DATA QUALITY INFORMATION

STRATEGIC GOAL 1 – PROTECT CONSUMERS

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.
Definition and background: This measure gauges how well the FTC's consumer protection law enforcement actions target the subject of consumer complaints.
Calculation/Formula: Number of enforcement actions targeted consumer identified complaints compared to the total number of enforcement actions.
Data sources: The FTC's Consumer Sentinel Network (CSN) database, LexisNexis CourtLink, the FTC website, and reports from the FTC, Bureau of Consumer Protection (BCP) Director's office, divisions, and regional offices.
Verification and validation: A list of all federal court actions filed in the current fiscal year is compiled in a spreadsheet. For each case, BCP staff with the Division of Consumer Response and Operations (DCRO) completes CSN database searches by the defendants' names to determine if the cases target subjects of consumer complaints to the FTC. The results of the searches are also recorded on a spreadsheet, and the percentage of actions targeting consumer complaints is calculated based on this information, which is reviewed periodically by staff and management for completeness and accuracy.
Data limitations: BCP cases often have multiple defendants and multiple settlements that are reached/approved at different points in time. Because the internal review process is a manual process conducted by BCP staff and management, BCP may miss a settlement or inadvertently double count it.

Performance Goal 1.1.2: Rate of customer satisfaction with the FTC's Consumer Response Center.
Definition and background: This measure ensures the FTC is providing satisfactory service to consumers through the complaint website and call center.
Calculation/Formula: The calculation is conducted by a third party, Foresee, and the formula it uses is proprietary.
Data sources: Reports from the U.S. Department of the Interior's Federal Consulting Group, which is the executive agent for the American Customer Satisfaction Index (ACSI).
Verification and validation: Measurement is generated by an outside source based on industry standard practices.
Data limitations: There are no significant data limitations.

Performance Goal 1.1.3: Total consumer savings compared to the amount of FTC resources allocated to consumer protection law enforcement.
Definition and background: This measure tracks how much money the FTC's law enforcement efforts save consumers each year. The FTC has found that typically when it files a complaint in federal district court and obtains a court order, the defendants stop their practices. If they fail to comply with an order, they are subject to contempt proceedings. By stopping these practices, the agency directly prevents further consumer losses caused by these defendants.
Calculation/Formula: The sum of the estimated consumer savings generated and the amount of money the FTC returned to consumers, divided by the amount of resources spent on consumer protection law enforcement for the current fiscal year. The Consumer and Business Education and Economics and Consumer Policy resources are excluded from the base.
Data sources: To make dollar value assessments, staff uses company sales and other records, as well as information from employees and customers, where applicable. BCP case managers derive the amount of

economic injury to consumers 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 staff action directed specifically at a business, that business stops its allegedly unfair or deceptive practices. Staff is surveyed by email after the completion of a case to determine the dollar value assessments. Estimates will be reported in the Debrief in the Redress and Enforcement Database in early fiscal year 2016. See goal 1.1.4 for more information about the total amount of money returned to consumers.
Verification and validation: The consumer savings by case are maintained in a spreadsheet by BCP staff in DCRO. The spreadsheet is reviewed quarterly by headquarters and regional office management to verify the accuracy of the report and to ensure that all applicable cases are included in the report.
Data limitations: 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 the FTC returned to consumers and forwarded to the U.S. Treasury.
Definition and background: The amount of money includes the sum of redress checks cashed by consumers and all other amounts of money collected from defendants that is forwarded to the U.S. Treasury.
Calculation/Formula: Sum of redress checks cashed by consumers, the amount of residual redress money or defendants' disgorged profits that are forwarded to the U.S. Treasury, and the amount of civil penalties collected that are also forwarded to the U.S. Treasury.
Data sources: The redress data is based on sub-ledger reports from the agency's Financial Management Office (FMO), redress contractor reports, and matter bank statements. The civil penalty data is summarized in a spreadsheet maintained by BCP staff in DCRO.
Verification and validation:

1. The Redress Administration Office (RAO) in DCRO reconciles monthly activity reports submitted by the redress contractors and FMO with matter bank statements.
2. RAO reconciles the monthly FMO sub-ledger with the redress status of each individual matter.
3. 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 penalty disgorgements.

Data limitations: 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. 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: Complaints collected and entered into the Consumer Sentinel Network database.
Definition and background: This measure tracks complaints entered into the FTC's CSN Database. Consumer Sentinel is an investigative tool that provides access to millions of consumer complaints to member law enforcement agencies. More information about CSN can be found at www.ftc.gov/sentinel/index.shtm.
Data sources: The FTC's CSN database.
Verification and validation: Reports are run at least quarterly to determine the number of complaints that are entered into the CSN database.

Data limitations: 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: The percent of redress cases in which the FTC distributes redress dollars designated for distribution to consumers within six months.
Definition and background: This measure ensures that the FTC returns redress dollars to consumers as quickly as possible. Dollars are considered "designated for distribution" when the FTC is in receipt of all funds, legal issues are resolved, and a usable claimant list is ready.
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 redress distribution occurred within six months by the total number of redress distributions in a quarter.
Data sources: Bureaus' open redress case status reports.
Verification and validation: When a redress distribution occurs, the date of the distribution is checked and verified to determine whether or not the redress occurred within six months.
Data limitations: There are no significant data limitations.

Objective 1.2 – Provide the public with knowledge and tools to prevent harm to consumers.

Performance Goal 1.2.1: Rate of consumer satisfaction with FTC consumer education websites.
Definition and background: This measure gauges the effectiveness, helpfulness, and usability of the FTC's consumer education websites.
Calculation/Formula: The calculation is conducted by a third party, Foresee, and the formula it uses is proprietary.
Data sources: See goal 1.1.2.
Verification and validation: Measurement is generated by an outside source based on industry standard practices.
Data limitations: There are no significant data limitations.

Performance Goal 1.2.2: Number of federal, state, local, international, and private partnerships to maximize the reach of consumer and business education campaigns.
Definition and background: This measure helps determine the extent to which FTC's education tools reach consumers through partnerships with federal, state, local, international, and private organizations. These organizations work as partners with the FTC by distributing these materials to their clients and customers. BCP maximizes its reach to consumers and businesses by providing free bulk quantities of education materials via an online order system.
Data sources: The data is compiled from the number of organizations ordering consumer and/or business education materials for distribution. This data comes from the database of customer orders.
Verification and validation: The data for organizations disseminating materials is obtained from the data file generated by the FTC's online order site for bulk quantities of publications. That information is filtered to include only orders by organizations – not individuals – and duplicates are excluded. The result is a list of unique organizations that ordered the FTC's education publications for dissemination to consumers and businesses.
Data limitations: The data is 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.

Performance Goal 1.2.3: Number of workshops and conferences the FTC convened that address consumer protection problems.
Definition and background: This measure helps the FTC ensure that enforcement and education efforts are augmented by encouraging discussions among all interested parties through empirical research on novel or challenging consumer protection problems.
Data sources: The FTC website and reports from the agency, BCP Director's office, division, and regional offices.
Verification and validation: 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: Review is necessary to avoid under-reporting any workshops or conferences.

Performance Goal 1.2.4: Number of consumer protection reports the FTC released.
Definition and background: FTC staff prepares 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. Reports to be counted as part of this measure include Commission and Staff Reports that contain analysis of data or workshops held by the FTC, information-only reports that simply report data without further analysis (e.g., the FTC Cigarette Report, FTC Smokeless Tobacco Report, and various data books such as the Consumer Sentinel Network Data Book, the Do Not Call Registry Data Book, etc.). This measure does not count reports to other federal agencies that report without analysis the activities of the Commission (e.g., FTC Enforcement Activities Related To Compliance With Regulation B (Equal Credit Opportunity), Regulation E (Electronic Fund Transfer), Regulation M (Consumer Leasing), and Regulation Z (Truth in Lending); FTC Enforcement of the Fair Debt Collection Practices Act, etc.).
Data sources: All reports are available on the FTC's website, www.ftc.gov.
Verification and validation: At the end of each quarter, the website is checked to see the number of consumer protection reports published that meet the performance goal definition. This information is also verified and validated against BCP's Accomplishment Report, and with staff in the Bureau of Economics (BE) and the Office of Policy Planning.
Data limitations: This measure may be influenced by factors other than the quality of our performance in any specific year. 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 level of the law enforcement workload affects the time available for producing reports.

Indicator: Consumer protection messages accessed in print.
Definition and background: This measure gauges whether the agency is generating a sufficient amount of educational activity and educational materials that are aimed at new trends and at particularly vulnerable populations.
Data sources: The measure is determined using the agency's publication inventory and reports provided by the FTC's fulfillment contractor.
Verification and validation: The publication inventory tracks the number of print messages distributed. Reports are reviewed for accuracy, checking distribution numbers against quantities of publications printed for distribution.
Data limitations: It is possible that distribution is much higher than reported, as online users may be copying and disseminating copies.

Indicator: Social media subscribers and followers.
Definition and background: The Division of Consumer and Business Education (DCBE) keeps track of the number of subscribers and followers to help determine the extent of consumer and business outreach via social networks. The information is compiled monthly.
Data sources: DCBE staff visit each social network site or subscriber configuration page for the updated number of subscribers/followers each month. This information is compiled in a shared spreadsheet that totals the amounts for each month.
Verification and validation: DCBE staff are responsible for accurately entering data. There is no feasible verification and validation, other than double checking user input into the shared spreadsheet.
Data limitations: Social network sites can only provide the number of current users as of the date the information is accessed. It is possible the number is higher or lower at various times during each month.

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.
Definition and background: This measure tracks the number of investigations or cases in which the FTC and other U.S. federal, state, and local government agencies share evidence or information that contribute to FTC law enforcement actions or enhance consumer protection. 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.
Data sources: The FTC Office of the General Counsel (OGC) authorizes the sharing of information in the possession of the FTC with other U.S. federal, state, and local government agencies. The BCP Director's office provides a copy of all memos from the FTC OGC that address this information. 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 in DCRO. Staff are surveyed by email after the completion of an investigation or case to determine whether the FTC shared information with 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 an investigation or case via email. Beginning in early fiscal year 2016, after the completion of a case, staff will report the names of the U.S. federal, state, and local government agencies in the Debrief in the Redress and Enforcement Database. Staff will continue to be surveyed via email at the completion of an investigation.
Verification and validation: The results are maintained in a spreadsheet by BCP staff in DCRO. 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 completion and accuracy. On at least a quarterly basis, BCP staff in DCRO provide a spreadsheet containing the closed investigations and whether or not the investigation resulted in a case. 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 in DCRO. BCP staff in DCRO checks the spreadsheet to ensure that all requests for sharing of information are included.
Data limitations: 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.
Definition and background: This measure tracks investigations or cases in which the FTC obtains foreign-based evidence; engages in mutual assistance that contributes to FTC law enforcement actions; or in

which the FTC cooperates with foreign agencies and/or multilateral organizations on enforcement matters.
Data sources: Office of International Affairs (OIA) weekly reports and internal tracking sheets.
Verification and validation: Consumer protection team members report matters they worked on in which information was shared. Staff reviews and compiles the matters reported. Managers review these matters to ensure that they qualify as part of the measure and have not been previously counted.
Data limitations: Review is necessary 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, through seminars, substantive consultations, written submissions, or comments, and direct work with foreign agency officials who visit the FTC.
Definition and background: This measure tracks policy advice or technical assistance provided to foreign consumer protection and privacy agencies or other law enforcement agencies, directly and through international organizations. Policy advice and technical assistance is defined as seminars, substantive consultations, written submissions, comments, and visits by foreign officials.
Data sources: OIA weekly reports, internal logs, and technical assistance calendar.
Verification and validation: 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 they are sufficiently substantive to qualify for the measure and have not previously been counted.
Data limitations: 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 matters filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.
Definition and background: This measure evaluates the success rate for consumer protection advocacies filed by the FTC. For this measure:

- An advocacy is counted as "successful" if all issues are resolved in accordance with the FTC's comments and advocacy.
- An advocacy is counted as "partially successful" if some issues are resolved in accordance with the FTC's comments and advocacy. This might be the case, for example, when the FTC comments on several provisions of a proposed regulation or bill and some, but not all, of the relevant provisions are revised in a way that appears to address the FTC's expressed concerns. This happens frequently.
- An advocacy is counted as "unsuccessful" if no issues are resolved in accordance with the FTC's comments and advocacy.

Advocacies that are unresolved during the fiscal year are not counted, but may be counted in subsequent years if they become resolved during that time. For an advocacy to be considered "resolved" the relevant case/rulemaking/legislative process needs to have 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 have been 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 a few 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.

An advocacy is considered "moot" and not counted in the calculation if a matter is resolved without considering any of the issues upon which the FTC commented. For example, when the FTC submits an amicus brief, the court on rare occasion will resolve the case based on an independent issue that was not

addressed in the FTC's brief. Such cases cannot fairly be characterized as either successful or unsuccessful. Comments on potential rulemakings may also be deemed moot if no proposed rule has been released after three or more years. Advocacy relating to both consumer protection and competition are counted in both this performance goal and in performance goal 2.2.3.
Calculation/Formula: This measure is calculated as the sum of "successful" and "partially successful" advocacies resolved in the fiscal year, divided by the total number of advocacies resolved in the fiscal year including advocacies that are "unsuccessful." That is: (successful advocacies + partially successful advocacies) / (successful advocacies + partially successful advocacies + unsuccessful advocacies).
Data sources: Internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system), feedback from advocacy recipients, and other publicly available information regarding the outcomes of advocacy matters (e.g., legislative materials, regulatory decisions, court decisions, news articles). Data for this goal are typically available four months after the close of the fiscal year.
Verification and validation: Review of internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system) and confirmation of data with staff having responsibilities for advocacy matters, follow-up with advocacy recipients, and review of publicly available information regarding the outcomes of advocacy matters.
Data limitations: The usefulness of following up with advocacy recipients depends on the responsiveness of individual recipients, and the availability of other publicly available information typically varies depending on the particular advocacy matter.

***Indicator**:* Advocacy comments and amicus briefs on consumer protection matters filed with entities including federal and state legislatures, agencies, or courts.
Definition and background: This measure tracks the number of advocacy comments and amicus briefs on consumer protection matters filed with entities including federal and state legislatures, agencies, and courts to measure the output of the FTC's advocacy activities relating to consumer protection matters.
Data sources: Internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system).
Verification and validation: Review of internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system) and confirmation of data with staff having responsibilities for advocacy matters.
Data limitations: There are no significant data limitations.

***Indicator**:* The percentage of respondents finding the FTC's advocacy comments to be "useful."
Definition and background: This measure tracks the percentage of respondents finding the FTC's advocacy comments to be "useful" in order to assess the effect of consumer protection advocacy comments.
Calculation/Formula: Number of survey responses received indicating the usefulness of an advocacy divided by the total number of surveys sent to advocacy recipients.
Data sources: Responses to a written survey, sent by agency staff to advocacy recipients, to evaluate the usefulness of an advocacy. The agency does not measure the usefulness of amicus briefs because surveys are not sent to courts.
Verification and validation: Agency staff review written responses in order to determine percentage of respondents describing the FTC's advocacy comments as "useful."
Data limitations: Limited by survey response rate.

STRATEGIC GOAL 2: MAINTAIN COMPETITION

Objective 2.1 – Identify and take actions to address anticompetitive mergers and practices that harm consumers.

Performance Goal 2.1.1*:* Percentage of actions taken to maintain competition in substantial merger and nonmerger investigations.
Definition and background: This measure ensures that FTC actions promote vigorous competition by preventing anticompetitive mergers and stopping business practices that diminish competition. This measure reflects actions to promote competition, including litigated victories, consent orders, abandoned transactions, or restructured transactions (either through a fix-it-first approach or through restructuring) in a significant percentage of substantial merger and nonmerger investigations.
Calculation/Formula: The measure is calculated by taking the number of substantial investigations concluded with an action (as described in the definition above) divided by the total number of substantial investigations closed.
Data sources: To ensure consistent reporting within the Bureau of Competition (BC), press releases are the primary source of information for public actions, such as consent orders and judicial review outcomes. Internal communications from staff attorneys are used to identify those investigations that were closed because parties abandoned a transaction or because staff did not find the transaction likely to harm competition. This information is then used to populate BC's enforcement database. It is cross-referenced with both the list of known second request and compulsory process merger investigations as recorded in the agency's matter tracking database and the list of nonmerger investigations with more than 150 hours, as identified using the agency's staff time reporting system.
Verification and validation: The data is entered into a BC database by staff and reviewed monthly by analysts, attorneys, economists, and senior management.
Data limitations: This measure does not include actions that are still in litigation or on appeal.

Performance Goal 2.1.2*:* Consumer savings through merger actions taken to maintain competition.
Definition and background: This measure ensures that the FTC's merger actions are in part guided by the prospective effect these actions will have on consumer savings.
Calculation/Formula: The measure is calculated by adding the estimated consumer savings of individual merger actions for the current fiscal year plus the previous four fiscal years and dividing the sum by five. When available, case-specific data is used 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.
Data sources: The lead attorney estimates consumer savings for a particular case using the applicable estimation formula and submits it to BE for concurrence.
Verification and validation: See goal 2.1.1.
Data limitations: The data is dependent on the estimates of consumer savings made by staff in accordance with the applicable estimation formulas. Additionally, a five-year average is used because an individual year may be heavily influenced by significant cases in that year.

Performance Goal 2.1.3*:* Total consumer savings compared to the amount of FTC resources allocated to the merger program.
Definition and background: This measure ensures that the FTC's actions are in part guided by the requirement that estimated consumer savings exceed how much is spent on the merger program.
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, case-specific data is used 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.

Data sources: The lead attorney estimates consumer savings for a particular case using the applicable estimation formula and submits it to BE for concurrence. The FTC's financial system provides the amount of resources expended on the merger program.
Verification and validation: See goal 2.1.1.
Data limitations: See goal 2.1.2.

***Performance Goal 2.1.4**:* Consumer savings through nonmerger actions taken to maintain competition.
Definition and background: This measure ensures that the FTC's nonmerger actions are in part guided by the prospective effect they will have on consumer savings.
Calculation/Formula: The measure is calculated by taking the sum of the estimated consumer savings in nonmerger actions for the current fiscal year plus the previous four fiscal years, and dividing the sum by five. When available, case-specific data is used to generate the estimate of consumer savings. Otherwise, staff uses a formulaic approach taking one percent of the volume of commerce of the relevant product market(s) for one year.
Data sources: The lead attorney estimates consumer savings for a particular case using the applicable estimation formula and submits it to BE for concurrence.
Verification and validation: See goal 2.1.1.
Data limitations: See goal 2.1.2.

***Performance Goal 2.1.5**:* Total consumer savings compared to the amount of FTC resources allocated to the nonmerger program.
Definition and background: This measure ensures that the FTC's actions are in part guided by the requirement that estimated consumer savings exceed how much is spent on the nonmerger program.
Calculation/Formula: This measure is calculated by taking the estimated consumer savings generated under goal 2.1.4 divided by the amount of resources spent on the nonmerger program. When available, case-specific data is used to generate the estimate of consumer savings. Otherwise, staff uses a formula of one percent of the volume of commerce of the relevant product market(s) for one year.
Data sources: The lead attorney estimates consumer savings for a case using the applicable estimation formula and submits it to BE for concurrence. The FTC's financial system provides the amount of resources expended on the nonmerger program.
Verification and validation: See goal 2.1.1.
Data limitations: See goal 2.1.2.

Indicator: Average total sales for the current year plus the previous four fiscal years in the affected markets in which the Commission took merger enforcement action.
Definition and background: This measure ensures that the Commission's merger actions are guided in part by the size of the relevant product markets involved.
Calculation/Formula: The measure is calculated by taking the sum of the estimated volume of commerce in the affected market(s) in which the FTC took action for the current fiscal year plus the previous four fiscal years divided by five.
Data sources: The lead attorney who worked on the investigation estimates the volume of commerce of the relevant product market(s) using the applicable estimation formula and submits it to BE for concurrence.
Verification and validation: See goal 2.1.1.
Data limitations: The data is dependent on the estimated volume of commerce calculated using an applicable formula. Additionally, a five-year average is used because the total volume of commerce in an individual year may be heavily influenced by significant cases in that year.

Indicator: Average total sales for the current year plus previous four fiscal years in the affected markets in which the Commission took anticompetitive nonmerger conduct enforcement action.
Definition and background: This measure ensures that the FTC's nonmerger actions are in part guided by the size of the relevant product markets involved.
Calculation/Formula: The measure is calculated by taking the sum of the estimated volume of commerce in the affected 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.
Data sources: The lead attorney who worked on the investigation estimates the volume of commerce of the relevant product market(s) using the applicable estimation formula and submits it to BE for concurrence.
Verification and validation: See goal 2.1.1.
Data limitations: The data is dependent on the estimates of volume of commerce made by FTC staff in accordance with the applicable estimation formulas. Additionally, a five-year average is used because the total volume of commerce in an individual year may be heavily influenced by significant cases in that year.

Objective 2.2 – Engage in effective research and stakeholder outreach to promote competition, advance its understanding, and create awareness of its benefits to consumers.

Performance Goal 2.2.1: Number of workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues.
Definition and background: This measure ensures that consumer benefits are enhanced through policy related activities such as workshops, seminars, conferences, and hearings convened or cosponsored that involve significant competition-related issues. The measure is calculated by counting the number of competition-related workshops, hearings and conferences hosted by the FTC.
Data sources: Information on conferences involving significant competition related issues is taken from the FTC's website (www.ftc.gov/ftc/workshops.shtm) and from press releases.
Verification and validation: Data is received from staff attorneys, internal databases and press releases. The data is entered into a bureau database by staff, and reviewed monthly by analysts, attorneys, economists, and senior management.
Data limitations: 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.
Definition and background: The measure tracks competition policy related activities such as Commission or staff research, reports, economic or policy papers, and studies, produced after substantive investigation and analysis, that enhance the public's knowledge of competition issues. Also included as part of this measure are reports to other federal agencies that compile, without analysis, the activities of the FTC. The measure is calculated by counting the number of the reports and studies issued by the FTC during a given fiscal year.
Data sources: Information on studies and reports on significant competition-related issues is taken from the FTC's website (http://www.ftc.gov/policy/reports/policy-reports/economics-research, http://www.ftc.gov/policy/reports, and https://www.ftc.gov/about-ftc/bureaus-offices/reports?field_bureau_office_association_tid=58).
Verification and validation: BE notifies relevant staff in advance of publishing each BE competition-related report, study, or paper. At the end of each quarter, the websites (noted above) are checked to verify and validate the data. Data is also verified and validated with BE, BC, and the Office of Policy Planning.

Data limitations: Reports are issued in discrete units and require substantial effort often over multiple years. Therefore, yearly production can vary substantially.

Performance Goal 2.2.3: Percentage of competition advocacy matters filed with entities including federal and state legislatures, agencies, or courts that were successful, in whole or in part.
Definition and background: This measure evaluates the success rate for competition advocacies filed by the FTC. For this measure:

- An advocacy is counted as "successful" if all issues are resolved in accordance with the FTC's comments and advocacy.
- An advocacy is counted as "partially successful" if some issues are resolved in accordance with the FTC's comments and advocacy. This might be the case, for example, when the FTC comments on several provisions of a proposed regulation or bill and some, but not all, of the relevant provisions are revised in a way that appears to address the FTC's expressed concerns. This happens frequently.
- An advocacy is counted as "unsuccessful" if no issues are resolved in accordance with the FTC's comments and advocacy.

Advocacies that are unresolved during the fiscal year are not counted, but may be counted in subsequent years if they become resolved during that time. For an advocacy to be considered "resolved," the relevant case/rulemaking/legislative process needs to have 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 have been 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 a few 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.

An advocacy is considered "moot" and not counted in the calculation if a matter is resolved without considering any of the issues upon which the FTC commented. For example, when the FTC submits an amicus brief, the court on rare occasion will resolve the case based on an independent issue that was not addressed in the FTC's brief. Such cases cannot fairly be characterized as either successful or unsuccessful. Comments on potential rulemakings may also be deemed moot if no proposed rule has been released after three or more years. Advocacy relating to both consumer protection and competition are counted in both this performance goal and in performance goal 1.3.4.
Calculation/Formula: This measure is calculated as the sum of "successful" and "partially successful" advocacies resolved in the fiscal year, divided by the total number of advocacies resolved in the fiscal year including advocacies that are "unsuccessful." That is: (successful advocacies + partially successful advocacies) / (successful advocacies + partially successful advocacies + unsuccessful advocacies).
Data sources: Internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system), feedback from advocacy recipients, and other publicly available information regarding the outcomes of advocacy matters (e.g., legislative materials, regulatory decisions, court decisions, news articles). Data for this goal is typically available four months after the close of the fiscal year.
Verification and validation: Review of internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system) and confirmation of data with staff having responsibilities for advocacy matters, follow-up with advocacy recipients, and review of publicly available information regarding the outcomes of advocacy matters.
Data limitations: The usefulness of follow-up with advocacy recipients depends on the responsiveness of individual recipients, and the availability of other publicly available information typically varies depending on the particular advocacy matter.

Indicator: Advocacy comments and amicus briefs on competition matters filed with entities including federal and state legislatures, agencies, or courts.
Definition and background: This measure tracks the number of advocacy comments and amicus briefs on competition matters filed with entities including federal and state legislatures, agencies, or courts to measure the output of the FTC's advocacy activities relating to competition matters.
Calculation/Formula: Review internal matter records of advocacy comments and amicus briefs filed in past fiscal years to estimate the number of such items typically filed per each fiscal year.
Data sources: Internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system).
Verification and validation: Review internal matter records of advocacy comments and amicus briefs filed (e.g., records available in the FTC's document management system) and confirm data with staff having responsibilities for advocacy matters.
Data limitations: There are no significant data limitations.

Indicator*:* The percentage of respondents finding the FTC's advocacy comments to be "useful."
Definition and background: This measure tracks the percentage of respondents finding the FTC's advocacy comments to be "useful," in order to assess the effect of competition advocacy comments.
Calculation/Formula: Number of survey responses received indicating the usefulness of an advocacy divided by the total number of surveys sent to advocacy recipients.
Data sources: Responses to a written survey, sent by agency staff to advocacy recipients, to evaluate the usefulness of an advocacy. The agency does not measure the usefulness of amicus briefs because surveys are not sent to courts.
Verification and validation: Agency staff reviews written responses in order to determine percentage of respondents describing the FTC's advocacy comments as "useful."
Data limitations: Limited by survey response rate.

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.
Definition and background: This measure tracks the number of cases in which at least one substantive contact has taken place and where, in the judgment of OIA management, consistent analytical approaches were observed, compared with the total number of cases. The phrase "reached compatible outcomes" means that the reviewing agencies' remedial measures are not inconsistent; professional judgment from OIA senior management is used to make a final decision on compatibility for FTC measurement purposes.
Calculation/Formula: Number of cases where a foreign antitrust authority or agency followed consistent analytical approaches and reached compatible outcomes as a percentage of the total number of cases the FTC has at least one substantive contact.
Data sources: OIA weekly reports and internal logs.
Verification and validation: International antitrust team members report matters they worked on in which substantial 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.
Data limitations: Review is necessary to ensure that the matters reported included substantive contact with a foreign antitrust authority.

***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, through seminars, long-term advisors and staff exchanges, substantive consultations, written submissions, or comments, and with foreign officials when they visited the FTC.
Definition and background: This measure tracks the policy advice and technical assistance provided to foreign competition agencies, directly and through international organizations by means of seminars, long-term advisor and staff exchange, substantive consultations, written submissions, comments, or hosting of international fellows and interns.
Data sources: See goal 1.3.3.
Verification and validation: See goal 1.3.3.
Data limitations: See goal 1.3.3.

STRATEGIC GOAL 3: ADVANCE ORGANIZATIONAL PERFORMANCE

Objective 3.1 – Optimize resource management and infrastructure.

Performance Goal 3.1.1: A favorable Continuity of Operations (COOP) rating.
Definition and background: The FTC ensures a safe and secure workplace through the development and implementation of the FTC COOP. The FTC COOP defines the necessary planning and actions that are required to ensure the preservation and performance of the FTC Mission Essential Functions (MEFs). Continuity planning facilitates the performance of FTC MEFs during all-hazards emergencies or other situations that may disrupt or potentially disrupt normal operations. The FTC participated in the government-wide Eagle Horizon Exercise to test and verify the effectiveness of the FTC COOP. An internal FTC evaluation team conducted an analysis of the plan and exercise. An overall score is derived for the exercise using the average numeric rating for each element of the review.
Calculation/Formula: Results of the annual government-wide Eagle Horizon exercise, where an overall score is derived for the exercise using the average numeric rating for each element of the review.
Data sources: The data on performance of the COOP exercise is generated using a standard continuity evaluation protocol developed by FEMA.
Verification and validation: The review of the FTC COOP was conducted independently by a FEMA representative and the evaluation of the Eagle Horizon Exercise was conducted by an internal FTC team, which then submitted the data to FEMA. The FTC Health and Safety Officer provided an overall review to ensure the data is complete and accurate.
Data limitations: The overall score is based on subjective analysis of the COOP and performance of the exercise designed to give an overall evaluation of the COOP and identify improvement opportunities. The subjective nature of the data limits its usefulness in trend or comparative analysis.

Performance Goal 3.1.2: Availability of information technology systems.
Definition and background: This measure tracks unplanned service outages and monitors the reliability of 10 critical information technology services, including: email, FTC-specific applications and systems, wireless services, Internet/Intranet, telecommunications (includes phone and voicemail services), Wide Area Network, the agency's primary public website (www.ftc.gov), and remote employee access.
Calculation/Formula: This measure is calculated by dividing the number of minutes of unscheduled system outages per month by the number of total minutes per month.
Data sources: The FTC Enterprise Service Desk records system or component outage data as part of the OCIO's Change Management procedure and notifies affected staff of outages.
Verification and validation: Outage timeframes are verified by correlating outages to system alerts and data recorded in the change management database.
Data limitations: The agency uses a manual tracking process to record the outage data in a spreadsheet. The reliability of the data depends on compliance with the change management procedure. The agency is

currently working to implement SolarWinds, a network performance-monitoring tool that will provide early warning notifications regarding changes to application performance and generate outage and downtime data.

***Performance Goal 3.1.3**:* Achieved a favorable (unmodified) audit opinion from the agency's independent financial statement auditors.
Definition and background: Independent auditor's opinion based on auditor's review and tests of internal controls over operations and financial reporting and the determination that the financial statements and notes are fairly presented. The measure formula is 100% if an unmodified or "clean" opinion (the financial statements are fairly presented) is achieved or 0% for all other opinion types (qualified, adverse, disclaimer).
Data sources: Independent auditor's opinion of year-end financial statements.
Verification and validation: FTC's independent auditors render their opinion to the agency.
Data limitations: There are no significant data limitations.

***Performance Goal 3.1.4**:* Average number of days for the FTC to release information in response to a simple FOIA request.
Definition and background: The FTC receives a number of requests that upon initial review appear to be requests the agency can fulfill quickly. For example, a number of consumers file identity theft complaints or a complaint against a company they believe has engaged in bad acts and then request copies of what they submitted to the FTC. Responding to these requests is fairly simple and straightforward, and the requests represent a strong percentage of the types of requests the agency fills. This measure tracks the agency's response time in processing a simple FOIA request for access to public records. The agency also keeps track of a number of other measures on an annual basis, including: the FTC's response time for simple and complex requests; steps that the FTC has taken to make its response system effective; steps taken to increase proactive disclosures; steps taken to decrease the FTC's backlog and improve timeliness in responding to requests, and other measures. Those reports can be found here:
http://www.ftc.gov/foia/chiefreports.shtm
Calculation/Formula: Sum of the number of days to process each request divided by the total number of requests processed.
Data sources: All of the FOIA requests that the FTC receives are logged into and processed through a system called FOIAxpress. FOIAxpress is one of the electronic systems that various agencies use to track their FOIA requests and responses.
Verification and validation: Generally, under the Freedom of Information Act an agency has 20 business days to respond to each request. When the FOIA Unit receives a FOIA request, it logs the request into the FOIAxpress system, scans it, and assigns a number to each request. These steps, once completed, trigger the clock to run for processing each request. FOIAxpress automatically counts the number of days it takes for the agency to process all FOIA requests.
Data limitations: Occasionally, when the agency upgrades FOIAxpress, the upgrade does not proceed smoothly and the agency has to repeat processing steps that have already occurred.

***Indicator**:* Performance against the Small Business Administration's (SBA) government-wide small business procurement goals.
Definition and background: This measure identifies quarterly and annual awards of contract dollars to small business entities against total dollars available for set-aside for small business awards in whole or part. The accumulation, ratio analysis, and agency targets are managed by SBA. The internal operations of the Federal Procurement Data System-Next Generation (FPDS-NG) application, through which the measure is reported, are managed by GSA.
Calculation/Formula: FPDS-NG report sent to FTC.
Data sources: FPDS-NG, found at www.fpds.gov

Verification and validation: FTC's acquisition staff performs a statistical analysis annually and certifies the statistical validity of the FPDS-NG data.
Data limitations: There are no significant data limitations.

Objective 3.2 – Cultivate a high-performing, diverse, and engaged workforce.

Performance Goal 3.2.1: FTC achieves a high ranking in the "Best Places to Work in the Federal Government."
Definition and background: This ranking is an important tool for ensuring that employee satisfaction is a top priority for managers and leaders. The Partnership for Public Service uses data from the Office of Personnel Management's Federal Employee Viewpoint Survey (FEVS) to rank agencies and their subcomponents according to a Best Places to Work index score. Agencies and subcomponents not only are measured on overall employee satisfaction, but are scored in 10 workplace categories, such as effective leadership, employee skills/mission match, pay, teamwork and work/life balance.
Data sources: See goal 3.2.2. Data (ranking of agencies) for this goal is available in December, three months after the close of the fiscal year.
Verification and validation: The Best Places to Work index is calculated by the percentage of positive responses (Strongly Agree/Agree or Very Satisfied/Satisfied) to three workplace satisfaction questions and is weighted according to a proprietary formula.
Data limitations: The survey results represent a snapshot in time of the perceptions of the workforce. The government-wide results have a plus or minus 1 percent margin of error.

Performance Goal 3.2.2: The extent employees believe the FTC has the talent necessary to achieve organizational goals.
Definition and background: This measure gauges the extent employees think the organization has the talent necessary to achieve organizational goals so that the FTC has a strong foundation of organizational, individual, and management excellence driving mission success.
Data sources: The FEVS Talent Management Index is the data source. The FEVS is administered annually by the U.S. Office of Personnel Management (OPM). It is a tool that measures employees' perceptions of whether, and to what extent, conditions that characterize successful organizations are present. This survey was administered for the first time in 2002, and then repeated in 2004, 2006, 2008, 2010, 2011, 2012, 2013, 2014, and most recently in 2015. OPM transmits the agency results to the FTC's Human Capital Management Office.
Verification and validation: Data collected is weighted by statisticians to produce survey estimates that accurately represent the survey population and adjust for differences between the characteristics of the survey respondents and the population of federal employees surveyed. The weights developed take into account the variable probabilities of selection across sample domains, nonresponse, and known demographic characteristics of the survey population.
Data limitations: The survey results represent a snapshot in time of the perceptions of the workforce. The government-wide results have a plus or minus 1 percent margin of error.

Performance Goal 3.2.3: The extent employees believe the FTC encourages an environment that is open, diverse and inclusive.
Definition and background: This measure gauges the extent employees believe the agency has policies and programs that promotes a work environment that is open, diverse and inclusive. This includes having managers support creativity and innovation, and a workforce representative of all segments of society.
Data sources: The FEVS Diversity and Inclusion – New IQ Index is the data source. The FEVS is administered annually by the U.S. Office of Personnel Management (OPM). It is a tool that measures employees' perceptions of whether, and to what extent, conditions that characterize successful organizations are present. This survey was administered for the first time in 2002, and then repeated in

2004, 2006, 2008, 2010, 2011, 2012, 2013, 2014, and most recently in 2015. OPM transmits the agency results to the FTC's Human Capital Management Office.
Verification and validation: See goal 3.2.2.
Data limitations: See goal 3.2.2.