



OFFICE of GOVERNMENT INFORMATION SERVICES

June 4, 2015— Sent via Email

Re: Case No.: 201500152
NG: AS

Dear [REDACTED]

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received via mail on December 1, 2014. Your request for assistance pertains to your request, (assigned FOIA-2014-[REDACTED]) sent to the Federal Trade Commission (FTC). You requested records related to the [REDACTED]

[REDACTED] We are sorry for our delay in responding to your request for assistance.

As you know, Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed the information you submitted and when we spoke with you on May 28, 2015, you agreed to narrow your request for assistance to the fee dispute, since the agency had identified public records that can be reviewed both at FTC and NARA.

As we shared with you on May 29, 2015 in our follow-up discussion, facilitator Angel Simmons and I discussed your concerns with Mr. Richard Gold in the FTC Office of General Counsel. We were advised that FTC placed you in the commercial fee category. Commercial requesters are charged for all search, review, and duplication fees. In response to your [REDACTED], 2014 FOIA request, the FTC located two responsive records but not the list of documents pertaining to [REDACTED]. Since you indicated to the FTC your willingness to pay up to \$200, an FTC attorney, at a rate of approximately \$20 per quarter hour, spent two and a half hours searching for the list you requested ($\$20 \times 4 \times 2.5 = \200).

In [REDACTED], 2015, response the FTC advised you that there were publically available records housed at the National Archives and the FTC which you could review by contacting the individuals noted in that letter.



However, as a result of our inquiry, and your separate Rule 4.11(e) request to the FTC, the agency performed another search and located additional records which Mr. Gold sent to us. We have enclosed these records for your review. They contain a listing of the non-publicly available documents which appear to be pertinent to your request. Note that this material is dated and references documents that may have previously been transferred to the Nation Archives and Records Administration (NARA) or destroyed according to NARA records disposition schedules.

[REDACTED] letter also advises that if you are unable to locate the information you seek in the publically available files you may request the non-public records by submitting [REDACTED]. Should you wish to submit a new request, please be advised that you will continue to be charged as a commercial requester and the new request will not be accepted until you remit the \$200 search fees FTC assessed for the previous request (FTC FOIA-2014-[REDACTED]).

[REDACTED] you for bringing this matter to OGIS; we consider your case closed.

Sincerely,
/s/

Nikki Gramian, Acting Director
Office of Government Information Services (OGIS)

Cc: Richard Gold, Office of General Counsel FTC, via email

Encl: FTC Fee Regulation Printout
FTC- Non-Public Records:
History Profile Reports
List of Complaints Against [REDACTED]
FTC Form 176 Listing