



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

APR 02 2015

Andreas L. Booher
Loyola Law School
650 N. Oakland Ave, #205
Pasadena, CA 91101

Re: FOIA-2015-00800
Google Memo

Dear Mr. Booher:

This is in response to your request dated March 26, 2015 under the Freedom of Information Act seeking access to copies of the staff reports prepared by the Competition staff as well as the Economic staff about the 2012-2013 investigation into Google. In accordance with the FOIA and agency policy, we have searched our records as of March 26, 2015, the date we received your request in our FOIA office.

The records responsive to your request are exempt from the FOIA's disclosure requirement as explained below. Accordingly, we are denying your request.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

In addition, some responsive records contain confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which exempts from disclosure any information that is protected from disclosure under another federal statute.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from disclosure under FOIA Exemption 5, 5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation which is exempt under the attorney work-product privilege. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

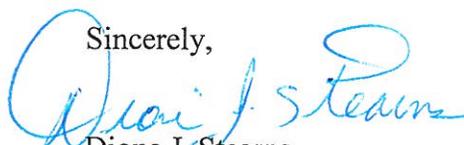
Some of the records contain personal identifying information compiled for law enforcement purposes. This information is exempt for release under FOIA Exemptions

Exemption 6, 5 U.S.C. § 552(b)(6), and 7(C), 5 U.S.C. § 552(b)(7)(C), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, or by facsimile at (202) 326-2477 within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Jacqueline Lightle at (202) 326-3737.

Sincerely,



Dione J. Stearns

Assistant General Counsel