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Description of document: **US Federal Trade Commission (FTC) "Steps in Responding to a FOIA Request," 2008**

Requested date: October 04, 2008

Released date: December 2008

Posted date: 01-April-2009

Source of document: Freedom of Information Act Request
Office of General Counsel
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580
Fax: (202) 326-2477
Email: FOIA@FTC.GOV

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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

SEP 16 2008

Re: FOIA-2009-00114
"Steps in Responding to a FOIA Request"

This is in response to your request dated October 04, 2008 under the Freedom of Information Act seeking access to "Steps in Responding to a FOIA Request". In accordance with the FOIA and agency policy, we have searched our records, as of October 16, 2008, the date we received your request in our FOIA office.

We have located two pages of responsive records. You are granted full access to the responsive records, which are enclosed.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580 or by facsimile at (202) 326-2477, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Carolyn Lowry at 202-326-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan E. Fina".

Joan E. Fina
Assistant General Counsel

Enclosed:
"Steps" (Two pages)

STEPS IN RESPONDING TO A FOIA REQUEST

1. Read request and run a search in the RCS Summary Report in Business Objects (this search runs against CCS, CIS and MMS); ID Theft database; and website. Print responsive materials.
2. If no responsive materials (and there is no indication that it should be referred to another division¹), prepare memo and response letter. (**This should ordinarily take no more than 1-3 days**).
3. If needed, talk to requester to discuss scope of request and/or fees:
 - a. **If you try for 3-5 days to reach the requestor and get no response, send a "hold" letter giving them 7 days to respond then withdraw the request.²**
 - b. **If the request is voluminous, and the requestor agrees to fees, set up a schedule for partial responses.**
4. If discussions with requestor lead to ANY change from the original request, **immediately send a letter confirming that change.**
5. If the only responsive documents are complaints, review complaints, complete CIS/TCS analysis, prepare memo and letter. (**This should ordinarily take no more than 3-5 days**)
6. If there is an investigation, search/order records
 - a. If investigation is open - - search public record, Internet and refer to appropriate office(s).
 - b. If investigation is closed - - order files from records, search Internet and refer to appropriate office(s).
7. When documents/referrals are returned to FOIA Office, review for release/exemptions.

¹ In situations where it is clear from the letter that there may documents in a division, send a referral to that division (i.e. requester asks for an economic analysis of topic X; requester seeking a specific letter form Pre-merger; requestor seeking documents relating to funeral Home Sweeps)

² The time the request is "on hold" is NOT counted in the days it takes to complete a response.

8. If closed more than 3 years, and your analysis leads to the conclusion that documents should be released discretionarily, **prepare discretionary release memo and send to appropriate office (all the documents should be clearly marked and sent with the discretionary release memo).**
9. If closed less than 3 years, release all public materials, all factual materials, **all material that appears deliberative but was adopted as fact** (i.e. on MIN a "recommendation" that an investigation should be opened becomes "factual" when the investigation is opened). If there are materials that are exempt under 21(f) but are otherwise publicly available, prepare discretionary release memo for General Counsel's signature.
10. Once FOIA review is complete, prepare memo and a letter for signature.
11. Once the letter is signed, send the original letter and redacted documents to the requestor.
12. Keep one copy of the signed letter, copy of invoice, and one copy of the released documents with the file.
13. Keep the withheld documents for 30 days (the appeal period) before returning to records or the appropriate staff person.
14. Put one copy of signed response in folders for FTC Watch and Public reference.
15. Send copy of Invoice to FMO
16. Log out of Access system per instructions.