



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

MAR 30 2015

Leah Nylén
MLex
1776 I Street NW Suite 260
Washington, DC 20006

Re: FOIA-2015-00792
Google

Dear Ms. Nylén:

This is in response to your request dated March 25, 2015 under the Freedom of Information Act seeking access to the FTC staff report for matter number 1110163. In accordance with the FOIA and agency policy, we have searched our records as of March 25, 2015, the date we received your request in our FOIA office.

We have located one responsive record, which is exempt from the FOIA's disclosure requirement as explained below. Accordingly, we are denying your request.

The requested record is exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because it is 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, the record contains 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.

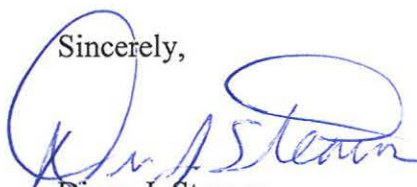
The record also contains staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision-making process. They are exempt from disclosure under FOIA Exemption 5, 5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 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).

Portions of the record 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 Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dione J. Stearns". The signature is written in a cursive style with a large initial "D" and "S".

Dione J. Stearns
Assistant General Counsel