

## **DATA QUALITY APPENDIX**

### **Federal Trade Commission**

**Last Updated: November 17, 2020**

This document contains detailed descriptions and information on data sources, quality, and collection for the FTC's performance measures. To see the FTC's Strategic Plan, which lays out the foundation of our performance measurement work, as well as our Annual Performance Reports and Plans, visit [www.ftc.gov/about-ftc/performance](http://www.ftc.gov/about-ftc/performance).

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## **STRATEGIC GOAL 1 – PROTECT CONSUMERS FROM UNFAIR AND DECEPTIVE PRACTICES IN THE MARKETPLACE**

**Objective 1.1: Identify and take actions to address deceptive or unfair practices that harm consumers.**

**Performance Goal 1.1.1: Percentage of the FTC’s consumer protection law enforcement actions that targeted the subject of consumer complaints to the FTC.**

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

Calculation/Formula: The percentage is determined by dividing the number of enforcement actions that targeted subjects of consumer complaints 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 Complaints:** The agency collects consumer complaint information directly from four principal sources:
  1. a toll-free helpline (1-877-FTC- HELP)
  2. an identity theft hotline (1-877-ID-THEFT)
  3. the National Do Not Call Registry (1-888-382-1222)
  4. the online consumer complaint forms that support items 1-3, as well as online forms dedicated to complaints from members of the U.S. Armed Forces and to cross-border fraud complaints.
- **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 complaints collected during the past five years. In addition to storing consumer complaints 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](http://www.ftc.gov/sentinel/index.shtm).

### Data Sources:

For consumer complaints: 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 complaints 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 complaints is calculated based on this information. For all performance goals 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 measure is done manually, which may lead to errors. BCP has processes in place to check the data to prevent this.

## **Performance Goal 1.1.2: Rate of customer satisfaction with the FTC’s Consumer Response Center.**

Description: This goal measures 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 to 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.
- 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 third party, ForeSee, which converts the answers into a single customer satisfaction number. The exact formula used by ForeSee 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 [ftccomplaintassistant.gov](http://ftccomplaintassistant.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 ForeSee’s online portal and results for the phone surveys through CFI Group’s online portal. ForeSee provides monthly and quarterly benchmark reports. The CFI Group provides quarterly reports.

Data Collection: All consumers that submit a complaint via the complaint website, [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov), are offered the opportunity to complete a short satisfaction survey. Survey results are collected by ForeSee throughout the year. ForeSee calculates the customer satisfaction number and reports it in monthly and quarterly reports. For the phone surveys, 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 companies ForeSee and CFI Group. Participation in the surveys is voluntary.

### **Performance Goal 1.1.3: Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.**

Description: This measure tracks the efficiency 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. Performance Goals 2.1.3 and 2.1.5 are similar measures that track the impact of antitrust law enforcement. The amount reported is a three-year rolling average (average of the current year and two prior year totals).

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 reported is a three-year rolling average (average of the current year and two prior year totals).

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 measure 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 amount reported is a three-year rolling average (average of the current year and two prior year totals).

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. The amount reported is a three-year rolling average (average of the current year and two prior year totals).

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 reports the estimated dollar value of consumer loss in the Redress and Enforcement Database. If staff has not completed the survey in the Redress and Enforcement Database or provided the required information, staff is surveyed by email.

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 without FTC contractors.
- 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.

**Performance Goal 1.1.4: Amount of money returned to consumers or forwarded to the U.S. Treasury resulting from FTC enforcement action.**

Description: This goal 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. The number reported is a three-year rolling average (average of the current year and two prior year totals).

Calculation/Formula: Sum of refund checks cashed by consumers, plus the amount of redress distributed to consumers without FTC contractors (if refund check cashed information is not available), 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. The amount reported is a three-year rolling average (average of the current year and two prior year totals).

Definitions: N/A

Data Sources: The redress data are 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. 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 without FTC contractors.
- 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.
- 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 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 without FTC contractors, 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.



**Indicator 1.1.IND.1: Number of complaints collected and entered into the Consumer Sentinel Network database.**

Description: The agency assimilates a large number of consumer complaints, including complaints about Do Not Call violations. The agency receives these complaints from a variety of sources, including direct consumer complaints to the FTC and complaints received by the FTC's partners. In this manner, the FTC will collect robust information to inform its law enforcement efforts.

Calculation/Formula: N/A

Definitions:

- Consumer Complaints: The agency collects consumer complaint information directly from four principal sources:
  1. a toll-free helpline (1-877-FTC- HELP)
  2. an identity theft hotline (1-877-ID-THEFT)
  3. the National Do Not Call Registry (1-888-382-1222)
  4. the online consumer complaint forms that support items 1-3, as well as online forms dedicated to complaints from members of the U.S. Armed Forces and to cross-border fraud complaints.
- 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 complaints collected during the past five years. In addition to storing consumer complaints 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](http://www.ftc.gov/sentinel/index.shtm).

Data Sources: The FTC's CSN database.

Data Collection: Reports are run at least quarterly by BCP staff to determine the number of complaints that are entered into the CSN database.

Data Limitations/Response: The data in the CSN database are dependent on the complainant providing accurate and complete information. CSN data may be underreported because some people choose not to file a formal complaint, and some people may not know they are able to file a complaint with the FTC.

**Indicator 1.1.IND.2: The percentage of redress cases in which money designated for distribution is mailed to consumers by the FTC within six months.**

Description: This indicator 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.

### **Indicator 1.1.IND.3: Number of contributors to the Consumer Sentinel Network.**

Description: CSN allows members to access consumer complaints submitted directly to the FTC, as well as complaints shared by the following data contributors: federal partners, multiple state Attorneys General, private companies, and non-profit organizations. By expanding the number of data contributors, the FTC will have better information with which to inform its law enforcement efforts. This number counts current, active data contributors that collect data from the general public and directly enter that data into Sentinel. This number does not count entities that refer consumers to the FTC Complaint Assistant. Sentinel does not include data from commercial data brokers or information resellers.

Calculation/Formula: N/A

Definitions:

- 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 complaints largely collected during the past five years.

Data Sources: A complete list of data contributors is available on the [FTC's website](#).

Data Collection: BCP staff checks with the relevant staff to make sure the public list of data contributors is up to date.

Data Limitations/Response: There are no data limitations.

**Objective 1.2: Provide consumers and businesses with knowledge and tools that provide guidance and prevent harm.**

**Performance Goal 1.2.1: Rate of consumer satisfaction with FTC consumer education websites.**

Description: This measure gauges the effectiveness, helpfulness, and usability of the FTC's consumer education websites. Consumer education serves as the first line of defense against deceptive and unfair practices. Well-informed consumers are better able to protect themselves from bad actors in the marketplace. This measure includes the customer satisfaction scores for Consumer.ftc.gov. and Bulkorder.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 ForeSee.

Definitions: N/A

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

Data Collection: ForeSee conducts user surveys and generates the measurement based on industry standard practices. In FY 2019, consumers completed more than 2,245 surveys on consumer.ftc.gov.

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

**Performance Goal 1.2.2: Number of workshops and conferences the FTC convened that address consumer protection issues.**

Description: The FTC convenes workshops and conferences through which experts and other experienced and knowledgeable parties discuss significant consumer protection issues and ways to address those issues. This indicator helps the FTC ensure that enforcement and education efforts are augmented by encouraging discussions among all interested parties, as well as empirical research on novel or challenging consumer protection problems.

Calculation/Formula: N/A

Definitions: N/A

Data Sources: The FTC website and reports from BCP staff.

Data Collection: A list of all workshops and conferences is maintained in a spreadsheet by BCP staff. The spreadsheet is reviewed quarterly by headquarters and regional office management to ensure the report is comprehensive and accurate.

Data Limitations/Response: Management review is necessary to avoid inaccurate reporting of any workshops or conferences.

### **Performance Goal 1.2.3: 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 measure. Consumer protection reports provide information to policy makers, both internally and externally, to help them understand important contemporary issues. This measure 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 and with staff in the Bureau of Economics (BE).

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.

**Indicator 1.2.IND.1: Number of federal, state, local, international, and private partnerships to maximize the reach of consumer and business education campaigns.**

Description: This indicator helps determine the extent to which the FTC's print education publications reach consumers through federal, state, local, international, and private organizations. Organizations, such as congressional offices, state Attorneys General, small businesses, schools, police departments, and banks, work as partners with the FTC by distributing these materials to their clients and customers. These organizations can order free bulk quantities of education materials via an online order system: <https://www.bulkorder.ftc.gov/>. For a measure of the quantity of publications distributed, see Indicator 1.2.IND.2

Calculation/Formula: The number of organizations ordering consumer and business education materials. The calculation is based on unique organizations. Orders that do not include an organization name are presumed to be from an individual and are excluded, as are orders from different individuals from the same organization (e.g. if two different individuals from the Maryland Attorney General's office place an order, that counts as one organization).

Definitions: N/A

Data Sources: Database of customer orders from <https://www.bulkorder.ftc.gov/>.

Data Collection: The data for organizations ordering materials are obtained monthly from the data file generated by the FTC's online order site. That information is filtered quarterly to include only orders by unique organizations. The result is a list of unique organizations that ordered the FTC's education publications for dissemination to consumers and businesses.

Data Limitations/Response: The data are compiled from customer input via the online order website. If customers fail to enter an organization name, they are not included in this measure, which could result in under reporting. There is no feasible workaround to mitigate this limitation.

**Indicator 1.2.IND.2: Number of consumer protection messages accessed in print and digitally.**

Description: These indicators gauge the reach of the agency's education messages for consumers and businesses in print and via the web. The print measure counts the total quantity of publications ordered from [bulkorder.ftc.gov](http://bulkorder.ftc.gov). The digital indicator counts the number of page views of FTC consumer education articles, blog posts, and other materials on FTC websites, as well as the page views of FTC business education plain-language guidance articles and blog posts.

Calculation/Formula: N/A

Definitions: N/A

Data Sources:

Print Messages: The number of publications ordered is obtained monthly from the data file generated by the FTC's online order site [www.bulkorder.ftc.gov](http://www.bulkorder.ftc.gov).

Digital Messages: Page view data from Google Analytics via the federal government's Digital Analytics Program.

Data Collection: The data for publications ordered is obtained monthly from the data file generated by the FTC's online order site [www.bulkorder.ftc.gov](http://www.bulkorder.ftc.gov). Data are reviewed for accuracy, checking distribution numbers against quantities of publications printed for distribution.

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

Data Limitations/Response:

Print Messages: It is possible that distribution is much higher than reported, as online users sometimes download or print and distribute copies of FTC web publications.

Digital Messages: The use of Google Analytics 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.

**Indicator 1.2.IND.3: Number of social media followers and email subscribers.**

Description: This indicator gauges the extent of consumer and business outreach via social networks and email communications.

Calculation/Formula: The sum of:

- # of followers to Military Consumer Twitter page
- # of subscribers to FTC YouTube channel
- # of email subscribers to consumer and business education updates

Definitions: N/A

Data Sources:

- Social media subscribers: Social media websites' analytics dashboards
- Email subscribers: GovDelivery's online client portal

Data Collection: DCBE staff collect these data each month. Subscriber/follower counts from social media sites into a shared internal spreadsheet each month.

Data Limitations/Response: The use of the social media analytics dashboards or GovDelivery's client portal could be limited if there is downtime in the FTC's network or online systems. The data also counts the number of subscribers to each site, so a user may be counted more than once. Since the data collected are cumulative, any data entry errors would be corrected by the next month's count.

**Objective 1.3: Collaborate with domestic and international partners to enhance consumer protection.**

**Performance Goal 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 measure 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: Count of number of signed memos from the Office of the General Counsel (OGC) authorizing the sharing of information with other U.S. federal, state, and local government agencies.

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: 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 shared with BCP staff.

Sharing of information with the FTC: Surveys after the completion of an investigation or case.

Data Collection:

Sharing of information with other agencies: OGC provides a copy to BCP staff of all the final memos that include sharing of information to U.S. federal, state and local government agencies.

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 report the names of the U.S. federal, state, and local government agencies from which they received information in the Redress and Enforcement Database. If staff has not completed the survey in the Redress and Enforcement Database or provided the required information, staff is surveyed by email.

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 all the final letters that include 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.

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

**Performance Goal 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: OIA 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 measure 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 measure 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.

**Performance Goal 1.3.3: Number of instances of policy advice or technical assistance provided to foreign consumer protection and privacy agencies, directly and through international organizations.**

Description: This measure quantifies the FTC's efforts to develop policies and best practices that promote consumer protection and privacy and data security by assisting countries in developing and implementing consumer protection laws, rules, and best practices. These efforts include providing policy advice, direct technical assistance and capacity building to developing agencies, and professional development opportunities through the International Fellows program.

Calculation/Formula: # of instances of consumer protection and privacy and data security policy advice provided to foreign agencies and international organizations + # of instances of consumer protection and privacy and data security technical assistance + # of international fellows hosted

Definitions:

- **Policy Advice:** Advice on consumer protection and privacy and data security issues to foreign agencies in the form of formal written comments, but also less formal emails, phone calls, and meetings if they are substantive and continual. Multiple emails, calls, or meetings about the same issue are counted as only one instance of policy advice. This measure also includes formal comments to international policy organizations such as the OECD, as well as preparations for and participation in policy meetings and negotiations.
- **Technical Assistance:** Assistance to developing countries on consumer protection and privacy and data security issues in the form of seminars, substantive consultations, and direct work with foreign agency officials either in their home country or as visitors to the FTC. Typically, technical assistance involves travel to the foreign country and a significant educational component.
- **International Fellows:** Individuals from consumer protection and privacy agencies and offices in other countries who participate in temporary assignments at the FTC for the purposes of education and support for consumer protection efforts and programs in other countries.

Data Sources: OIA weekly reports, internal logs, trip reports, and the OIA technical assistance calendar.

Data Collection: OIA staff report policy advice or technical assistance provided in weekly reports and internal logs. Staff reviews and compiles the matters reported. Managers review these matters to ensure that interactions are significant in nature and meet the criteria described above to qualify for the measure and have not previously been 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 the instances of policy advice reported are sufficiently substantive and items qualify as technical assistance missions.

**Performance Goal 1.3.4: Percentage of consumer protection advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.**

Description: The FTC’s consumer protection advocacy takes many forms—including advocacy comments, amicus briefs, workshops, reports, and testimony. This measure evaluates the success rate for resolved consumer protection advocacy comments and amicus briefs. While the FTC is primarily a law enforcement agency, advocacy work is a cost-effective way to further the FTC’s consumer protection mission, and allows the FTC to address situations where consumer protection 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. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this performance goal as well as Performance Goal 2.2.3.

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 measure is calculated as:

$$\frac{(\# \text{ of successful advocacies} + \# \text{ of partially successful advocacies})}{(\# \text{ of successful advocacies} + \# \text{ of partially successful advocacies} + \# \text{ of unsuccessful advocacies})}$$

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 measure, 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](http://www.ftc.gov/policy/advocacy/advocacy-filings)
- List of amicus briefs: [www.ftc.gov/policy/advocacy/amicus-briefs](http://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 BCP, 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.

**Indicator 1.3.IND.1: Number of advocacy comments and amicus briefs on consumer protection matters filed with entities including federal and state legislatures, agencies, and courts.**

Description: Whereas Performance Goal 1.3.4 measures the success of our consumer protection advocacy comments and amicus briefs, this indicator reports the quantity of consumer protection advocacy comments and amicus briefs filed each year. While the FTC is primarily a law enforcement agency, advocacy work is a cost-effective way to further the FTC’s consumer protection mission and allows the FTC to address situations where consumer protection may be affected by the actions of public entities, including regulators and legislators. While most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this indicator as well as Indicator 2.2.IND.1

Calculation/Formula: N/A

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.
- **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.

Data Sources:

- List of advocacy comments: [www.ftc.gov/policy/advocacy/advocacy-filings](http://www.ftc.gov/policy/advocacy/advocacy-filings)
- List of amicus briefs: [www.ftc.gov/policy/advocacy/amicus-briefs](http://www.ftc.gov/policy/advocacy/amicus-briefs)

Data Collection: Using the advocacy comment and amicus brief listings from the FTC website, OPP staff keeps a spreadsheet listing all advocacy comments and amicus briefs filed. Staff checks with OPP management, BCP staff, and OGC staff to make sure no advocacies are missing from the website

Data Limitations/Response: Potential data limitations include the possibility of advocacies inadvertently not being counted. OPP staff reaches out to relevant staff in BCP, OGC, and elsewhere within the agency, as appropriate, to review data before they are reported and to ensure that no advocacies are omitted from the count.

## **STRATEGIC GOAL 2: MAINTAIN COMPETITION TO PROMOTE A MARKETPLACE FREE FROM ANTICOMPETITIVE MERGERS, BUSINESS PRACTICES, OR PUBLIC POLICY OUTCOMES.**

**Objective 2.1 – Identify and take actions to address anticompetitive mergers and practices.**

**Performance Goal 2.1.1: Percentage of full merger and nonmerger investigations in which the FTC takes action to maintain competition.**

Description: This measure tracks FTC actions taken to maintain competition, including litigated victories, consent orders, abandoned transactions, or restructured transactions (either through a fix-it-first approach or eliminating the competitive concern) in a significant percentage of full merger and nonmerger investigations.

Calculation/Formula: The measure is calculated by taking the number of full investigations concluded with an action during the fiscal year divided by the total number of full investigations concluded during the fiscal year.

### 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.
- **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:

- **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 measure 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 measure 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 measure.

**Performance Goal 2.1.2: Consumer savings through merger actions taken to maintain competition.**

Description: This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive mergers. 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. 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 activity in that year.

Definitions:

- **Consumer Savings:** The estimated amount of money saved by U.S. consumers 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 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.

**Performance Goal 2.1.3: Total consumer savings compared to the amount of FTC resources allocated to the merger program.**

Description: This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive mergers compared to the amount spent on the merger program. 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 goal 2.1.2 are divided by the amount of resources spent on the merger program for the current fiscal year. When available, staff uses case-specific data to generate the estimate of consumer savings. 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 activity in that year.

Definitions:

- **Consumer Savings:** The estimated amount of money saved by U.S. consumers 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 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. The FTC’s financial management office provides the amount of resources expended on the merger 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 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.

**Performance Goal 2.1.4: Consumer savings through nonmerger actions taken to maintain competition.**

Description: This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive 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. Otherwise, staff uses a formula of one percent of the volume of commerce of the relevant geographic/product market(s) for one year. 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 nonmerger activity in that year.

Definitions:

- **Consumer Savings:** The estimated amount of money saved by U.S. consumers 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 for a particular case using either case-specific data or the applicable estimation formula. 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 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.

**Performance Goal 2.1.5: Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.**

Description: This measure reports the estimated amount of money that the Commission saved consumers by taking action against potentially anticompetitive business conduct compared to the amount spent on the nonmerger program. 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 goal 2.1.4 are divided by the amount of resources spent on the nonmerger program for the current fiscal year. When available, staff uses case-specific data to generate the estimate of consumer savings. Otherwise, staff uses a formula of one percent of the volume of commerce of the relevant geographic/product market(s) for one year. 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 nonmerger activity in that year.

Definitions:

- **Consumer Savings:** The estimated amount of money saved by U.S. consumers 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 for a particular case using either case-specific data or the applicable estimation formula. Staff economists review all attorney estimates for concurrence before they are used in reporting. The FTC’s financial system provides the amount of resources expended on the nonmerger 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 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.

**Indicator 2.1.IND.1: Average total sales for the current year plus the previous four fiscal years in the relevant geographic/product markets in which the Commission took merger enforcement action.**

Description: This indicator 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 measure 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.

**Indicator 2.1.IND.2: Average total sales for the current year plus previous four fiscal years in the relevant geographic/product markets in which the Commission took anticompetitive nonmerger conduct enforcement action.**

Description: This indicator demonstrates that the FTC’s nonmerger 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 the most positive change can be achieved. The amount reported is a five-year “rolling average” (average of the current year and four prior year totals).

Calculation/Formula: The measure 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 and dividing the sum 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 nonmerger 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 estimates of volume of commerce made by FTC staff 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.

**Objective 2.2 – Engage in effective research, advocacy, and stakeholder outreach to promote competition and advance its understanding.**

**Performance Goal 2.2.1: Number of workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues.**

Description:

This measure demonstrates the Commission’s commitment to ensuring that consumers obtain the benefits of competition through its policy related activities such as workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues.

Calculation/Formula: The measure is calculated by counting the number of domestic competition-related workshops, hearings and conferences hosted by the FTC. International competition policy activities are tracked under Performance Goal 2.3.2.

Definitions: N/A

Data Sources: Information on conferences involving significant competition related issues is taken from press releases posted on FTC.gov.

Data Collection: Data are retrieved from press releases. The data are entered into a bureau database by staff, and reviewed monthly by analysts, attorneys, economists, and senior management.

Data Limitations/Response: Review is necessary to ensure that all competition-related workshops, hearings, and conferences are identified.

**Performance Goal 2.2.2: Number of reports and studies the FTC issued on key competition related topics.**

Description: This measure 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 measure are reports to other federal agencies that report on the activities of the FTC.

Calculation/Formula: The measure 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.

**Performance Goal 2.2.3: Percentage of competition advocacy comments and amicus briefs filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.**

Description: The FTC’s competition advocacy takes many forms—including advocacy comments, amicus briefs, workshops, reports, and testimony. This measure 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. Although most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this performance goal as well as Performance Goal 1.3.4.

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 measure is calculated as:

$$\frac{(\# \text{ of successful advocacies} + \# \text{ of partially successful advocacies})}{(\# \text{ of successful advocacies} + \# \text{ of partially successful advocacies} + \# \text{ of unsuccessful advocacies})}$$

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 measure, 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](http://www.ftc.gov/policy/advocacy/advocacy-filings)
- List of amicus briefs: [www.ftc.gov/policy/advocacy/amicus-briefs](http://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.

**Indicator 2.2.IND.1: Number of advocacy comments and amicus briefs on competition matters filed with entities including federal and state legislatures, agencies, and courts.**

Description: Whereas Performance Goal 2.2.3 measures the success of our competition advocacy comments and amicus briefs, this indicator reports the quantity of competition advocacy comments and amicus briefs filed each year. The FTC is primarily a law enforcement agency, but 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. Although most advocacies contain either consumer protection recommendations or competition recommendations, a few advocacy comments may have both, and are thus counted in this indicator as well as Indicator 1.3.IND.1

Calculation/Formula: N/A

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.
- **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.

Data Sources:

- List of advocacy comments: [www.ftc.gov/policy/advocacy/advocacy-filings](http://www.ftc.gov/policy/advocacy/advocacy-filings)
- List of amicus briefs: [www.ftc.gov/policy/advocacy/amicus-briefs](http://www.ftc.gov/policy/advocacy/amicus-briefs)

Data Collection: Using the advocacy comment and amicus brief listings from the FTC website, OPP staff keeps a spreadsheet listing all advocacy comments and amicus briefs filed. Staff checks with OPP management, BCP staff, and OGC staff to make sure no advocacies are missing from the website.

Data Limitations/Response: Potential data limitations include the possibility of advocacies inadvertently not being counted. OPP staff reaches out to relevant staff in OPP, OGC, and elsewhere within the agency, as appropriate, to review data before they are reported and to ensure that no advocacies are omitted from the count.

**Objective 2.3: Collaborate with domestic and international partners to preserve and promote competition.**

**Performance Goal 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 measure 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 they 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: International antitrust team members monitor and report on FTC matters in which substantive contact took place. Staff reviews and compiles the matters reported, as overseen by an international antitrust attorney. Managers review and ensure that the matters reported qualify for the measure. Professional judgment from OIA senior management is used to make a final decision on compatibility for FTC measurement purposes.

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.

**Performance Goal 2.3.2: Number of instances in which the FTC provided policy advice or technical assistance to foreign competition agencies or governments, directly and through international organizations.**

Description: This measure quantifies FTC's efforts to assist newer foreign competition authorities to enhance their enforcement capacity, build sound regulatory frameworks, improve agency effectiveness, and promote competition policies in their economy. These efforts include providing policy advice and direct technical assistance, as well as professional development opportunities for international partners through the International Fellows program.

Calculation/Formula: # of instances of competition policy advice provided to foreign agencies and international organizations + # of instances of competition technical assistance + # of international fellows hosted.

Definitions:

- **Policy Advice:** Advice on competition issues to foreign agencies in the form of formal written comments, but also less formal emails, phone calls, and meetings concerning substantive enforcement, procedural, or institutional issues. Multiple emails or calls about the same issue are counted as only one instance of policy advice. Also included are formal comments and submissions to international policy organizations such as the OECD.
- **Technical Assistance:** Assistance to developing countries on antitrust issues in the form of seminars, substantive consultations, and direct work with foreign agency officials either in their home country or as visitors to the FTC. Typically, technical assistance involves travel to the foreign country and a significant educational component.
- **International Fellows:** Individuals from antitrust agencies and offices in other countries who participate in temporary assignments at the FTC for the purposes of education and support for antitrust efforts and programs in other countries.

Data Sources: OIA weekly reports, internal logs, trip reports, and the OIA technical assistance calendar.

Data Collection: OIA staff report policy advice or technical assistance provided in weekly reports and internal logs. Staff reviews and compiles the matters reported. Managers review these matters to ensure that interactions are significant in nature and meet the criteria described above to qualify for the measure and have not previously been counted. International Fellows are reported in weekly reports.

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 the instances of policy advice reported are appropriate, items qualify as technical assistance missions and that international fellows are counted accurately.

**Indicator 2.3.IND.1: 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 measure 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.

### **STRATEGIC GOAL 3: ADVANCE THE FTC'S PERFORMANCE THROUGH EXCELLENCE IN MANAGING RESOURCES, HUMAN CAPITAL, AND INFORMATION TECHNOLOGY**

#### **Objective 3.1: Optimize resource management and infrastructure.**

##### **Performance Goal 3.1.1: The extent to which the FTC is prepared to protect people and property and to continue mission essential operations during emergencies.**

###### **(a) Achieve a favorable Continuity of Operations (COOP) rating.**

Description: The FTC **COOP** Plan defines the necessary planning and actions that are required to ensure the preservation and performance of the FTC's essential functions. Continuity planning facilitates the performance of FTC essential functions during all-hazards emergencies or other situations that may disrupt or potentially disrupt normal operations. The FTC COOP Plan is validated through annual tests, training, and exercises that confirm the agency's ability to perform essential supporting functions during an emergency. The annual government-wide Eagle Horizon exercise serves to assess and validate components of the continuity plan as well as the policies, procedures, systems and facilities used to respond to and recover from an emergency. This assessment also serves to identify issues for subsequent improvement.

Calculation/Formula: During FTC participation in the annual government-wide Eagle Horizon Exercise an evaluation team conducts an analysis of the plan itself and the FTC's response to the exercise using the established FEMA Continuity Assessment Tool (FCAT). Evaluators award a numerical (0-10) score for each of the 43 questions. For this measure, we report the points FTC allocates for each of the 43 questions divided by the total possible points converted to a percentage. Ex.  $8320 \div 430 \text{ possible points} \times 100 = 74\%$

###### Definitions:

- Eagle Horizon Exercise: Annual, government-wide emergency preparedness exercise that evaluates agencies' capacity to respond to emergency situations. A "full exercise" with broad participation and activation of the FTC COOP site is conducted in even numbered years and the evaluation team will include 1-2 members from outside of the FTC, a member from FEMA and/or a "loaned observer" from another agency. In odd numbered years the FTC runs its own "table top exercise" without FEMA involvement.
- FEMA: The Federal Emergency Management Agency is part of the Department of Homeland Security. They are responsible for supporting and ensuring our nation has the capability to prepare for, protect against, respond to, recover from and mitigate all hazards.
- Essential Supporting Functions: These include functions such as human resources, budget, acquisition, physical security and facilities management that need to continue in the event of an emergency situation. In addition, for the FTC, essential supporting functions include pre-merger notification filings, on-going court cases and actions, and public information filings.

Data Sources: The FTC COOP Plan and the exercise are evaluated using the established FEMA Continuity Assessment Tool (FCAT).

Data Collection: At the conclusion of the Eagle Horizon Exercise, the evaluators use the FCAT to score the COOP plan and the annual exercise which consists of 42 questions with a 10-point scoring scale. Each question score will be calculated into an overall Continuity Capability Score that is provided in a percentage of the total possible points. The Office of the Chief Administrative Services Officer (OCASO) Logistics and Security Management Branch compiles the scores and reports the result

Data Limitations/Response: The evaluation system is designed to give a broad, overall evaluation of the COOP program and identify improvement opportunities. The subjective nature of the data limits its usefulness in trend or comparative analysis.

**(b) The number of products and activities related to Physical Security that inform staff and provide opportunities to practice emergency procedures.**

Description: The Physical Security Branch develops promotional and educational materials such as posters, publications, internet tools, classroom and web-based training courses, and exercises and drills designed to give employees the information they need to remain safe. This measure tracks the number of products (posters, publications, etc.) and activities (training opportunities, drills, etc.) focused on physical safety and security that are provided to FTC employees

Calculation/Formula: OCASO will conduct internal tracking to collect the number of other appropriate activities and products. Data from all sources will be aggregated and reported by OCASO.

Definitions: N/A

Data Sources: HCMO E-Train database and OCASO quarterly metrics and accomplishment records

Data Collection: Training data will be collected from HCMO's E-Train database, which collects information on trainings taken by FTC staff whether online or in a classroom environment. OCASO's Logistics and Security Management Branch will document the number of activities completed each quarter, and provide the number of products distributed to staff members each quarter..

Data Limitations/Response: Data will be manually recorded in most cases. Recording will be done in OCASO's Logistics and Security Management Branch. . Timeliness and accuracy can be negatively affected in manual record keeping. Review of data in both HCMO and OCASO is necessary to ensure data are complete and accurate

**Performance Goal 3.1.2: Percentage of survey respondents who are satisfied or very satisfied with the timeliness of administrative operations.**

Description: OED conducts an annual online Customer Satisfaction Survey that is voluntary, anonymous, and offered to all FTC employees. Respondents are asked to indicate their level of satisfaction with a range of OED services on a 5-point scale of Very Satisfied to Very Dissatisfied. This measure tracks the level of customer satisfaction with the Office of the Chief Administrative Officer's responsiveness to phone and email requests (Question #34).

Calculation/Formula: Number of responses indicating the respondents are Highly Satisfied or Satisfied with timeliness of service divided by the total number of responses. Responses and results are collected and calculated electronically by OCIO staff.

Definitions: N/A

Data Sources: Results of the annual OED Customer Satisfaction Survey.

Data Collection: Satisfaction data are collected through the Annual OED Customer Satisfaction Survey and reported in the Annual Performance Report. Survey results are compiled by OED staff.

Data Limitations/Response: The survey question provides an overall score limited to Administrative Services Office services accessed by phone or email. In addition, the data does not provide results by service so it is difficult to identify specific areas of low satisfaction or areas for potential improvement. Review of the anecdotal results (comments) from individual respondents may provide some of this feedback. The response rate for the OED Survey is relatively low so it is difficult to generalize results to FTC employees as a whole. Increased marketing by the OED may increase the response rate.

**Performance Goal 3.1.3: Achieve a favorable (unmodified) 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 measure is on the independent auditor, who must assess whether they have access to sufficient data to render an opinion. As our measure 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.

### **Performance Goal 3.1.4: Percentage of new entrant, annual, and termination Public Financial Disclosure Reports that are filed within the required timeframe.**

Description: Ensuring public confidence in the integrity of FTC operations is paramount. The Ethics in Government Act of 1978, as amended, requires covered officials at the FTC to file public financial disclosure reports (OGE Forms 278e) addressing their finances as well as other interests outside the federal government. The reports allow for a systematic review of the financial interests of both current and prospective senior staff. The timely filing of the OGE Form 278e helps prevent actual conflicts of interest and ensures the FTC's Ethics Team is able to identify and address potential conflicts. This measure **tracks** the percentage of public disclosure reports filed within the required timeframe. Timeframes vary based on the type of required filing, and the FTC's Ethics Team may grant limited extensions of the filing deadline for good cause.

Calculation/Formula: This measure is calculated by taking the number of public financial disclosure reports submitted within the required timeframes, divided by the total number of reports due within the fiscal year. To determine if a report was submitted with the required timeframe, FTC ethics staff tracks the submission date for each report, and compares it to the filing deadline, which is calculated using the appropriate required timeframe, taking into account any granted extensions.

#### Definitions:

- Annual Report: Annual report required for covered officials who served more than 60 days during the preceding calendar year.
- Covered Officials: FTC employees required to file public financial disclosures. This does not include employees required to file nonpublic financial disclosures. For a full description of who is covered, *see* 5 U.S.C. app. 4 § 101, but generally, covered officials are those employees paid at a rate higher than GS-15, Step 10. There are approximately 50 covered officials at the FTC, including Commissioners, Administrative Law Judges, members of the career and noncareer Senior Executive Service, and other political appointees.
- New Entrant Report: Report required from newly hired or appointed covered officials. Filing is not necessary if the agency expects the covered official to serve no more than 60 days in any calendar year or the official is moving from one covered position to another without a break in service of more than 30 days.
- Required Timeframe: New Entrant Reports are due within 30 calendar days of assuming the duties of the position covered by the public filing requirements. Annual Reports are due each year, no later than May 15 following the covered calendar year. Termination Reports are due within 30 calendar days of leaving the position covered by the public filing requirements. The FTC's Ethics Team may grant limited extensions of the filing deadline for good cause.
- Termination Report: Report required for covered officials leaving their position, unless they served no more than 60 days during any calendar year or unless they assumed employment in another covered position within 30 days.

Data Sources: There are three sources of data for this measure:

- Integrity.gov: The online government filing system for public financial disclosures. Covered officials file their OGC Form 278e via Integrity.gov. The filing system records the date of submission.
- Human Capital Management Office (HCMO): HCMO supplies the FTC's Ethics Team with start and end dates of FTC employment for use in determining filing deadline dates.
- Ethics Team Files: The Ethics team tracks granted extensions. Records of extensions granted are kept electronically in accordance with applicable retention schedules.

Data Collection: FTC's Ethics Team keeps a spreadsheet to track all required public financial disclosures. For each required disclosure, the Ethics Team calculates a filing deadline and tracks the submission date. HCMO periodically sends information through email on employment start and end dates to the Ethics team for use in calculating the filing deadline for new entrant and termination reports. The Ethics Team keeps files on granted extensions, which can alter the filing deadline. The Ethics Team accesses Integrity.gov to retrieve submission dates. Dates are manually entered into the spreadsheet.

Data Limitations/Response The information the FTC's Ethics Team receives from the Human Capital Management Office (concerning the start and end dates of FTC employment) may not be accurate, which affects the accuracy of the deadline entered into *Integrity*. Accuracy may be improved if the Ethics Team obtains direct access to personnel systems instead of relying on HCMO staff reporting. Further, the FTC's Ethics Team must manually calculate and enter the deadline into *Integrity*. The information entered by the FTC's Ethics Team may be inaccurate due to human error. The Ethics Team maintains a separate Excel tracking chart that is monitored along with the Integrity submissions.

*Integrity* automatically records the submission date when a filer submits his report. If *Integrity* is operational, there should be no problems with the system automatically and accurately recording the submission date. If a filer intends to submit a report but is unable to do so because *Integrity* is not properly functioning, the FTC's Ethics Team will grant the filer an extension. The U.S. Office of Government Ethics administers and is responsible for the successful operation of *Integrity*, which is a government-wide online filing system.

### **Performance Goal 3.1.5: 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, task orders, and modifications. To measure the efficiency of this work, this agency tracks the percentage of contract actions awarded within established lead times. The lead time varies depending on the type of contract.

Calculation/Formula: For all contract actions completed 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 date the purchase request was received in the procurement system, and the date the contract was awarded. The PALT varies for different types of contract actions:

<b>Transaction Type</b>	<b>Lead Time</b>
Expert Witness Contracts	15 days
No-Cost Modifications	15 days
Increase/Decrease-Cost Modifications	30 days
Exercising an Option on a contract	60 days
Task Orders on FTC Contracts	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

Deobligations and closeouts are not included in the count of contract actions.

Definitions:

- 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: Contract Lifecycle Management (CLM) and ComprizonSuite, two acquisition management systems used by the FTC to track contracts.

Data Collection: Acquisitions staff manually updates a master spreadsheet of all contract actions. The spreadsheet includes start and end dates as well as commentary on delays. The start date typically reflects the date the purchase requisition was received in the system. The end date is the date the contract action was awarded. Acquisitions staff checks all data for errors, and for whether each contract was awarded within the PALT.

Data Limitations/Response: All of the data are still manually tracked. Acquisitions is exploring ways to have some of the tracking be automatic.

## **Objective 3.2: Cultivate a high-performing, diverse, and engaged workforce.**

### **Performance Goal 3.2.1: The extent to which FTC employees consider their agency to be a best place to work.**

Description: Employee satisfaction is measured by averaging the results from three questions on 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: To calculate results for this measure the FTC will use the average result from three of the four questions that make up the FEVS Global Satisfaction Index:

- 40. I recommend my organization as a good place to work.
- 69. Considering everything, how satisfied are you with your job?
- 71. Considering everything, how satisfied are you with your organization?

HCMO will average the results of these three questions to determine whether FTC employees consider their agency to be a best place to work. The result is equal to the weighted percentage of respondents choosing "Strongly Agree" or "Agree."

#### Definitions:

- **Federal Employee Viewpoint Survey (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 Departments and/large agencies and the small/independent 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.

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 measure.

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. The calculation of the "a best place to work" measure 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.

**Performance Goal 3.2.2: The extent to which employees believe the FTC encourages a culture that is open, diverse and inclusive.**

Description: This measure is based on the FEVS New IQ Index, which gauges the extent to which employees believe the agency has policies and programs that promote a work environment that is open, diverse, and inclusive. The New IQ Index identifies behaviors that help create and sustain an inclusive work environment. Workplace inclusion is a contributing factor to both employee engagement and organizational performance.

Calculation/Formula: The New IQ Index score is compiled from 20 questions that relate to inclusive workplace environments. The 20 questions are grouped into five “Habits of Inclusion” – Fair, Open, Cooperative, Supportive, and Empowering. The FEVS automatically calculates an agency Index score from responses to these 20 questions.

Definitions:

- Federal Employee Viewpoint Survey (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 Departments and/large agencies and the small/independent 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.

Data Collection: The FEVS is conducted annually, government-wide, usually in the late spring and early summer. 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.

**Performance Goal 3.2.3: The extent to which employees believe the FTC cultivates engagement throughout the agency.**

Description: The Employee Engagement Index (EEI) of the FEVS determines this measure. 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: Leaders Lead, Supervisors, and Intrinsic Work Experience..

- Leaders Lead: Employees' perceptions of leadership's integrity as well as leadership behaviors such as communication and workforce motivation.
- Supervisors: Interpersonal relationship between worker and supervisor, including trust, respect, and support.
- Intrinsic Work Experience: Employees' feelings of motivation and competency relating to their role in the workplace.

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

Definitions:

- Federal Employee Viewpoint Survey (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 Departments and/large agencies and the small/independent 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.

Data Collection: The FEVS is conducted annually, government-wide, usually in the late Spring and early Summer. 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.

**Performance Goal 3.2.4: The extent to which employees believe FTC management promotes a results-oriented performance culture.**

Description: The Results Oriented Performance score of the FEVS determines this measure. The score indicates the extent to which employees believe their organizational culture promotes improvement in processes, products and services, and organizational outcomes.

Calculation/Formula: The Results Oriented Performance score is calculated by reviewing responses to FEVS survey questions related to how employees feel their work contributes to the overall mission of the agency, physical working conditions, employee cooperation, and awards. The FEVS automatically calculates an agency score from responses to these questions.

Definitions:

- Federal Employee Viewpoint Survey (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 Departments and/large agencies and the small/independent 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.

Data Collection: The FEVS is conducted annually, government-wide, usually in the late Spring and early Summer. 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.

### **Indicator 3.2.IND.1: Percentage of eligible FTC employees who have telework agreements.**

Description: This indicator provides information on overall employee participation in the FTC telework program. Telework is a valuable tool that supports workplace flexibility by allowing an employee to perform work during any part of regular, paid hours at an approved alternative worksite (e.g., home, telework center). It is an important tool for achieving a resilient and results-oriented workforce.

NOTE: We are reporting a higher frequency of telework participation as the agency is mandated to work remotely in response to continuity of operations planning for the COVID-19 pandemic emergency. Prior data measured routine telework participation in the program as a workforce flexibility provided to FTC staff.

Calculation/Formula: The data will be calculated based on the number of FTC employees that have current signed telework agreements divided by the number of eligible employees.

#### Definitions:

- **Telework:** An arrangement in which an employee performs official duties away from the traditional worksite.
- **Telework Agreement:** A written document, signed by the employee and approving official that establishes the terms and conditions of the telework arrangement.

Data Sources: Signed employee telework agreements are originated in each Office and Bureau. Agreements are forwarded electronically to the FTC Telework Program Manager and input into the Federal Personnel and Payroll system (FPPS).

Data Collection: Data are collected electronically by the agency Telework Program Manager and input in FPPS as signed agreements are submitted to HCMO.

Data Limitations/Response: Data are submitted by employees to the Telework Program Manager, and may be subject to human error in the recording and inputting process. Data will be reviewed in HCMO for accuracy and completeness before they are reported.

## **Indicator 3.2.IND. 2: Number of requests for reasonable accommodations resolved through the FTC’s reasonable accommodation process.**

Description: This indicator tracks the resolution of requests for reasonable accommodation submitted to the HCMO Disability Program Manager by FTC employees or job applicants with permanent or temporary disabilities that affect the performance of their job duties. Tracking this data helps ensure the agency complies with the policies and procedures outlined in the Administrative Manual, Chapter 3: Section 300 - Disability Anti-Discrimination Policy and Reasonable Accommodation Procedures.

Calculation/Formula: HCMO maintains an Excel spreadsheet that tracks each reasonable accommodation request received by the FTC Disability Manager and the resulting resolution action that closes the request. This measure is calculated by counting each employee/applicant reasonable accommodation request resolved on that Excel spreadsheet.

### Definitions:

- Reasonable Accommodations: Reasonable accommodations include changes in the work environment and/or in the way tasks are customarily done that would enable a person with a disability to enjoy equal employment opportunities. Reasonable accommodations create equal access and opportunities in the workplace so that people with disabilities can be productive team players whose unique perspectives promote the development of successful operations. Under the Rehabilitation Act of 1973, managers and supervisors are required to provide reasonable accommodations to qualified Federal employees and applicants.
- Essential Functions: Those job duties so fundamental to a position that the employee or applicant holds or seeks to hold that he or she cannot do the job without performing them. A function can be “essential” if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or if the function is specialized and the person is hired based on his or her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.
- Resolved Request: A reasonable accommodation request is classified as resolved when it is closed under one of the following conditions:
  - a. The request is approved by the requesting employee’s supervisor and implemented.
  - b. The employee’s supervisor denies the original request but an alternative accommodation is provided, accepted by the employee, and implemented.
  - c. The request is dismissed because the requestor chose not to pursue the request.
  - d. The request is dismissed because the requestor is deemed ineligible for a reasonable accommodation.

Data Sources: Each FTC employee or applicant submits their reasonable accommodation request via FTC Form 641 (Reasonable Accommodation Request form) to their supervisor for approval. A copy of the form is provided to the Disability Program Manager (DPM) as well, and each request is logged on an Excel spreadsheet maintained by the DPM.

Data Collection: Upon receiving an employee’s reasonable accommodation request via FTC Form 641, the DPM enters the following information onto an Excel spreadsheet:

- Organization of employee submitting request (if applicable)
- Date of request

- Type of request
- Title/Grade of employee (if applicable)
- Date of request resolution
- Time to process request (in business days)

These data are logged and reported out to the Director of Equal Employment Opportunity and Workplace Inclusion (EEOWI) on a quarterly basis.

Data Limitations/Response: Training on the reasonable accommodation process is ongoing. Training for new managers was most recently conducted in May 2019 and refresher training for experienced supervisors was incorporated into the Schedule A/RA briefing in July 2019. While supervisors' knowledge of the process should prompt them to provide the FTC Form 641 to the DPM whenever an employee submits a reasonable accommodation request there may be some instances where a reasonable accommodation request is not recorded because the DPM was not included in the process. In other cases, the supervisor or manager may grant an accommodation request informally, without the DPM's knowledge. Additionally, supervisors who are new to the FTC may receive a reasonable accommodation request prior to receiving formal training. In these cases, the supervisor and/or employee may not reach out to the DPM and the request may not be tracked. These cases are difficult to predict or control.

**Indicator 3.2.IND.3: Average number of days to issue a certificate of eligible candidates to a hiring manager.**

Description This indicator tracks the average number of days it takes for HCMO HC specialists to issue a certificate of eligible candidates to hiring managers after a job opportunity announcement has closed. Providing a list of eligible job candidates in a timely manner enables managers to continue to meet the FTC mission by filling vacant positions with qualified persons as quickly as possible.

Calculation/Formula: Average days will be calculated by averaging the time it takes to issue each certificate (the time between the day after a vacancy closes and the date a certificate of eligible candidates 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:** USA Staffing provides 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.
- **WTTS: Workforce Transformation and Tracking System:** An automated system that monitors agency hiring activity from start to finish and assists in planning, reporting, and tracking all agency hiring activities for prospective and actual hires.

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

Data Collection: The data are collected via automated systems, but 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 both the USA Staffing Hiring Management System 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.

### **Indicator 3.2.IND.4: Average number of days to make a hiring decision.**

Description: This indicator tracks the average number of days between the date hiring managers receive a certificate of eligible candidates and the date managers return hiring certificates to HCMO for processing after they make a hiring decision. Making timely hiring decisions increases the likelihood that hiring managers will be able to recruit qualified, top candidates.

Calculation/Formula: The data will be provided based on the average number of days from the issuance of the certificate by the HC Specialist to the date the certificate is returned by the hiring manager with a hiring decision. Average days will be calculated by taking the number of days between the date each certificate was issued and the date each manager returned the certificate with a hiring decision plus one additional day for administrative review divided by the number of certificates returned during the fiscal year. Exclusions include any jobs where the final offer was not made, any job offers that were made outside of the reporting quarter, and any job where a selection was made outside of the certificate. Economist positions, which have a specialized hiring process, are also excluded from this average.

#### Definitions:

- **USA Staffing Hiring Management System:** The USA Staffing Hiring Management 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.
- **WTTS: Workforce Transformation and Tracking System –** 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 Hiring Management System. Automated reports are available from the aforementioned systems, but the HC Operations POC provides data with filtered/exclusionary criteria.

Data Collection: The data are collected via automated systems, but 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 both the USA Staffing Hiring Management System 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.

**Objective 3.3: Optimize technology and information management that supports the FTC mission.**

**Performance Goal 3.3.1: 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 measure tracks service outages and monitors the uptime of 11 critical information technology 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
- The agency's primary public website ([www.ftc.gov](http://www.ftc.gov))
- Litigation support applications and systems
- Economic support systems
- Remote employee access

Calculation/Formula: Service Availability = Minutes in the reporting period – Minutes of planned and unplanned outages / Minutes in the reporting period. 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 two primary data sources for this measure: (1) the Office of the Chief Information Officer's (OCIO) Change Management database and (2) the FTC Enterprise Service Desk records system. A SharePoint site also serves as a redundant source of outage data.

Data Collection: System administrators input planned outages into the Change Management Database. Unplanned outage data are collected by through a spreadsheet maintained by staff at the Enterprise Service Desk. OCIO performance staff obtains 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 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.

### **Performance Goal 3.3.2: Percentage of IT spend on Provisioned IT Services.**

Description: This measure tracks the agency's progress in moving IT services to the cloud. Transitioning to cloud-based services is a key component of FTC's Information Resource Management (IRM) Strategic Plan and will benefit the FTC through increased flexibility, dependability, and, ultimately, cost savings.

Calculation/Formula: This measure is calculated by dividing the total dollar amount obligated toward provisioned IT services in a fiscal year by the total dollar amount obligated toward all IT services.

#### Definitions:

- **Provisioned IT Services:** An IT service that is (1) owned, operated, and provided by an outside vendor or external government organization (i.e., not managed, owned, operated, and provided by the procuring organization) and (2) consumed by the Agency on an as-needed basis. Examples of Provisioned IT Service may include the purchase of E-Gov LoB from another Federal Agency, or the purchase of SaaS, PaaS, and IaaS from a private service provider, or the purchase of shared services or cloud services.

Data Sources: Each FTC Bureau and Office tracks IT spending within its own organization. The FTC's IT spending is tracked annually by OCIO, after collecting the information from individual bureaus and offices. Data are maintained in an internal OCIO spreadsheet.

Data Collection: The FTC's IT spending is collected by OCIO from individual bureaus and offices as part of the annual IT budget process.

Data Limitations/Response: Data are collected using a manual tracking process. Automated tracking and reporting of agency-wide IT spending is limited. The FTC is working on processes and reporting mechanisms to increase the automation in monitoring IT spending. OCIO managers review the data throughout the budget process.

### **Performance Goal 3.3.3: Achieve a favorable FTC Cybersecurity Index score.**

Description: This measure 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 systems with a valid Authority to Operate (ATO). Measures the number of major IT systems with a valid ATO, documenting review of system security controls and review and acceptance of system risks.
- % of GFE workstations with that meet the "acceptable" vulnerabilities threshold. Measures the number of GFE workstations with critical and potentially exploitable vulnerabilities, indicating the agency's risk level for cyberattacks. This is a measurement of the most frequently compromised assets.
- % of GFE workstations scanned quarterly. Measures the number of GFE workstations scanned to ensure vulnerabilities are addressed in a timely manner based on risk and impact. Leading indicator on the repeatability and effectiveness of the vulnerability assessment and remediation processes.
- % of GFE workstations patched within 30 days. Workstations are scanned monthly to make sure they have the most recent patches. GFE workstations that have been patched within the 30 days prior to the monthly scans have a reduced opportunity to exploit vulnerabilities.
- % of assets with valid baseline configuration. Measures the number of assets with a documented and validated baseline configuration. This is an indication of how well the IT environment is known and secured. Undocumented assets cannot be effectively secured.
- % of GFE workstations that meet the baseline configuration. Measures the number of GFE workstations that deviate from that baseline without a documented risk acceptance. This is an indicator of the effectiveness of the configuration management process.
- % of unprivileged users using multi factor authentication. Measures the number of unprivileged (i.e. general FTC staff) using multi factor authentication to access the FTC network, decreasing the risk of unauthorized access to agency systems
- % of privileged users using multi factor authentication. Measures the number of privileged FTC staff (i.e., system administrators with elevated system rights) using multi-factor authentication to access the FTC network, decreasing the risk of insider threat and unauthorized access to highly sensitive data.

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:

- % Major systems with a valid ATO: For all applicable information systems, verify that the applicable authorization document for each variable exists, is approved by the appropriate authority, and is valid for the date reviewed. Take the total number of valid information system documents, divide by the total number or required information system documents. Multiply the result by 100 for the percentage.
- % GFE workstations (WS) that meet the "acceptable" vulnerabilities threshold: For all applicable information systems, take the count of GFE workstations that meet the "acceptable" vulnerability threshold and divide by the count of GFE workstations. Multiply the result by 100 for the percentage.

- % GFE WS scanned quarterly: For all applicable information systems, take the count successful authenticated scans on GFE workstations and divide by the count of GFE workstations. Multiply the result by 100 for the percentage.
- % GFE WS patched within 30 days: For all applicable information systems, take the count of GFE workstation that have received a patch within 30 calendar days and divide by the count of GFE workstations. Multiply the result by 100 for the percentage.
- % Assets with valid baseline configuration: For all applicable information systems, take the count of valid baseline configurations and divide by the count of operating systems with versions that have applicable baseline configurations. Multiply the result by 100 for the percentage.
- % GFE WS that meet the baseline configuration: For all applicable information systems, take the count of all GFE workstations with secure configuration baseline settings applied as defined by policy and divide by the total number of workstations assigned to that information system. Multiply the result by 100 for the percentage.
- % Unprivileged users using 2-factor authentication: For all applicable information systems, take the count of unprivileged users using multifactor authentication and divide by the count of unprivileged users. Multiply the result by 100 for the percentage.
- % Privileged users using multi factor authentication: For all applicable information systems, take the count of privileged users using multifactor authentication and divide by the count of privileged users. Multiply the result by 100 for the percentage.

#### Definitions:

- ATO (Authorization to Operate): The official management decision given by a senior organization official to authorize operation of an information system and to explicitly accept the risk to organizational operations (including mission, functions, image, or reputation), organizational assets, individuals, other organizations, and the Nation based on the implementation of an agreed-upon set of security controls. (Source: NIST SP 800-37).
- Baseline configuration: A set of specifications for a system, or Configuration Item (CI) within a system, that has been formally reviewed and agreed on at a given point in time, and which can be changed only through change control procedures. The baseline configuration is used as a basis for future builds, releases, and/or changes (Source: NIST SP 800-127).
- GFE: Government Furnished Equipment
- Multi factor authentication: An authentication system that requires more than one distinct authentication factor for successful authentication. Multi-factor authentication can be performed using a combination of authenticators that provide different factors, such as a personal identity verification (PIV) card and a password (Source: NIST SP 800-63).
- Privileged users: A user that is authorized (and therefore, trusted) to perform security-relevant functions that ordinary users are not authorized to perform (Source: NIST SP 800-53).

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.

**Performance Goal 3.3.4: Percentage of the FTC’s paper records held at the Washington National Records Center that are processed and appropriately either (a) destroyed or (b) transferred to the National Archives and Records Administration.**

Description: This measure tracks the agency’s progress in dispositioning its paper records in order to comply with federal records management regulations and requirements. The agency maintains approximately 18,000 boxes of temporary and permanent records at WNRC that are eligible for disposition. The agency will destroy temporary records and transfer permanent records to the NARA in accordance with our records disposition schedule. Disposing of the agency’s WNRC holdings will ensure the agency is compliant with NARA and OMB directives and will reduce spending for offsite storage. Timely transfer of permanent records helps the FTC to avoid incurring digitization costs before NARA’s stated deadline to stop accepting transfers of paper records after 2022.

Calculation/Formula: (Number of Boxes of WNRC Holdings Destroyed + Number of Boxes of WNRC Holdings Successfully Transferred to the Custody of the National Archives) / Total Number of Boxes of WNRC Holdings as of October 1, 2018.

Definitions:

- **ARCIS:** Archives Records Center Information System. The IT system for NARA’s Federal Records Centers (FRC) Program and its customers, which is used by NARA and federal agencies for records storage services.
- **Disposition:** Those actions taken regarding records no longer needed for the conduct of the business of the agency. For temporary records, the destruction or deletion by federal agencies of records that have met mandatory retention periods. For permanent records, the transfer of custody of historical records to the custody of the National Archives of the United States for preservation and research use by the public.
- **ERA:** NARA’s Electronic Records Archives system that allows federal agencies, in part, to submit requests to NARA for the transfer of permanent records in all formats accepted by the National Archives.
- **NARA:** The National Archives and Records Administration, including the National Archives of the United States.
- **Permanent Records:** Any Federal record that NARA has determined to have sufficient value to warrant its preservation in the National Archives of the United States. The FTC recommends the transfer of records of potential permanent value to NARA, using criteria specified in the FTC records disposition schedule, including whether the record provides information on an issue of far-reaching national or international importance; if the record had a significant impact on the FTC’s work; or if it resulted in the approval of new legislation by Congress.
- **Temporary Records:** As specified in agency-specific and NARA-issued government-wide records disposition schedules, any Federal records that have been determined by the Archivist of the United States to have insufficient business value (on the basis of current standards) to warrant preservation by the National Archives of the United States.
- **WNRC Holdings:** All of the boxes of paper records that the FTC stores at the WNRC.
- **WNRC:** NARA’s Washington National Records Center, where the majority of the FTC’s paper records within the Federal Records Center system are stored.

Data Sources: The volume of the agency’s WNRC Holdings are available through NARA’s ARCIS system. The ARCIS system maintains information about the number of boxes the FTC

stores at WNRC, as well as information about those boxes the FTC removes permanently from WNRC for destruction or transfers successfully to the custody of the National Archives.

When NARA accepts requests to transfer permanent records, NARA issues a report through ERA, showing the number of boxes accepted. We can check such reports against the ARCIS system to verify any reduction in the agency's WNRC Holdings. NARA also issues invoices and monthly storage reports to the FTC, showing box volumes and fees.

Data Collection: The FTC's Records Officer will collect data showing the current holdings at WNRC from NARA's ARCIS system. This data will be compared against the ERA data showing requests for any transfers of permanent records, as well as NARA's invoices and monthly storage reports showing the number of boxes transferred to the National Archives and number of boxes destroyed.

Data Limitations/Response: There are risks that, when the FTC submits a request for disposition, agency staff may enter data in the ARCIS system incorrectly, delaying or preventing the transfer or destruction of boxes. For transfers of Permanent Records to the National Archives, this risk is mitigated by NARA's workflow process, in which NARA reviews the content of such Permanent Records before records legal acceptance.

**Performance Goal 3.3.5: Successfully transfer permanent electronic records dated between 2004 and 2016 to NARA in a timely manner.**

Description: This measure will track the agency’s progress in processing and transferring its electronic records in order to comply with federal records management regulations and requirements. The agency began maintaining its permanent records in an electronic format in 2004. Pursuant to the agency’s records schedule and the “Managing Government Records Directive,” OMB M-12-18, the FTC is obligated to identify and transfer Permanent Electronic Records to the custody of NARA.

Calculation/Formula: Success will be determined by NARA’s acceptance of FTC Transfer Requests in ERA for Permanent Electronic Records from specified years. FTC transfers of Permanent Electronic Records are grouped by the calendar year in which FTC matters were closed and therein by FTC Matter Number.

Definitions:

- DocSmart: DocSmart is the agency’s repository of electronic records.
- ERA: NARA’s Electronic Records Archives system that allows federal agencies, in part, to submit requests to NARA for the transfer of permanent records in all formats accepted by the National Archives.
- FTC Matter Number: The FTC assigns unique number to each of its investigations, docketed matters, projects, rulemaking, and other initiatives.
- MMS: Matter Management System is the agency’s system for indexing and managing information and records associated with FTC Matter Numbers.
- NARA: The National Archives and Records Administration, including the NARA Electronic Records Division (ERD), the NARA office responsible for receiving, processing, and making available to the public permanent electronic records of federal agencies.
- Permanent Electronic Records: Any Federal record in an electronic format that NARA has determined to have sufficient value to warrant its preservation in the National Archives of the United States. The FTC recommends the transfer of records of potential permanent value to NARA, using criteria specified in the FTC records disposition schedule, including whether the record provides information on an issue of far-reaching national or international importance; if the record had a significant impact on the FTC’s work; or if it resulted in the approval of new legislation by Congress.
- Transfer Request: The ticket in the ERA system filled out by agencies as part of the permanent records transfer request process.

Data Sources: DocSmart stores the agency’s Permanent Electronic Records and is able to group these records by FTC Matter Number and by date. MMS stores information concerning the dates when a matter closes. NARA issues a notification through ERA, indicating receipt of a Transfer Request. NARA also uses ERA to inform agencies of acceptance of the request, or of the rejection or need for edit (return) of the request.

Data Collection: The FTC’s Records and Information Management office (RIM) will run reports in MMS to identify the FTC Matter Numbers that have closed within a specific calendar year. Using these annual reports, RIM will work with the Office of the Secretary and agency Bureaus and Offices on applying the criteria specified within the agency’s records disposition schedule to identify Permanent Electronic Records stored. RIM will submit a Transfer Request in ERA.

Upon NARA's acceptance of the Transfer Request, RIM will export a copy of Permanent Electronic Records from DocSmart and the associated metadata from MMS in a NARA-approved format.

Data Limitations/Response: There is a risk that the agency may not identify the entire universe of Permanent Electronic Records within a specified date range. Upon receiving management or Commission approval to close a FTC matter, the responsible Bureau or Office enters certain information into MMS to change the status of the FTC matter from "open" to "closed." As with any system that relies upon data entry, there is a risk that this information may be entered incorrectly or not at all. RIM will mitigate this risk by confirming the closure of FTC matters with all appropriate staff and the date of closure within a given year.