



February 18, 2014

VIA FACSIMILE

Freedom of Information Act Request
 Office of General Counsel
 Federal Trade Commission
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**Re: Freedom of Information Act Request for FTC Commissioner
 Joshua Wright's Calendar**

Dear FOIA Officer:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. 522, and it is submitted on behalf of the Electronic Privacy Information Center ("EPIC") to the Federal Trade Commission ("FTC").

EPIC seeks records related to Commissioner Joshua Wright's schedule of meetings, appointments, and speaking engagements with business lobbyists, trade group representatives, and other associations representing matters that fall within the jurisdiction of the Federal Trade Commission since his selection as a Commissioner of the Federal Trade Commission.

Factual Background

On January 15, 2014, EPIC on behalf of the Privacy Coalition invited Commissioner Wright to be a guest speaker at the January Privacy Coalition meeting. Commissioner Wright responded on January 16, 2014, informing EPIC that he would be unable to attend the meeting. EPIC followed up the same day by extending the invitation to Commissioner Wright to the Privacy Coalition's February 28, 2014 meeting.

After receiving no response to EPIC's second invitation, EPIC followed up via email on January 28, 2014, asking if Commissioner Wright would be available February 28. Ms. Elizabeth A. Delaney, an Attorney Advisor within Commissioner Wright's office, emailed EPIC on January 29, 2014 to inform us that "in light of other speaking engagements and obligations" Commissioner Wright would not accept the Privacy Coalition's February invitation. Ms. Delaney suggested following up in the fall.

For almost 20 years, EPIC has routinely invited members of the FTC to meet with privacy and civil liberties representatives who gather monthly for the Privacy Coalition. The

Privacy Coalition is a nonpartisan coalition of consumer, civil liberties, educational, library, and technology organizations.¹

Over the years, Commissioners of the FTC have routinely met with the members of the Privacy Coalition. These meetings include:

- Chairman Timothy Muris – September 2001
- Commissioner Jon Leibowitz – January 2005
- Chairwoman Deborah Majoras – April 2005
- Chairman William Kovacic – June 2008
- Commissioner Julie Brill – April 2010
- Chairman Jon Leibowitz – July 2010
- Chairman Edith Ramirez – May 2013
- Commissioner Maureen K. Ohlhausen – November 2013

Additional FTC Representatives that have met with the Privacy Coalition include:

- David Vladeck, Director of the Bureau of Consumer Protection – June 2009
- Christopher Olsen, Division of Privacy and Identification Protection – October 2009
- Ed Felton, FTC Chief Technologist – November 2011
- Maneesha Mithal, Associate Director of the Division of Privacy and Identity Protection, Bureau of Consumer Protection – June 2012
- Ed Felten, FTC Chief Technologist – June 2012
- Jessica Rich, Director of the Bureau of Consumer Protection – June 2013
- Maneesha Mithal, Associate Director of the Division of Privacy & Identity Protection, Bureau of Consumer Protection – June 2013

Under the FTC Act, each Commissioner is “empowered and directed to prevent persons, partnerships, or corporations . . . from using unfair methods of competition in or affecting commerce and unfair or deceptive acts or practices in or affecting commerce.”² Further, “In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence.”³

The FTC is the primary U.S. consumer protection agency and one of the primary agencies responsible for enforcing federal privacy laws.⁴ To ensure that the Commission properly identifies the “unfair or deceptive acts of practices in or affecting commerce,” it should be the responsibility of every Commissioner to engage with consumer protection and privacy groups. Only by meeting with experts and advocates can the Commission fairly identify the

¹ The Privacy Coalition, privacycoalition.org.

² Federal Trade Commission Act, 15 U.S.C. § 45(a)(2) (2012).

³ *Id.* at § 45(n).

⁴ Statement of Commissioner Maureen K. Ohlhausen, *The FTC’s Privacy Agenda for the 2014 Horizon*, Forum for EU-U.S. Legal-Economic Affairs (Sep. 14, 2013) at 2, available at http://www.ftc.gov/sites/default/files/documents/public_statements/ftc%E2%80%99s-privacy-agenda-2014-horizon-forum-eu-u.s.legal-economic-affairs/130914berlinprivacyin2014.pdf.

business practices that run afoul of the legal and policy considerations underlying the FTC's enforcement authority.

Although Commissioner Wright has chosen not to speak with the Privacy Coalition, it appears that he has met with other organizations that have business before the Federal Trade Commission, such as at the June 2013 conference sponsored by the Bates White law firm. EPIC seeks to determine which organizations Commissioner Wright has chosen to meet with.

Documents Requested

- The appointment calendar of FTC Commissioner Joshua D. Wright from the date of his confirmation on January 1, 2013, to the present.

Request for "News Media" Fee Status

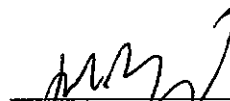
EPIC is a "representative of the news media" for fee waiver purposes. *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested record with only duplication fees assessed. Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," any duplication fees should be waived.

Thank you for your consideration of this request. As provided in 5 U.S.C. § 552(a)(6)(E)(ii)(I), I will anticipate your response within 20 business days. Should you require additional information, please contact me at 202-483-1140 or by email at FOIA@epic.org.

Respectfully Submitted,



Jeramie D. Scott
EPIC National Security Counsel



Julia Horwitz
EPIC Open Government Coordinator