



***FREEDOM OF INFORMATION ACT
& PRIVACY ACT
HANDBOOK***

February 2017

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II. What

described in administrative staff manuals).

Other (press releases; grants of early termination of waiting periods under the Hart-Scott-Rodino statutory premerger notification provisions; informal interpretations of the premerger Rules given by FTC staff in response to requests for advice on proposed mergers (redacting all party identifiers); applications for clearance or authorization to appear or participate in a proceeding or investigation and agency responses; continuing guaranties filed under the Wool, Fur, and Textile Acts; published reports by the staff or by the Commission on economic surveys and investigations of general interest; filings by the Commission or by the staff submitted to other Federal agencies or state or local government bodies; registration statements and annual reports filed with the Commission by export trade associations; identities of holders of registered identification numbers (referred to as "RN Numbers") issued by the Commission; and the Commission annual report and any other annual reports made to Congress on activities of the Commissi

purpose of this law is to avoid premature disclosure of information about those mergers and acquisitions that could improperly affect the sale of a company, its assets, the price of its stock, or disclose its trade secrets and other sensitive commercial or financial information.

The FTC has the authority to require businesses or individuals to submit information needed for investigations. This authority is known as compulsory process. Sections 21(b) and 21(f) of the FTC Act prohibit the release of information obtained through compulsory process, or submitted to the FTC voluntarily by a party when compulsory

Exemption 7(D) allows the FTC to withhold records that could reveal the identity of a confidential source. The FTC's practice is to treat third-parties that provide information during the course of a law enforcement investigation as confidential sources whenever possible.

Example: Exemption 7 would probably apply in a number of ways to an ongoing FTC investigation of a franchisor triggered by allegations from several franchise owners about misrepresentations of potential earnings. The FTC may use Exemption 7(A) to withhold all records that reveal investigative strategies of the FTC or that may show that the franchisor is an investigation target. It may also use Exemption 7(C) to withhold information about the franchisees' personal finances, because the public has little right to know about information that is not related to government operations or business. Finally, it might invoke Exemption 7(D) to protect the complainant.

research purposes, or the public interest in disclosure outweighs your commercial interest).

If you are seeking expedited treatment, sufficient information to show that (1) failure to obtain the records quickly could pose an imminent threat to the life or safety of an individual; or (2) your primary job is to disseminate information and there is an urgency to inform the public about actual or alleged Federal government activity.

If you are seeking records about a company, the exact name and address of the company, if you know it. Because many companies share similar names, you can help us identify the information you want by indicating the type of business that the company is engaged in.

If you are seeking a copy of a consumer complaint. 53 628.3 Tm [] TJv 078

waived for a request seeking communications between the FTC and Congress or other Federal agencies (if the other required conditions are also met) because such documents could provide information about how the FTC carries out its duties.

Untimely responses. Except as provided below, search fees for responding to a FOIA request will not be assessed for responses that fail to comply with the time limits as provided at 5 U.S.C. 552(a)(4)(A)(viii) and §4.11(a)(1)(ii), if there are no unusual or exceptional circumstances, as those terms are defined by 5 U.S.C. 552(a)(6) and §4.11(a)(1)(ii). Except

Requester Fee Categories

Requester Category	Searching	Reviewing	Duplication Charges
Commercial (including law firms)	Fee	Fee	Fee for all Duplication

Other reproduction (e.g., computer disk or printout, microfilm, microfiche, or microform)	Actual direct cost, including operator time
Electronic Services:	
Preparing electronic records and media	\$10.00 per qtr. hour
Compact Disc (CD)	\$3.00 per disc
DVD	\$3.00 per disc
Videotape Cassette	\$2.00 per cassette
Microfilm Services:	
Conversion of existing fiche/film to paper	\$0.14 per page
Other Fees:	
Certification	\$25.00 each

VIII. HOW THE FTC RESPONDS TO FOIA REQUESTS

A. Response Time

We answer most requests within the statutory time limit of 20 working days following the receipt of a request, without need for an extension. Unless it is a simple request or a request that we can process in fewer than three days, we will send you an acknowledgment letter informing you we have received your request. We may also contact you during processing to ask questions or to give you a status report. If we need additional information or clarification about your request, we may put your request on hold temporarily, while we try to reach you. If we have not been able to reach you during the hold period, to resolve these issues, we may close the request. You may check the status of your request on our [Track Your FOIA Request](#) webpage, or by calling the FOIA specialist who is processing your request.

1) Extensions of Time for Responding to FOIA Requests

After a request has been perfected, the FOIA requires us to respond to requests within 20 working days, but it also gives us the right to extend that time under unusual or exceptional circumstances. A formal 10-day extension of the FOIA's time limits may be invoked under unusual circumstances, which are defined by the FOIA statute to include when the responsive documents: (1) are located in offices separate from the FOIA office

B. Content of Response

We will send you a letter in response to your FOIA request. The responsive documents that qualify for release will be included with this letter.

If we did not locate any responsive records, we will state this in the response letter. If we locate responsive materials, we will review them to determine whether we can grant full or partial access to them, or whether we must withhold them based on the FOIA exemptions. If we deny your request in whole or in part, we will list and explain the applicable FOIA exemptions and provide the name of the official who made the decision. In our response letter we describe the categories of documents being withheld 1ng

Other factors we consider in determining whether to release particular materials may include the amount of material requested, the age of the material, and whether it is still available from the copyright holder. Works that comprise a small portion of a publication are more appropriately copied than works that comprise a large portion of a publication. Although determinations will be made on a case-by-

pertaining to you in any system of records,² (2) request access to such a record or to an accounting of its disclosure, (3) request that the record be amended or corrected, and (4) appeal an initial adverse determination of any request.

When you make a Privacy Act request to the FTC, we search our systems of records for any information indexed by your name, or any other identifying information. The FTC systems of records subject to the Privacy Act are organized into seven categories: (1) law enforcement systems, (2) FTC personnel systems, (3) FTC financial systems, (4) correspondence systems, (5) access request systems, (6) mailing list systems, and (7) miscellaneous systems. More information about the Privacy Act and a complete list of the FTC's Privacy Act systems can be found at the FTC's [website](#). FTC regulations related to the Privacy Act, including procedures for making a Privacy Act request, are found at 16 C.F.R. §4.13.

XII. GOVERNMENT IN THE SUNSHINE ACT

The Government in the Sunshine Act ("Sunshine Act"), 5. U.S.C. § 552b, gives the public the right to observe Commission meetings, except when the topics to be discussed at those meetings concern certain types of issues. When the Commission determines that certain types of information, which should remain confidential, are likely to be discussed at a Commission meeting, the Sunshine Act allows the agency to hold the meeting in a closed session. Whether a

Common Misconceptions

1. The most commonly requested records that we do not have include:

-Credit Reports. We do not have a copy of your credit report, nor can we supply you with a copy of your credit report. You can go to <https://www.annualcreditreport.com> to obtain a free copy of your credit report(s). More information about obtaining your [free annual credit](#) report is available on the FTC's website.

- Uniform Franchise Offering Circulars. Franchisors are not required to file these documents with the FTC and we do not generally have copies. However, many state laws require these documents to be filed with a division of that state's government. Some states, such as California and Minnesota, make these documents available on their state government websites.

-Non-FTC Records. Please make sure that you are submitting your FOIA request to the correct Federal Agency or Office. We do not have access to other agencies' records, and you must request

