



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

[REDACTED]
New York, NY [REDACTED]

MAR 26 2013

Re: FOIA-2013-00573
Google Documents

Dear Mr. [REDACTED]

This is in response to your request dated February 27, 2013 under the Freedom of Information Act seeking access to some of the documents submitted by Google and other parties in the Google Inc. – File No. 111 0163, particularly those documents relating to the search bias aspects of the investigation. Throughout the course of several emails dating from March 1, 2013 through March 8, 2013, you amended your request to seek any evidence submitted by Google and any economic analysis submitted by experts and/or FTC internal experts, as they relate to the Google search bias investigation, File No. 111 0163.

In your request, you requested to be categorized as an educational institution requester. At this time, we have not received sufficient information regarding the intended use of the requested records to justify categorization in this requester category. Therefore, we have categorized you as an individual requester.

In accordance with the FOIA and agency policy, we have searched our records as of February 27, 2013, the date we received your request in our FOIA office. At this time, we have located approximately 20,000 pages of responsive records, all of which are exempt from the FOIA's disclosure requirement as explained below. Accordingly, we are denying your request.

Some responsive 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, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

In addition, some responsive records contain 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 exempts from disclosure any information that is protected from disclosure under another federal statute.

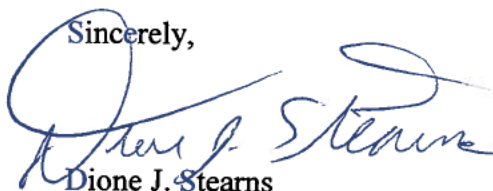
Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from disclosure under FOIA Exemption 5. 5 U.S.C. § 552(b)(5). See *NLRB v. Sears, Roebuck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

Some of the records contain personal identifying information compiled for law enforcement purposes. This information is exempt for release under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information.

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 believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

At this time, we have met your statutory entitlement of two free hours of search time as an individual requester. Before continuing our search using the fee agreement you have provided, you are permitted to submit additional information within ten days of the date of this letter if you believe you should be categorized as an educational institution requester. If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Erin Mischler at (202) 326-3577.

Sincerely,

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

Dione J. Stearns

Assistant General Counsel



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

[REDACTED]
New York, NY [REDACTED]

APR 19 2013

Re: FOIA-2013-00573
Google Documents

Dear Mr. [REDACTED]

This is our second response to your request dated February 27, 2013 under the Freedom of Information Act seeking access to some of the documents submitted by Google and other parties in the Google Inc. – File No. 111 0163, particularly those documents relating to the search bias aspects of the investigation. Throughout the course of several emails dating from March 1, 2013 through March 8, 2013, you amended your request to seek any evidence submitted by Google and any economic analysis submitted by experts and/or FTC internal experts, as they relate to the Google search bias investigation, File No. 111 0163.

In your request, you requested to be categorized as an educational institution requester. We have not received sufficient information regarding the intended use of the requested records to justify categorization in this requester category. Therefore, we have categorized you as an individual requester. In an email on April 8, 2013, you confirmed your willingness to pay \$100 for responsive documents

For this second response, we have located approximately 275 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive 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, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

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 of the records contain personal identifying information compiled for law enforcement purposes. This information is exempt for release under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information.

Based on the fee provisions of the FOIA, 5 U.S.C. § 552(a)(4)(A), and the Commission's Rules of Practice, 16 CFR § 4.8 et seq., as amended, I am also enclosing an invoice for the charges we incurred for this partial response to your request. Failure to pay this bill promptly will result in our refusal to provide copies of accessible documents in response to future requests. If not paid within 30 days, this bill will accrue interest penalties as provided by Federal Claims Collection Standards, 31 C.F.R. § 900-904, as amended.

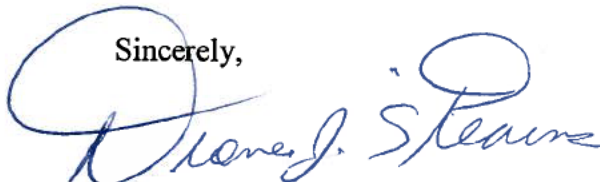
Please make checks payable to U.S. Treasury and send payment to:

Financial Management Office, H-790
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

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 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

At this time, we have met your fee agreement. Please submit a new fee agreement within ten days of the date of this letter if you would like for us to continue processing your request. If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Erin Mischler at (202) 326-3577.

Sincerely,



Dione J. Stearns
Assistant General Counsel

Enclosures:
Responsive Records
Invoice

Mischler, Erin

From: (b)(7)(C)
Sent: Friday, October 19, 2012 3:25 PM
To: (b)(7)(C) Ramirez, Edith
Subject: RE: Google API restrictions

Thanks (b)(5)

(b)(5)

Not Responsive

From: (b)(7)(C)
Sent: Friday, October 19, 2012 3:11 PM
To: (b)(7)(C) Ramirez, Edith
Subject: RE: Google API restrictions

(b)(5)

(b)(5)

(b)(7)

From: (b)(7)(C)
Sent: Friday, October 19, 2012 2:25 PM
To: Ramirez, Edith
Cc: (b)(7)(C)
Subject: FW: Google API restrictions

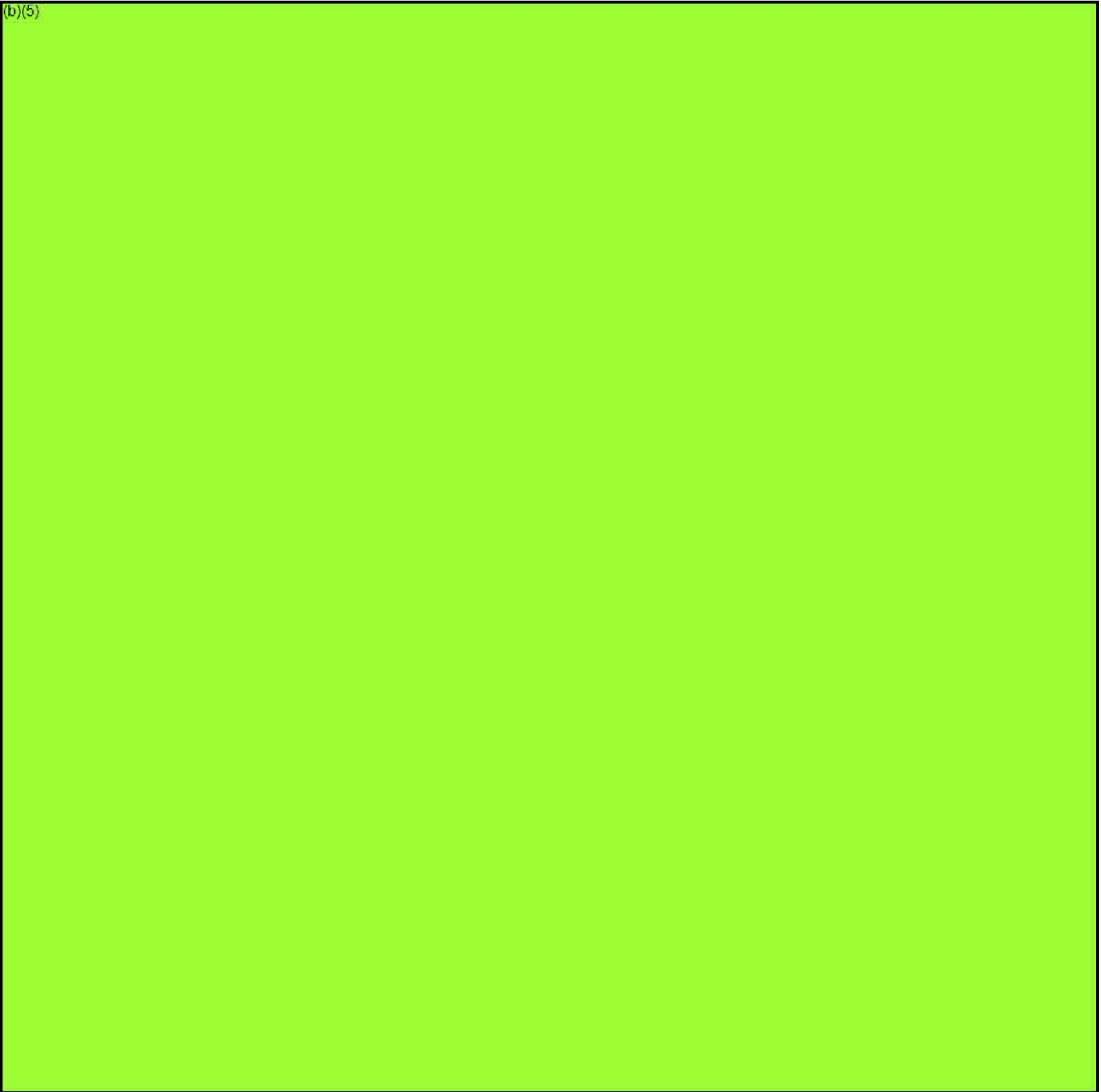
(b)(5)

Not Responsive

Mischler, Erin

From: (b)(7)(C)
Sent: Friday, September 14, 2012 9:13 AM
To: (b)(7)(C); Ramirez, Edith
Subject: RE: (b)(5)

(b)(5)





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

[REDACTED]
New York, NY [REDACTED]

APR 24 2013

Re: FOIA-2013-00573
Google Documents

Dear Mr. [REDACTED]

This letter is in response to your February 27, 2013, request for Federal Trade Commission (FTC) records. We have provided two previous responses to this request on March 26, 2013 and April 19, 2013. In our most recent response, we informed you that we had met your first fee agreement and requested that you submit a new fee agreement within ten days. An updated fee agreement has not been received, and in an email dated April 24, 2013, you requested that we close our file on our matter. Closure of this file does not preclude you from submitting other requests in the future.

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 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FTC's FOIA regulations or procedures, please contact Erin Mischler at (202) 326-3577.

Sincerely,

Dione J. Stearns
Assistant General Counsel