



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

Via email FOIA.protectdemocracy@gmail.com

Ian Bassin
The Protect Democracy Project
PO Box 170521,
Brooklyn, NY 11217

JUL 25 2017

Re: FOIA-2017-00516
Information concerning President-Elect Trump or President Trump

Dear Mr. Bassin:

- 1) This is in response to your request dated February 15, 2017, under the Freedom of Information Act seeking access to: All correspondence received since November 9, 2016 by anyone employed by the Federal Trade Commission from President-Elect Trump or President Trump or anyone purporting to represent Mr. Trump or his staff or any representative of the Trump transition team or any representative of the Trump White House (including but not limited to the following people, hereinafter referred to as the "identified parties": Michael Pence, Jared Kushner, Stephen Bannon, Stephen Miller, Kellyanne Conway, Sean Spicer, Andrew Davis, Brian Benczkowski, Chad Mizelle, David Hinbee, Edmund Searby, Greg Katsas, J. Patrick Rowan, James Burnham, Jessie Liu, John Moran, Lizette Benedi Herraiz, Michael Battle, Nicholas Matich, Ronald Tenpas, Stefani Carter, Steven Engel, Thomas Wheeler, William Cleveland or Zina Bash) relating to or referring to any case or matter under consideration by or pending in the Federal Trade Commission, including but not limited to any litigation brought by the
U.S. Federal Trade Commission;
- 2) All memoranda prepared by or received by anyone employed in the Federal Trade Commission reflecting, discussing, or relating to any communication from President Elect Trump or President Trump or anyone purporting to represent Mr. Trump or his transition team or his White House (including but not limited to the identified parties) relating to or referring to any case or matter under consideration or pending in the Federal Trade Commission, including but not limited to any litigation brought by the U.S. Federal Trade Commission;
- 3) All correspondence or memoranda prepared by anyone employed by the Federal Trade Commission in response to any communication received from any representative of the Trump Administration or its transition team (including but not limited to

- the identified parties) relating to any case or matter under consideration or pending in the Federal Trade Commission, including but not limited to any litigation brought by the Federal Trade Commission;
- 4) All correspondence or memoranda from anyone purporting to represent the Trump Administration or its transition team (including but not limited to the identified parties) requesting or directing any change in policies, practices, procedures or priorities of the Federal Trade Commission, including but not limited to policies or procedures for approving the opening of an investigation or terminating a pending investigation;
 - 5) All correspondence or memoranda, prepared since November 9, 2016, by anyone employed by the Federal Trade Commission reflecting or relating to any change or proposed change in policies, procedures practices or priorities of the Division in connection with the enforcement of the antitrust laws of the United States;
 - 6) All formal and informal documents, memoranda and any other form of guidance issued or made available to Federal Trade Commission lawyers and staff, since November 9, 2016, relating to the enforcement policies, procedures, practices or priorities of the Federal Trade Commission;
 - 7) All correspondence, memoranda or other written communications sent by any representative of the Federal Trade Commission since November 9, 2016 to any United States Attorney's office, any federal, state or local agency or any law enforcement investigative agency relating to any change or modification of the policies, procedures, practices or priorities of the enforcement of the antitrust laws of the United States;
 - 8) All correspondence, memoranda or other written communications by or on behalf of any representative of the Federal Trade Commission to, or received from, any Member of Congress or any staff employed by the Congress since November 9, 2016, relating to or referring to any case, matter or policy of the Federal Trade Commission;
 - 9) All memoranda or other written documents reflecting or relating to any change in personnel of the Federal Trade Commission since November 9, 2016, including hirings, resignations, terminations, promotions, demotions or other changes in status of employees;
 - 10) All motions, court filings or correspondence with courts or opposing counsel in any pending litigation since November 9, 2016 reflecting or relating to any change in position or argument by the Federal Trade Commission, including but not limited to dismissing or modifying any complaint then on file.

In accordance with the FOIA and agency policy, we have searched our records as of March 20, 2017, the date we received your request in our FOIA office.

Some of the records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, 15 U.S.C. § 18a(h) exempts any information or documentary material that may have been filed pursuant to the Hart-Scott-Rodino pre-merger notification program.

In addition, some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5, 5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

Some documents contain personal contact information. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

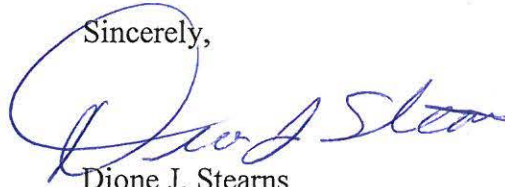
Some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

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, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at rgold@ftc.gov; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Anna Murray at (202) 326-2820.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dione J. Stearns". The signature is written in a cursive style with a large initial "D".

Dione J. Stearns
Assistant General Counsel

Enc: 387 pages