.

Data Collection: At the conclusion of each full-phase antitrust investigation with an action, performance staff ask lead attorneys to note whether an adverse impact on a historically underserved community was identified during the course of the FTC's investigation. This information is compiled entered into a database for performance reporting.

Data Limitations/Response: The dataset used for this metric relies on accurate entry of information on public and non-public actions for relevant investigations.

Metric 3.1.1: Audit opinion from the agency's independent financial statement auditors.

Description: FTC management is responsible for the preparation and fair presentation of annual financial statements in accordance with U.S. generally accepted accounting principles. As required by law, the FTC's financial statements are audited annually by independent auditors. The auditors will determine whether the annual financial statements and related notes present fairly, in all material respects, the assets, liabilities, and net position in accordance with U.S. generally accepted accounting principles. The ideal outcome is an unmodified opinion. Potential negative outcomes include a qualified or adverse opinion or a disclaimer from opinion.

Calculation/Formula: N/A

Definitions:
- Annual Financial Statements: The financial statements of a reporting entity as described in Section 3515 of Title 31 of the United States Code and OMB Circular No. A-136.
- Audit Opinions: The audit report will contain an opinion on the financial statements. Potential opinions include:
  - Unmodified opinion: the annual financial statements are fairly presented and conform to GAAP. Also referred to as an unqualified opinion.
  - Qualified opinion: the annual financial statements are fairly presented and conform to GAAP in most areas, but not all.
  - Adverse opinion: the annual financial statements are not fairly presented and do not conform to GAAP.
  - Disclaimer from opinion: the auditor has chosen not to present an opinion. This may happen if the auditors could not get access to all of the financial data.
- Generally Accepted Accounting Principles (GAAP): Standards of accounting set by the Financial Accounting Standards Board (FASB). For government agencies, relevant standards are identified in *Statement of Federal Financial Accounting Standards (SFFAS) 34: The Hierarchy of Generally Accepted Accounting Principles.*

Data Sources: Independent auditor's report of annual financial statements.

Data Collection: FTC's independent auditors render their opinion to the agency via an audit report produced each November. The report is sent to the FTC Inspector General, and a copy is published in the Agency Financial Report. Staff from FMO reports the relevant opinion from the audit report in the performance reporting system.

Data Limitations/Response: The burden of data collection for this metric is on the independent auditor, who must assess whether they have access to sufficient data to render an opinion. As our metric reports only on the result of the audit opinion, there are few data limitations, and if the auditor should not be able to render an opinion, we classify that as a missed target. It should be noted, however, that even an unmodified audit opinion is not a guarantee that financial statements are 100% accurate. The audit is also not a review of the agency's overall financial health, budget decisions, or effective use of funds.

Metric 3.1.2: Percentage of contract actions awarded within FTC's established procurement action lead time.

Description: The agency's Acquisitions Branch engages in the time-intensive process of awarding government contracts. To measure the efficiency of this work, this agency tracks the percentage of new contract actions awarded within established lead times. The lead time varies depending on the type of contract. Timely awarding of contracts is important to keep mission work moving forward.

Calculation/Formula: For all new contract actions awarded during the time frame, the percentage that were completed in equal or fewer days than the lead time for that type of contract action. Days taken to complete an action are calculated based on the PALT start date and the award date. The PALT varies for different types of contract actions:

Transaction Type	Lead Time
Expert Witness Contracts	15 days
New BPA Calls	38 days
New Contracts for Supplies on a GWAC	45 days
New Sole Source Contracts	60 days
New Contracts for Services on a GWAC	180 days
New Competed Contract on the Open Market	365 days

Only new awards are included in the calculation, not contract modifications.

Definitions:
- Award Date: PRISM data field for each contract that reflects the date the contract or BPA call is awarded. Contracts are considered awarded when CO has signed the PDF award document.
- PALT Start Date: date of publication of a solicitation by a contracting officer, such as a request for quotations (RFQ), request for proposals (RFP), or an invitation for bids (IFB). For calls placed against blanket purchase agreements (BPAs), in which the prices and delivery terms have been fixed, the PALT start date is based on the date the order is issued against the BPA.
- Procurement Action Lead Time (PALT): The amount of time needed for the Acquisitions Division to award a contract, order, or modification after receipt of an approved requisition and all necessary supporting documents.

Data Sources:
- Procurement Information System for Management (PRISM): the acquisitions system for requisition and contract writing. PRISM is used for all contracting actions and supports the entire procurement lifecycle, generating and maintaining procurement documentation.
- Oracle Business Intelligence (OBI): web accessible reporting tool for data analytics capability for data processed in Oracle, the FTC's financial system. Various metrics, including PALT, are tabulated and reported on OBI's dashboards.

Data Collection: OBI automatically pulls contract data from PRISM, and calculates the number of contracts within PALT. The relevant dates in PRISM are manually set by acquisitions contract specialists when preparing the contract award. The PALT start date is set by the contract specialist once the date of publication of a solicitation by a contracting officer, such as a request for quotations (RFQ), request for proposals (RFP), or an invitation for bids (IFB) is known. For calls placed against blanket purchase agreements (BPAs), in which the prices and delivery terms have been fixed, the PALT start date is based on the date the order is issued against the BPA. The award date is set, as required by the system, to the current date when creating the award. The contract specialist then updates the award date once the award document has been signed by the vendor and CO. The CO at the end of the process approves the contract records and checks that the dates in PRISM and on award document match.

Data Limitations/Response:
- Dates are manually tracked.
- Some delays may be caused by the program office and are not the fault of acquisitions.
- The PALT percentage does not show how late contracts are that aren't awarded within PALT.

Metric 3.1.3: Percentage of contract dollars awarded to small disadvantaged businesses.

Description: The federal government strives to ensure small businesses, not just large corporations, are capable of winning federal contracts. The FTC typically awards over $90 million in contracts each year to private companies for supplies and services needed to complete its work. This metric tracks the percentage of FTC contract dollars that are awarded to companies that classify as small (as measured in annual receipts and number of employees) and disadvantaged (owned by persons who are socially and economically disadvantaged), as classified by the Small Business Administration.

Calculation/Formula: Total dollar value of obligations (and deobligations) during the fiscal year for contract recipients categorized as "small disadvantaged business" or as "self-certified small disadvantaged business" in SAM, divided by the total dollar value of obligations (and deobligations) during the fiscal year for all contract recipients.

Definitions:
- Obligation: A definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received, or a legal duty on the part of the United States that could mature into a legal liability by virtue of actions on the part of the other party beyond the control of the United States. Payment may be made immediately or in the future. For purposes of this metric, the FTC incurs these obligations when signing contracts.
- Small Disadvantaged Business: "A Small Disadvantaged Business (SDB) for purposes of any Federal subcontracting program is a concern that qualifies as small under part 121 of this title for the size standard …, and that is owned and controlled by one or more socially and economically disadvantaged individuals. … A firm may represent that it qualifies as an SDB for any Federal subcontracting program if it believes in good faith that it is owned and controlled by one or more socially and economically disadvantaged individuals." 13 C.F.R § 124.1001 (2022)

Data Sources:
- SAM.gov: https://sam.gov/. The System for Award Management (SAM.gov) is an official government website where vendors register to do business with the U.S. government.
- SBA page on Small Disadvantaged Businesses: https://www.sba.gov/federal-contracting/contracting-assistance-programs/small-disadvantaged-business.
- USAspending.gov: https://www.usaspending.gov/. the official source for spending data for the U.S. Government. The site serves as public access point for contracting data pulled from the Federal Procurement Data System Next Generation (FPDS-NG).

Data Collection:
Data is manually downloaded from USAspending.gov, using the Custom Award Data option to downloaded for data for all prime awards, for the FTC, with action dates in specific fiscal years. Staff then uses a pivot chart to calculate the total obligations for a fiscal year, and the total for small disadvantaged businesses.

Data Limitations/Response:
- The FTC does not independently verify the accuracy of supplier classifications in SAM.
- FPDS data may have errors.

Metric 3.1.4: Number of training and information offerings to staff on climate literacy and resilience topics.

Description: The FTC's Climate Action Plan, established in FY 2021, calls for enhancing FTC employees' understanding of how climate change impacts the FTC, and to promote educational resources and opportunities for those employees where an understanding of climate resilience or climate change is integral to their work. The FTC will launch a voluntary series of activities in FY 2022 and will track training, educational products, and related activities. OCASO's Communications and Information Management branch is responsible for implementing FTC's Climate Adaptation Action to improve climate literacy.

Calculation/Formula: OCASO's Communications and Information Management Branch will report the number of unique training sessions, educational products, and other activities to improve FTC employees' understanding of climate adaptation, climate resilience or climate change. Those other activities may include developing informational sites in SharePoint, providing informational posts in the FTC's newsletter, and providing training opportunities.

Definitions: N/A

Data Sources: OCASO's office records, FTC Daily posts, and other OCASO tracking tools will be used.

Data Collection: Data will be manually recorded
 and OCASO's Communications and Information Management Branch will provide a monthly list of OCASO's Resources and Project Management Group or other documentation (including copies of posts, description of training, dates posted or provided).

Data Limitations/Response: Data will be manually recorded i, consequently timeliness and accuracy can be negatively affected in manual record keeping. Review of data by OCASO's Resources and Project Management branch will ensure data are complete and accurate.

Secondary Metric 3.1.5: Number of FOIA requests received, processed, and the cost of FOIA litigation.

Description: This metric tracks the number of incoming Freedom of Information Act (FOIA) requests, the number of requests processed by the FTC's FOIA team, and the cost of litigation related to FOIA requests. While the number of incoming FOIA requests is out of the FTC's control, the FOIA team strives to respond to each request within statutory deadlines.

Calculation/Formula:

Number of FOIA requests: This number is tracked and compiled through FOIAXPress software and is also shared with the Department of Justice Office of Information Policy as part of the FTC's Annual FOIA Report.

Number of FOIA requests processed: This number is tracked and compiled through FOIAXPress software and is also shared with the Department of Justice Office of Information Policy as part of the FTC's Annual FOIA Report.

Cost of FOIA litigation: This amount is calculated by multiplying the annual salaries of FOIA team members with the estimated percentage of their work time devoted to FOIA litigation.

Definitions: N/A

Data Sources:

- FOIAXPress
- Federal OPM Paycharts (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2023/general-schedule/)
- Information derived from regular workload and team management data

Data Collection:

The first two data points are collected as part of the data collection process for the FTC Annual FOIA report.

The estimated litigation cost is collected based on observations and information provided by litigation teams. See also the attached spreadsheet providing the calculations supporting this estimate.

Data Limitations/Response: The estimated cost of litigation rests on observations and information provided by litigation teams and therefore is self-reported and anecdotal. The results for this year's data – which show the costs of FOIA litigation more than doubling – are consistent with the fact that the FOIA Unit is facing a substantially higher litigation burden than in any previous period, with 5-6 litigation matters active at points through the year.

Metric 3.2.1: Annual score on the FEVS Employee Engagement Index.

Description: This metric tracks the Employee Engagement Index (EEI) of the Federal Employee Viewpoint Survey (FEVS), an annual survey of federal employees conducted by the Office of Personnel Management (OPM). The index gauges the extent to which employees believe that management listens and provides meaningful support and feedback in various areas that assist staff in supporting the overall mission of the agency. The index is based on FEVS questions that assess three sub-factors: perceptions of agency leadership, relationships between workers and supervisors, and feelings of motivation and competency.

Calculation/Formula: The FEVS EEI measures conditions important to supporting employee engagement through responses to 20 questions across the three sub factors. OPM calculates an agency Index score based on responses to these 20 questions.

Definitions:
- FEVS: The FEVS is annual online survey of all Federal agencies conducted by the Office of Personnel Management. It is a tool that measures employees' perceptions of whether, and to what extent, conditions that characterize successful organizations are present in their agencies. The FEVS is offered to a sample of full-time and part-time, permanent, non-seasonal employees of federal agencies that accept an invitation to participate in the survey.

Data Sources: Data are collected from the Federal Employee Viewpoint Survey (FEVS). The Office of Personnel Management conducts the survey annually, typically in late spring and early summer.

Data Collection: Data are collected and compiled automatically. Government-wide and agency results are provided by the OPM in the fall following survey administration.

Data Limitations/Response: The FEVS is voluntary not mandatory, therefore data are limited to federal employees who decide to complete the survey. The Human Capital Management Office (HCMO) will continue to market the FEVS throughout the FTC and encourage employees to complete the survey.

Metric 3.2.2: Annual score on the FEVS Global Satisfaction Index.

Description: This metric tracks the Global Satisfaction Index of the Federal Employee Viewpoint Survey (FEVS). Measuring the overall job satisfaction of FTC employees provides managers with important information regarding employees' general satisfaction with their organization and the work they do. Overall job satisfaction is closely correlated with employee retention.

Calculation/Formula: The FEVS automatically calculates an agency Global Satisfaction Index score.

Definitions:
- FEVS: The FEVS is an annual online survey of all federal agencies conducted by the Office of Personnel Management. It is a tool that measures employees' perceptions of whether, and to what extent, conditions that characterize successful organizations are present in their agencies. The FEVS is offered to a sample of full-time and part-time, permanent, non-seasonal employees of federal agencies that accept an invitation to participate in the survey.

Data Sources: Data are collected from the FEVS. The Office of Personnel Management conducts the survey, typically in the late spring and early summer.

Data Collection: Data are collected and compiled automatically. Government-wide and agency results are provided by the Office of Personnel Management in the fall following survey administration

Data Limitations/Response: The FEVS is voluntary not mandatory, therefore data are limited to federal employees who decide to complete the survey. HCMO will continue to market the FEVS throughout the FTC and encourage employees to complete the survey.

Metric 3.1.3: Annual score on the FTC Diversity and Inclusion Index.

Description: This metric tracks the Diversity, Equity, Inclusion, and Accessibility (DEIA) Index of the Federal Employee Viewpoint Survey (FEVS). This new index was established by OPM in 2022 to measure diversity, equity, inclusion, and accessibility in the workforce.

Calculation/Formula: To calculate results for this metric, the FTC will use the average result from diversity and inclusion questions on the FEVS. HCMO will average the results of these questions to determine a Diversity and Inclusion Index for the FTC. The result will be equal to the weighted percentage of respondents choosing "Strongly Agree" or "Agree."

Definitions:
- FEVS: The FEVS is an annual online survey of all federal agencies conducted by OPM. It is a tool that measures employees' perceptions of whether, and to what extent, conditions that characterize successful organizations are present in their agencies. The FEVS is offered to a sample of full-time and part-time, permanent, non-seasonal employees of federal agencies that accept an invitation to participate in the survey.

Data Sources: Data are collected from the FEVS. OPM conducts the survey, typically in late spring and early summer.

Data Collection: When FEVS results for agencies are released, HCMO staff will gather the results from the subject questions and calculate a performance result for this metric.

Data Limitations/Response: The FEVS is voluntary and not mandatory. Therefore, data are limited to federal employees who decide to complete the survey. HCMO will continue to market the FEVS throughout the FTC and encourage employees to complete the survey. The calculation of the Diversity and Inclusion Index is done manually. Consequently, there is a risk of human error. Data and results will be reviewed for accuracy and completeness before results are reported.

Metric 3.2.4: Percentage of people with disabilities in the FTC workforce.

Description: Each agency in the Executive Branch of the federal government has established programs to facilitate the hiring, placement, and advancement of individuals with disabilities. Calculation of the percentage of people with both disabilities and targeted disabilities in the FTC workforce allows the agency to track the success of these programs. This metric shows the FTC's progress toward the U.S. Equal Employment Commission's (EEOC) target for federal agencies to have 12% of a federal agency's workforce be persons with disabilities, and 2% of a federal agency's workforce be persons with targeted disabilities.

Calculation/Formula: Calculation will be made by dividing the number of employees with self-identified disabilities plus those with targeted disabilities by the total number of FTC employees.

Definitions:
- An individual with a disability: A person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. This definition is provided by the Rehabilitation Act of 1973, as amended (29 U.S.C. 701, et seq.).
- Targeted disabilities: Disabilities specified on the OPM Standard Form SF-256 as "targeted", which include deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortions of limbs and/or spine.

Data Sources: FTC employees voluntarily self-report data related to their disabilities which is input by HCMO into a database maintained by IBC, the FTC's service provider. IBC uses Oracle Analytics and provides a quarterly report of Disability Status by the 15th of the month after the close of each quarter.

Data Collection: FTC employees are requested to voluntarily self-identify disabilities during onboarding of new staff. Employees can update or modify their self-identification of disabilities at any time. HCMO staff collect the IBC's Oracle Analytics report to calculate percentages.

Data Limitations/Response: Self-identification of disabilities is voluntary and not mandatory. Therefore, data are limited to federal employees who decide to provide the information. HCMO will continue to request the information and encourage employees to self-identify disabilities.

Metric 3.2.5: Percentage of people with targeted disabilities in the FTC workforce.

Description: Each agency in the Executive Branch of the federal government has established programs to facilitate the hiring, placement, and advancement of individuals with disabilities. Calculation of the percentage of people with targeted disabilities in the FTC workforce allows the agency to track the success of these programs. Self-identification of targeted disability status is essential for effective data collection and analysis of the FTC's efforts. While self-identification is voluntary, employee cooperation in providing accurate information is critical to these efforts. Every precaution is taken to ensure that the information provided by each employee is kept in the strictest confidence.

Calculation/Formula: Calculation will be made by dividing the number of employees with self-identified targeted disabilities by the total number of FTC employees.

Definitions:
- Targeted disabilities: Disabilities specified on the OPM Standard Form SF-256 as "targeted," which include deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limbs and/or spine.

Data Sources: FTC employees voluntarily self-report data related to their targeted disabilities which is input by HCMO into a database maintained by IBC, the FTC's service provider. IBC uses Oracle Analytics and provides a quarterly report of Disability Status by the 15th of the month after the close of each quarter.

Data Collection: FTC employees are requested to voluntarily self-identify targeted disabilities during onboarding of new staff. Employees can update or modify their self-identification of targeted disabilities at any time. HCMO staff collect the IBC's Oracle Analytics report to calculate percentages.

Data Limitations/Response: Self-identification of targeted disabilities is voluntary and not mandatory. Therefore, data are limited to federal employees who decide to provide the information. HCMO will continue to request the information and encourage employees to self-identify targeted disabilities.

Secondary Metric 3.2.6: Average number of days from job vacancy closing to making a tentative offer for new hires.

Description: This metric tracks the average number of days from job vacancy closing to making a tentative offer for new hires. Performing the hiring process in a timely manner enables the FTC to continue to meet its mission by filling vacant positions with qualified persons as quickly as possible. Making timely hiring decisions increases the likelihood that the agency will be able to recruit qualified, top candidates.

Calculation/Formula: Average days will be calculated by averaging the time it takes to issue a tentative offer for each vacancy that is closed (i.e., the time between the day after a vacancy closes and the date a tentative offer is issued divided by the number of certificates issued during the fiscal year). A job announcement may generate multiple certificates. The total number of certificates will be used in the calculation. Exclusions include any jobs where the final offer was not made and any job offers that were made outside of the reporting quarter. Economist positions, which have a specialized hiring process, are excluded from this average.

Definitions:
- USA Staffing Hiring Management System: The USA Staffing Hiring Management System (USA Staffing) is an applicant-tracking solution that automates the federal hiring process while ensuring regulatory compliance. The system assists federal HC specialists as they recruit, assess, select, and hire the best candidate to fill a vacancy.
- Workforce Transformation and Tracking System: The Workforce Transformation and Tracking System (WTTS) is an automated system that monitors agency hiring activity from end-to-end and assists in planning, reporting, and tracking all agency hiring activities for prospective and actual hires.

Data Sources: WTTS and USA Staffing. Automated reports are available from the aforementioned systems. However, the HC Operations POC provides data with filtered/exclusionary criteria.

Data Collection: The data are collected via automated systems. However, HCMO Staffing Specialists are responsible for data integrity by ensuring that information is accurate and updated as agency staffing actions progress.

Data Limitations/Response: While USA Staffing and WTTS are robust systems, both systems rely on accurate and timely updates to hiring actions provided by HCMO Staffing Specialists. Data will be reviewed internally in HCMO for accuracy and completeness before they are reported.

Metric 3.3.1: Percentage of FTC IT systems hosted outside of the FTC's data center.

Description: The FTC intends to move most of its information systems and services to externally hosted environments to comply with Federal requirements for migrating to cloud solutions and away from in-house data centers and improve availability, performance and security. This metric tracks the number of systems hosted outside the FTC's Enterprise Data Center.

Calculation/Formula: Percentage of FTC systems hosted outside the FTC's data center = Number of information systems in the FTC information system inventory classified as cloud-based or Federal Shared Services /Total number of information systems in the FTC information system inventory.

Definitions:
- Information system: A discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information (44 U.S.C., Sec. 3502)
- Cloud computing: a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction (NIST Special Publication 800-145)
- Data center: a facility that centralizes an organization's shared IT operations and equipment for the purposes of storing, processing, and disseminating data and applications. FTC's Enterprise Data Center consists of our main Data Center hosted in the FTC Headquarters Building and a secondary data center located in our satellite DC location at Constitution Center.
- Federal Shared Service Provider: the provider of a technical solution and/or service that supports the business of multiple agencies using a shared architecture (OMB IT Budget Capital Planning Guidance)

Data Sources: The primary data source for this metric is the Cyber Security Assessment and Management (CSAM) application, an application managed and provided by the Department of Justice and used by FTC to collect and automate the assessment and authorization of information systems. CSAM is FTC's official repository for our information system inventory.

Data Collection: Per FTC policy and procedure, the OCIO's Continuous Assurance Branch adds new information systems upon notification from information system security officers (ISSOs) or other stakeholders that a new information system has been acquired. The inventory is reviewed and validated annually to determine if the system is still in use and whether the classification and system type is still accurate.

Data Limitations/Response: While CSAM automates and documents the information system inventory in a repeatable and auditable way, the information is still dependent on the ISSOs and other stakeholders to keep updated. The FTC continues to mature our data collection practices and information system inventory procedures to ensure information stored in CSAM is accurate and updated regularly.

Metric 3.3.2: Availability of information technology systems.

Description: Information technology systems must be available and accessible to support the FTC mission. Lack of availability and accessibility severely constrains employees' and managers' ability to serve the public and stakeholders. This metric tracks service outages and monitors the uptime of critical information technology (IT) and end user services, as well as the agency's infrastructure backbone, including:

- Email
- FTC-specific applications and systems
- Wireless services
- Internet
- Intranet
- Phone and Voicemail
- Wide Area Network
- Litigation support applications and systems
- Economic support systems
- Remote access

Calculation/Formula: Service Availability = Minutes in the reporting period – Minutes of unplanned outages / Minutes in the reporting period for IT and end user services under FTC responsibility. The availability of each service is calculated separately, and a weight is applied to each service based on an approximate number of users impacted by an outage. The separate availability numbers are combined into the reported availability figure.

Definitions: Outage: Refers to a period of time that an IT service or system fails to provide or perform its primary function.

Data Sources: There are several primary data sources for this metric: (1) the FTC Enterprise Service Desk records system; (2) user service and infrastructure monitoring tools; and (3) FTC's IT Change Management records system.

Data Collection: Unplanned outage data are collected by through a spreadsheet maintained by OCIO staff. OCIO performance staff obtain all of the outage data and verify outage timeframes by correlating outages to system alerts and infrastructure monitoring tools.

Data Limitations/Response: The agency uses a manual tracking process to record the outage data and is primarily reliant on staff reporting outages. The agency continues to increase the usage of automated infrastructure and application monitoring tools and configure these tools to provide useful and proactive reporting and alerts.

Metric 3.3.3: Annual score on the FTC Cybersecurity Index.

Description: This metric monitors the agency's progress in achieving multiple critical cybersecurity metrics, each of which measures the agency's cybersecurity posture and strength in protecting the confidentiality, integrity, and availability of information systems. The cybersecurity metrics that go into this Index are:

- % of major system internal users using phishing resistant authenticators
- % for the total of major systems where the desired state host inventory matches the actual state host inventory
- % GFE host listed in the desired state host Endpoint Detection and Response (EDR) software inventory matching the actual state host EDR software inventory
- % GFE host listed in the desired state host Application Control inventory matching the actual state host Application Control software inventory
- % GFE host listed in the desired state host Zero Trust Private Access (ZPA) software inventory matching the actual state host ZPA software inventory
- % GFE host listed in the desired state host Data Loss Detection or Prevention (DLD or DLP) software inventory matching the actual state host DLD/DLP software inventory
- % GFE host listed in the desired state host credential vulnerability scan inventory matching the actual state host credential vulnerability scan inventory
- % GFE host listed in the desired state host log forwarding inventory matching the actual state host log forwarding inventory

Calculation/Formula: Targets are established for each of the eight cybersecurity metrics and the performance of each one is calculated separately. The total number of metrics that meet their target establishes the Index Score, e.g., 6 of 8. The calculations for each metric are as follows:

- % of internal users using phishing resistant authenticators: This is the count of internal system users using phishing resistant authenticators divided by the total number or internal system users. The total is then multiplied by 100 to get the percentage for that system
- Remaining Metrics: The calculation for metrics 2 through 8 is the desired state specification (host, software, or configuration) count minus the absolute value of the desired state specification count minus the actual state specification count, divided by the desired state specification count and the total multiplied by 100. For example, If the desired state host count is 100, but the actual state host count (host or application) is 110, the metric is calculated as follow:

$$((100 – (|100-110|)) / 100) * 100 = \quad 90\%$$
$$((100-10)/100) * 100 \quad = 90\%$$
$$(90/100) * 100 \quad = 90\%$$

Definitions:

- GFE: Government Furnished Equipment.
- Phishing resistant authenticator: an authenticator designed to detect and prevent disclosure of authentication secrets and outputs to a website or application masquerading as a legitimate system. Examples authenticators include PIV, FIDO2, and Web Authentication-based authenticators (Source: OMB M-19-17, OMB M-22-09).
- Desired State: A defined value, list, or rule (specification) that a) states or b) allows the computation of the state that the organization desires in order to reduce information security risk (Source: NIST IR 8011-1).
- Actual State: The observable state or behavior of an assessment object (device, software, person, credential, account, etc.) at the point in time when the collector generates security-related information. In particular, the actual state includes the states or behaviors that might indicate the presence of security defects (Source: NIST IR 8011-1).

Data Sources: OCIO's Information Security Continuous Monitoring (ISCM) program, which uses a number of automated systems and reporting mechanisms to collect the data necessary to compile the statistics listed. These systems include vulnerability scanners, directory services, and patch management systems.

Data Collection: The FTC's progress against these targets is tracked manually by OCIO, after aggregating the information from automated systems and manual tracking. OCIO performance staff collects the relevant data to calculate the FTC Cybersecurity Index score.

Data Limitations/Response: The agency uses both automated and manual tracking processes for these metrics; the FTC is working on processes and reporting mechanisms to increase the automation. Manual reporting is reviewed in order to ensure accuracy and completeness. Additionally, the metrics used to develop this score may need to change over time as the agency's cybersecurity program evolves and new Federal guidance or mandates are released.

Metric 3.3.4: Meet project milestones for developing an agency email records schedule and associated email capture and management process.

Description: As most recently articulated in OMB Memorandum M-19-21, Transition to a Fully Electronic Government, federal agencies are required to move towards electronic information resource management and electronic recordkeeping. Various reviews of the FTC's internal processes have identified email management and records schedules as significant weaknesses in the FTC's records management program. Staff is working on the development of an email records schedule and associated process to capture and identify email records and dispose of these records in accordance with the appropriate retention schedule. This metric tracks progress on this important project.

Calculation/Formula: Success will be determined based upon achievement of set project milestones, which are laid out in the Annual Performance Plan.

Definitions:
- NARA: The National Archives and Records Administration.
- Capstone: the records management approach recommended by NARA for emails.
- Capstone official refers to a senior official within a federal agency, as designated by account level or by email address, whether the address is based on an individual's name, title, a group, or a specific program function.

Data Sources: Achievement shall be determined based upon completion of the milestones within the timeframe required.

Data Collection: Approval of the email records schedule is determined by NARA and is verified by publication of the records schedule in the Federal Register.

Data Limitations/Response: Certain milestones are contingent upon the timely receipt of responses from Bureau/Office staff. Additionally, the agency's ability to implement an email records schedules is subject to NARA's approval.

Metric 3.3.5: Meet project milestones for developing and implementing an agency wide approach for managing Controlled Unclassified Information (CUI).

Description: Federal agencies are required to standardize the designation of confidential yet unclassified information, or CUI, in accordance with 32 CFR 2002, *et seq*. Designation of this information in a standard manner assures federal agencies that CUI will consistently be handled properly. The agency's CUI Working Group has been working to implement an agency-wide program. This metric tracks progress on this important project.

Calculation/Formula: Success will be determined based upon achievement of set project milestones, which are laid out in the Annual Performance Plan.

Definitions: N/A

Data Sources: Achievement shall be determined based upon completion of the milestones within the timeframe required.

Data Collection: The CUI Working Group will collect the data and verify completion. Data can be collected and incorporated into the meeting minutes of the CUI Working Group and in documentation generated as a result of the milestones. Such documentation will be preserved and maintained in the CUI Working Group's SharePoint site.

Data Limitations/Response: Evaluation milestones are contingent upon the timely receipt of responses from Bureau/Office staff. Regular communication and reminders to staff, as well as the use of negative option review processes, will ensure continued progress towards achieving these milestones.