



Federal Trade Commission Chief FOIA Officer Report

March 2021

**Federal Trade Commission
2021 Chief FOIA Officer Report**

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Federal Trade Commission 2021 Chief FOIA Officer Report

Elizabeth Tucci, Deputy General Counsel for Legal Counsel and Chief FOIA Officer

INTRODUCTION

The Federal Trade Commission (FTC) is an independent law enforcement agency established in 1914. The FTC's dual mission is to promote competition and protect consumers in broad sectors of the economy. The FTC's work is performed by the Bureaus of Consumer Protection, Competition, and Economics. That work is aided by seven regional offices and a number of program offices.

The FTC administers its FOIA program through its Office of General Counsel. The FOIA program employs five attorneys and five government information specialists, with occasional support of contractors and other staff, and processes all record requests made to the agency. As Chief FOIA Officer for the FTC, I am pleased to report that the FOIA program continues to improve its administration of FOIA. In Fiscal Year (FY) 2020, the FTC set a goal to decrease the delays in FOIA request processing. To do so, the FTC's FOIA professionals developed and conducted training for all of the agency's FOIA liaisons on how to identify responsive records. Immediately, delays in receiving records from FOIA liaisons significantly decreased. As a result, the FTC processed approximately 1,208 FOIA and Privacy Act requests and had only two backlogged requests at the end of FY2020. Other FOIA successes and initiatives undertaken since FY 2019 include:

- The agency closed 50 of the 62, or over 80%, of the requests pending at the end of FY2019.
- The FTC continued its strong performance in the first quarter of FY2020. Specifically, the agency received 307 FOIA requests in the first quarter of FY2020 of which, over 60% are complex requests, and it processed and issued final responses to 289 requests.
- The agency continued its strong performance despite the challenges of mandatory telework during much of FY 2020. The agency adapted its external and internal processes by, inter alia, encouraging requesters to submit their requests online, and holding regular bi-weekly staff meetings via Webex.

Section I: Steps Taken to Apply the Presumption of Openness

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

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

A. FOIA Leadership

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

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

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

Answer: Elizabeth Tucci, Deputy General Counsel for Legal Counsel.

B. FOIA Training

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. *See* 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

Answer: Due to the COVID-19 pandemic, we were unable to offer in-person FOIA trainings as we have in the past. However, the lead FOIA Attorney conducted individual virtual trainings for incoming office liaisons across the agency. These virtual training courses provided liaisons with the knowledge and support they needed to conduct proper searches for files and understand the overall FOIA process. Finally, the FOIA office created streamlined training manuals and condensed FOIA reference guides for distribution throughout the agency in 2020.

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

Answer: Yes, FOIA professionals and personnel both attended and conducted FOIA training during this reporting period.

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

Answer: The FOIA office offered a variety of different training sessions in the form of in-person and conference-call briefings to numerous FTC employees who are working on FOIA cases. Several FOIA professionals also attended the following DOJ/OIP courses:

- *Introduction to the Freedom of Information Act* (November 2019); and
- *FOIA Best Practices Workshop* (April 2020).

FOIA staff trained each new FOIA liaison. The FOIA liaisons are responsible for ensuring staff in their FTC unit conduct proper FOIA request document searches in the timeframe requested by the FOIA office. FOIA staff instruct the liaisons on best practices for records management and the FOIA process generally.

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

Answer: Approximately 100%.

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

Answer: N/A

C. Outreach

8. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

Answer: Each FOIA staff member handling requests provides his or her direct telephone number to the requester in the acknowledgment, extension, and response letters. Additionally, individuals can contact the FTC’s FOIA Hotline (at 202-326-2430) with questions and our FOIA email inbox (FOIA@FTC.GOV). The FTC also provides contact information for its Chief FOIA Officer and FOIA Public Liaison online (at <https://www.ftc.gov/about-ftc/foia/freedom-information-act-contacts>). Through these avenues, the FOIA Office routinely communicates with requesters and other members of the public on an individual basis, and is available to answer questions regarding FOIA policies or procedures.

D. Other Initiatives

9. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff?

Answer: The FTC Office of General Counsel (OGC) and its FOIA office engage in ongoing conversations with agency staff on FOIA matters, making every effort to inform non-FOIA professionals of their obligations under the Act. The Assistant General Counsel who oversees the FOIA program provides a FOIA briefing at each New Employee Orientation seminar. In addition, the FOIA Team Lead has held agency-wide training and individual training on FOIA best practices.

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

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

10. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Answer: Pursuant to the principles set forth in OMB's 2009 Open Government Directive and the U.S. Chief Information Office's 2016 Open Plan Guidance, the FTC created its [Open Government Plan](#). In keeping with that plan, the FTC has taken and continues to take steps to improve its transparency and enable customers and website visitors to more easily locate information. For instance, the FTC has made available online: [business guidance](#), [economic reports](#), [speeches](#), consumer [robocall complaints](#), [FOIA responses](#), and a wide range of other information and datasets that would otherwise require a FOIA request to access. More information is available at <https://www.ftc.gov/site-information/open-government>.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

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

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

1. For Fiscal Year 2020, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2020 Annual FOIA Report.

Answer: 6.6 days.

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

Answer: N/A.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP's website for all agencies to use.

Answer: Yes. The FTC's FOIA program continually conducts self-assessments of its timeliness in processing requests and the quality of its responses and customer service. In addition to reviewing the FTC FOIA Annual and Quarterly Report data to identify areas where the program might need to streamline and improve its processing procedures, the FOIA team generates biweekly management reports and holds biweekly staff meetings to, among other things, discuss backlogged and complex requests, strategize solutions, and identify areas in need of improvement. During the reporting period, the FOIA program identified several such areas, and as a result, undertook steps to improve its FOIA processing or procedures. Among other changes that were made, a number of FOIA response templates and language were revised to accord with case law and agency policy.

4. Standard Operating Procedures (SOPs): Having SOPs can improve the consistency and quality of an agency's FOIA process. In addition, describing an agency's standard practices for handling FOIA requests on agency FOIA websites can help requesters better understand how their request will be handled.

- a) Does your agency have SOPs that outline general processes for handling FOIA requests and appeals?

Answer: Yes.

- b) If not, does your agency have plans to create FOIA SOPs?

Answer: N/A.

- c) If yes, how often are they reviewed/updated to account for changes in law, best practices, and technology?

Answer: The FTC consistently ensures that the agency's FOIA website accurately reflects the FOIA procedure and any recent developments in technology or FOIA court decisions. The agency also provides a Frequently Asked Questions (FAQ) page to address any recurring concerns or recent updates.

- d) In addition to having SOPs, does your agency post or otherwise describe your standard processes for handling requests on your website?

Answer: Yes, the agency describes the FOIA process on the FTC website available here: <https://www.ftc.gov/about-ftc/foia>.

5. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2020 (please provide a total number or an estimate of the number).

Answer: Approximately 55 times.

6. Does your agency frequently receive common categories of first-party requests? If so, please describe the types of requests and if your agency has explored establishing alternative means of access to these records outside of the FOIA process?

Answer: Yes. Many of the first party-requests that the FTC receives are requests for copies of consumer complaints that consumers submit to the agency. Although the FTC has explored alternative means of providing consumers with copies of their complaints, we have yet to identify a secure and efficient solution.

7. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Answer: Yes.

8. Please explain how your agency worked to mitigate the impact of the COVID-19 pandemic on FOIA processing. Examples could include, but are not limited to: altering workflows, implementing new technology, providing notices and instructions or otherwise communicating directly with requesters.

Answer: The agency worked to mitigate the impact of the COVID-19 pandemic by updating our website to inform the public of different avenues in which to submit FOIA requests and contact our office. For example, understanding that mandatory telework would delay responses to mail-in requests, the agency updated its website to alert the public and provide other avenues of submission, including the FOIA email inbox (FOIA@FTC.GOV) and the Public Access Link (PAL).

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

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

- Utilizes a web-based FOIA processing system (FOIAXpress) to manage its FOIA requests, which is an effective tool for document sharing and review. The system allows FOIA staff to electronically assign request numbers and quickly search for specific requests, requesters, and other request-related information. It also allows management to effectively track the FOIA program's performance, by issuing real-time reports and charts showing FOIAs pending, backlogged, and much else.
- Upgraded to the current FOIAXpress system specifically to maximize efficiency, improve search capabilities, and increase collaboration between different program offices within the agency when searching for responsive records and reviewing requests. The agency continues to use Public Access Link (PAL) online portal, through which requesters can submit and check the status of FOIA requests. These changes have streamlined the intake process and improved workflow generally.
- Maintains a FOIA Training Manual that covers standard operating procedure and training, to include step-by-step guidance on using the FOIAXpress system, searching for responsive records, processing records, making redactions, and responding to requesters. Additionally the FOIA team maintains a separate manual that outlines the FOIA intake process.
- Trains non-FOIA professionals, and advises and communicates with records custodians during the course of processing FOIA requests as a way to resolve issues that arise, for instance, when preparing fee estimates or executing a search for documents.
- Despite the impacts of the global health crisis, the FOIA team holds bi-weekly meetings via Web-ex to review the status of outstanding requests, resolve pending issues, collaborate on processing requests to avoid redundancy, and identify process efficiencies and opportunities for greater customer outreach.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Answer: The FTC continued to update its FOIA Reading Room, posting frequently requested agency records, to include the following:

- Copies of Congressional Correspondence Logs, which are available at [Congressional Correspondence Logs | Federal Trade Commission \(ftc.gov\)](#)
- Coronavirus Complaints, available at [Coronavirus Complaints | Federal Trade Commission \(ftc.gov\)](#)
- Google YouTube Settlement available at [Google YouTube Settlement | Federal Trade Commission \(ftc.gov\)](#)
- Prescription Drug Lawsuit TV Ads, available at [Prescription Drug Lawsuit TV Ads | Federal Trade Commission \(ftc.gov\)](#)
- Transcripts of Adjudicative Proceedings, available at [Transcripts of Adjudicative Proceedings | Federal Trade Commission \(ftc.gov\)](#)
- VOIP Companies, available at [VOIP Companies | Federal Trade Commission \(ftc.gov\)](#)

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

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Answer: Yes.

3. If yes, please provide examples of such improvements.

Answer: The FTC has for years provided information in various file formats to make it more accessible and useful to the public. More recently, the agency has begun identifying datasets that can be made available via an Application Programming Interface (API) or in machine-readable format, which allows data users and developers to query, gather, and manipulate the FTC's data. Providing data in this format should facilitate broad dissemination of its content to the public, and it aligns with the FTC's Open Government Plan and Strategic Plan. The FTC's first API endpoint is for Early Termination Notices for mergers that are reviewed under the HSR Act, which are released most weekdays and are among the most popular

content on FTC.gov. More information on the FTC API is available at <https://www.ftc.gov/developer>.

4. Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

Answer: As mentioned in my answer to question two of this section, FOIA staff are trained to identify instances of related requests, and routinely meet with management to discuss trends in requests to determine those records that might qualify for proactive disclosure under the FOIA. The number of “hot topics” (or frequently requested records or subjects) is currently 36 and can be found on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/frequently-requested-records>.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public’s access to information. You should also include any additional information that that describes your agency’s efforts in this area.

1. Please briefly describe the types of technology your agency uses to support your FOIA program. In addition, please highlight if your agency is leveraging or exploring any new technology that you have not previously reported. If so, please describe the type of technology.

Answer: Yes. The FTC FOIA office leverages available technology to collaborate and consult with program offices when searching for responsive documents. For instance, program offices and FOIA staff utilize internal network drives to deliver and share documents. FOIA staff also request and receive records electronically through a document management tool in FOIAXpress. When a set of documents is particularly voluminous, FOIA staff often utilize e-discovery applications to sort, compare, deduplicate, and search for keywords. This capability is especially useful for deduping multiple strings of emails, where original messages are repeated in later versions of the string. It reduces overall processing time significantly by eliminating the need for time intensive manual search and review.

2. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Answer: Yes.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2020?

Answer: Yes. The FTC's quarterly reports can be accessed at <https://www.ftc.gov/policy/reports/policy-reports/foia-quarterly-reports>.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2020.

Answer: N/A.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2019 Annual FOIA Report and, if available, for your agency's Fiscal Year 2020 Annual FOIA Report.

Answer: The raw statistical data for FY 2019 is included in the FTC's 2019 FOIA Annual Report, which is posted at [Annual Freedom of Information Act Report \(ftc.gov\)](#).

Raw data for FY 2020 is unavailable as of the creation of this report but The FY will be posted on or before March 1, 2021.

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

Answer: Since 2003, the FTC has accepted and processed FOIA requests using the FOIAXpress application. FOIAXpress allows for faster processing of requests, as it allows FOIA processing from cradle-to-grave (request receipt and document collection, review, redaction, etc.), all within a centralized web-based system. During this reporting period, the FOIA program upgraded to FOIAXpress version 10.5, which includes more features to process requests. Along with that upgrade, the program migrated to FOIAXpress cloud and implemented the FOIAXpress Public Access Link (PAL), an online portal where requesters can submit requests, access records, and connect with the agency.

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

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

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged

requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2020 Annual FOIA Report and, when applicable, your agency's 2019 Annual FOIA Report.

A. Simple Track

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

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

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

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2020?

Answer: Yes. The FTC's average number of days to process simple requests was 6.07 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2020 that were placed in your simple track.

Answer: Approximately 62.17%

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Answer: N/A.

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2020, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2019?

Answer: Yes. The number of backlogged requests in FY2019 was six (6). That number in FY2020 was two (2).

6. If not, did your agency process more requests during Fiscal Year 2020 than it did during Fiscal Year 2019?

Answer: N/A.

7. If your agency's request backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2020. If your agency has no request backlog, please answer with "N/A."

Answer: 0.169%

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Answer: N/A. The FTC had no backlogged appeals at the close of either fiscal year.

10. If not, did your agency process more appeals during Fiscal Year 2020 than it did during Fiscal Year 2019?

Answer: N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2020, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

Answer: N/A.

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2019. If your agency did not receive any appeals in Fiscal Year 2020 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A.

C. Backlog Reduction Plans

13. In the 2020 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2019 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2020?

Answer: N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2020, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

Answer: N/A.

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2019 and Fiscal Year 2020 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2020, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

Answer: Yes.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Answer: N/A.

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

Answer: N/A

TEN OLDEST APPEALS

18. In Fiscal Year 2020, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

Answer: Yes.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Answer: N/A.

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

Answer: N/A.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2020, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2019 Annual FOIA Report?

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

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2019 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Answer: N/A.

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

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

Answer: N/A.

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

Answer: N/A.

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2020.

Answer: N/A.

F. Success Stories

Out of all the activities undertaken by your agency since March 2020 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts.

Answer: The COVID-19 pandemic required unprecedented efforts to ensure transparency, open communication with the public and continued effort maintain timely responses to FOIA requests. Even in the face of this type of uncertainty, the FTC FOIA Unit was able to successfully transition to remote working, all while maintaining optimal productivity. In addition to bi-weekly team meetings, the FOIA Team Lead continues to hold weekly virtual meetings with each member of the FOIA team to make certain they each have the resources and support to keep our office fully functional.

In addition, in response to numerous FOIA requests regarding consumer complaints related to the COVID-19 pandemic, the FTC proactively made these records publically available on our website found here: (<https://www.ftc.gov/about-ftc/foia/frequently-requested-records>).