



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Allan Blustein  
Cause of Action  
1919 Pennsylvania Ave, NW, Suite 650  
Washington, DC 20006

JUN 17 2013

Re: FOIA-2013-00966  
Issa Report

Dear Mr. Blustein:

This is in response to your request dated May 30, 2013 under the Freedom of Information Act seeking access to the FTC's response to an August 23, 2010 letter from Senator Charles Grassley and Representative Darrell Issa, regarding the role of political appointees in the processing of FOIA requests. In accordance with the FOIA and agency policy, we have searched our records, as of May 31, 2013, the date we received your request in our FOIA office.

We have located two 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 the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

Dione J. Stearns  
Assistant General Counsel

Enclosed: 5 pages



Office of Inspector General

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

September 17, 2010

**VIA ELECTRONIC TRANSMISSION**

The Honorable Charles E. Grassley  
Ranking Member  
Committee on Finance  
United States Senate  
Washington, DC 20510

The Honorable Darrell Issa  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
Washington, DC 20510

Dear Senator Grassley and Representative Issa:

This letter is in response to your August 23, 2010 letter requesting that I undertake an inquiry of the Federal Trade Commission's FOIA office to determine whether, and if so, the extent to which political appointees are made aware of FOIA requests and have a role in FOIA request reviews or decision-making. Pursuant to your request, I directed the two senior members of my staff (Audit Manager and Chief Investigator & Counsel) to undertake the specified inquiry which is now substantially completed. However, due to our inability to schedule an interview with a senior official prior to today's date (on which you requested that I report my findings), the facts discussed herein are interim findings. I anticipate that our inquiry will conclude in the next two weeks. Following our interview of the remaining senior official, I will issue a final report on our findings to you as well as the full Federal Trade Commission.

To date, our inquiry consisted of more than nine hours of on-the-record interviews. My senior staff interviewed several members of the agency's FOIA office staff responsible for the day-to-day processing of approximately 1300 FOIA requests each year, one senior official and one member of the FTC Chairman's staff. We also requested and reviewed internal documents from some individuals whom we interviewed.

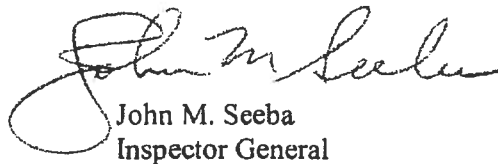
We have not discovered any information indicating that the FTC's political appointees (e.g., any individual on the five-member Commission or any senior staff member appointed by the Chairman) have imposed any filtering or exercised any political influence in the FOIA review process. We learned that the only agency staff who are aware of pending FOIA requests

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The Honorable Darrell Issa  
September 17, 2010  
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are staff in the Office of General Counsel with responsibility to process FOIA requests (*i.e.*, FOIA staff), staff in the program office that is the repository of responsive documents, and in limited circumstances, the agency's Office of Public Affairs.<sup>1</sup>

In our inquiry, we received information suggesting that there are some anomalies in FOIA processing operations in limited situations that warrant further inquiry by my office. Those issues will be discussed more fully in the final report anticipated to be completed in two weeks. I will transmit the final report to you following completion of our inquiry. Please contact me if you have any questions regarding this interim report.

Sincerely,

A handwritten signature in cursive script, appearing to read "John M. Seeba". The signature is written in dark ink and is positioned above the printed name and title.

John M. Seeba  
Inspector General

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<sup>1</sup> FOIA staff notifies the agency's press office of pending FOIA requests submitted by members of the press. FOIA staff anticipates that such requests could result in media press reports relating to the subject of the released documents. Notification is given to facilitate the efficient response to members of the press regarding media coverage relating to the released documents. Although the agency's senior official in the press office is appointed by the FTC Chairman and may therefore retain some loyalty to the Chairman, FOIA staff does not believe that the press officer notifies anyone outside of her office regarding a pending FOIA request about which the press office received notice.

**Harmison, Mary**

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**From:** Harmison, Mary  
**Sent:** Tuesday, November 09, 2010 8:34 AM  
**To:** 'Brian\_Downey@finance-rep.senate.gov'  
**Cc:** Seeba, John; Hogue, Cynthia A.  
**Subject:** RE: A Letter from Ranking Member Grassley and Ranking Member Issa

Mr. Downey, please find attached the Federal Trade Commission Inspector General's response to the August 23, 2010 letter from Senator Grassley and Representative Issa.

This letter is a supplemental response following our September 17, 2010 letter regarding our inquiry into FOIA processing and procedures at the Federal Trade Commission (FTC).

Sincerely,

Mary Harmison CPA  
Audit Manager  
Office of Inspector General  
Federal Trade Commission  
202-326-2622



Office of Inspector General

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

November 9, 2010

**VIA EMAIL**

The Honorable Charles E Grassley  
Ranking Member  
Committee on Finance  
United States Senate  
Washington, DC 20510

The Honorable Darrell Issa  
Ranking Member  
Committee on Oversight and Government Reform  
United States House of Representatives  
Washington, DC 20510

Dear Senator Grassley and Representative Issa:

This letter is a supplemental response following our September 17, 2010 letter regarding our inquiry into FOIA processing and procedures at the Federal Trade Commission (FTC). Our inquiry followed your August 23, 2010 letter requesting that I undertake an inquiry of the FTC's FOIA processing procedures. You asked whether, and if so, the extent to which political appointees at the FTC are made aware of FOIA requests and have a role in FOIA request reviews or decisionmaking. Our inquiry is now complete, and as a result of our work we found no evidence of any political influence in FOIA processing at the FTC.

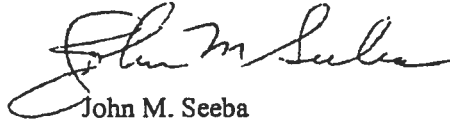
During the course of the seven interviews conducted by the FTC OIG Audit Manager and Chief Investigator & Counsel, my staff learned of some internal procedural issues that contributed to delay in the agency's processing of FOIA requests. That delay led my staff to probe further and explore the cause of delays in FOIA processing. We learned that some delay was attributable to legitimate differences of opinion among senior FTC officials respecting the agency's internal discretionary release policy applicable to certain FOIA requests. That internal policy applies to requests for materials from closed FTC cases that are more than ten years old. The internal discourse among senior officials delayed the processing of a limited number of then-pending FOIA requests. Following our inquiry, my staff concluded that the agency's FOIA office is currently operating efficiently and processing FOIA requests in an expeditious manner with no political interference or influence in the FOIA release determinations.

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The Honorable Darrell Issa  
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Our probe revealed that agency FOIA staff disclose pending FOIA requests to one political appointee for a legitimate reason. On occasion, FOIA requests seek agency materials on topics that may be of interest to the press. In such instances, the initial FOIA requester is typically a member of the media and FOIA staff anticipates that the requester will ultimately report on the content of the FOIA materials disclosed by the agency. FOIA staff routinely inform the agency's Director of the Office of Public Affairs, a political appointee of the agency head, of such pending FOIA requests. That notice is intended to facilitate the efficient handling of subsequent media inquiries to the agency's press office regarding the materials that are the subject of the FOIA request. We learned of no other disclosures of pending FOIA requests to political appointees at the FTC. FOIA staff assured my staff that there has never been any political influence in the day-to-day operations of that unit.

Please contact me if you have any questions regarding our inquiry or conclusions.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Seeba". The signature is written in a cursive style with a large initial "J" and "S".

John M. Seeba  
Inspector General