

FEDERAL TRADE COMMISSION
Interim Open Government Plan
August 11, 2016

The Federal Trade Commission is preparing its Open Government Plan pursuant to the [July 14, 2016, memorandum](#) from Tony Scott, U.S. Chief Information Officer. The Interim Plan outlined below provides a brief overview of the FTC's anticipated September 15, 2016 Plan. The FTC's current Open Government page may be found here: www.ftc.gov/open.

We solicit your input and feedback as we work on updating our Open Government Plan. Please send any comments or suggestions to opengov@ftc.gov.

Executive Summary

- I. Introduction
- II. Overview of Achievements from 2014 Open Government Plan
 - A. Since 2014, the FTC has taken steps to improve its web communications and outreach based on research, analysis, usability testing, and stakeholder input. The goal of these improvements is to enable customers and site visitors to more easily complete their tasks and find information. Examples include:
 1. Redesign of FTC.gov home page (English and Spanish) to focus on customer-driven "top tasks," enabling customers to find their top task in one click
 2. Modification of site search to push the most relevant result ("best bet") to the top of the search results page, helping customers find the best result more quickly
 3. Development of a new IdentityTheft.gov and RoboDeIdentidad.gov website to provide consumers with personalized recovery plan and documents such as affidavits and letters
 4. Integration of Commissioners' daily schedules into the agency's public event calendar on the web
 5. Creation of an alphabetical set of [Commission Rule](#) pages
 6. Removed the word limit for summaries on the Advocacy Filings page
 7. Improvements to econsumer.gov, a website for international consumer complaints run in partnership with 33 countries. The updated site is mobile-friendly and available in eight languages -- English, French, German, Japanese, Korean, Polish, Spanish and Russian.
 8. Consolidated content of OnGuardOnline.gov with Consumer.ftc.gov and AlertaenLinea.gov with Consumidor.ftc.gov, and consolidated Business.ftc.gov with FTC.gov to simplify customer experience
 9. Redesigned and launched Bulkorder.ftc.gov with improved usability: site updates when new items are available; improved filter gives users multiple fields to sort to find items; customers can request an email alert when an item is in stock (a response to customer feedback)

III. New and Expanded Initiatives

A. Open Data

1. Insert description of how we plan on using open data to further agency's mission.
2. Datasets - The FTC posts high-value data sets in an open, machine-readable format regarding:
 - a) FTC Non-merger Enforcement Actions
 - b) FTC Merger Enforcement Actions
 - c) Bureau of Competition Civil Penalty Actions
 - d) Bureau of Consumer Protection Civil Penalty Actions
 - e) HSR Merger Filings by Month
 - f) HSR Merger Filings and Second Requests by Fiscal Year
 - g) Consumer Sentinel Network Data Book
 - h) Product Service Codes for the Consumer Sentinel Network
 - i) Do-Not-Call Data Book
 - j) We continue to look to find new datasets to release

B. Proactive Disclosures

1. Agency reports, strategic plans, and frequently requested materials.
2. Adjudicative documents and decisions.
3. Describe process for proactively identifying final records of significant public interest.
4. Describe the re-organization of the FTC FOIA Frequently Requested Page to make it easier for the public to find documents.
5. Describe FOIA logs.
6. Describe presumption to release certain documents that are 10 years or older.
7. Add links to FOIA page/library
8. The FTC will post its updated Rules for FOIA for public comment soon.
9. The Agency's Public Affairs Office keeps the public informed of FTC activities and the Agency's educational resources through press releases, press conferences, new media outlets, and periodic town halls. The FTC also publishes official notices of Agency rulemakings and other Agency actions in the *Federal Register*.
10. Describe other FTC efforts to make information easier for public to find or discover.
11. The FTC is working to post all of its press releases from 1959 to present day. This task should be completed in the next two years.

C. Fall Technology Series

1. The Federal Trade Commission will host a series of seminars this fall to examine three new and evolving technologies that are raising critical consumer protection issues. The FTC Fall Technology Series comprises three half-day events that will explore ransomware, drones, and smart TVs.

IV. Ongoing Initiatives

A. Privacy

The FTC continues to comply with existing OMB guidance and other Federal requirements for providing the public with notice and information about its privacy program and privacy compliance documentation. The final plan will describe how the FTC provides the public with access to information regarding its privacy program, generally: Privacy Act systems of records notices (SORNs); privacy impact assessments (PIAs); required privacy compliance reports; and privacy regulations, including how an individual requests access to and amendment of his or her Privacy Act records. The FTC also provides contact information for the Senior Agency Office for Privacy (SAOP) to answer questions members of the public may have about the FTC's information handling practices. The URL of the FTC web page(s) where this information is made available to the public is <https://www.ftc.gov/site-information/privacy-policy>, which includes links to the relevant material. See also FTC Rule 4.13, 16 CFR 4.13 (FTC Privacy Act regulations), http://www.ecfr.gov/cgi-bin/text-idx?SID=cebf9f5aac2719db4bd56be9ebc87df&mc=true&node=se16.1.4_113&rn=div8.

B. Whistleblower Protection

The FTC will provide a description of its participation in the U.S. Office of Special Counsel's Whistleblower Protection Act certification program.

C. Website

The FTC will provide details about its web outreach plans. The link to the agency's digital strategy is www.ftc.gov/digitalstrategy.

D. Open Innovation Methods

The FTC will describe its prizes, challenges, and crowdsourcing practices.

1. As part of the National Day of Civic Hacking, June 6, 2015, the FTC [challenged](#) the public to use call data to create algorithms that could predict which incoming calls are likely robocalls.
2. In 2015, the FTC challenged the [DEF CON](#) community to create a tool that people can use to block and forward unwanted robocalls automatically. Forwarded calls will go to a honeypot — a data collection system that researchers and investigators can use to study the calls.
3. At [DEF CON 22](#), challenged the public to create the next-generation robocall honeypot.

E. Open Source Software

The FTC relies on the Drupal content management system framework – a free open source solution – to manage the content in FTC informational web properties that do not have sensitive PII. These include [FTC.gov](#) (English and Spanish), Consumer Center, Business Center, Free Publications online store, a military consumer website, Spanish versions of websites, and blogs. The agency's

informational web properties rely on Solr, an open source enterprise search platform, to power their search engines.

F. Spending Information

1. The FTC will update our Open Gov page to link to the FTC Performance page which contains updated information about the FTC's Performance Snapshots, Strategic Plans, and Agency Financial Reports, including the FTC's Performance and Accountability Reports.
2. Contractors conducting business with the FTC are registered in [SAM.gov](https://sam.gov) prior to contract award. Members of the public can search SAM.gov to learn more about active and inactive vendors who have done business with the government, or who are preparing to do business with the government, including the FTC.
3. Contracts awarded at the FTC are reported via the Federal Procurement Data System-Next Generation (FPDS-NG) with the appropriate contract values. The system data is cross-referenced with SAM.gov and DUNS information for verification. Data in Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) is made available to the public via a single, searchable website: USAspending.gov.

G. Participation in Transparency Initiatives

The FTC will provide a short summary of how it is participating in transparency initiatives like Data.gov, eRulemaking, IT Dashboard, Grants.gov, and CFDA.gov.

H. Public Notice

The FTC will describe how it informs the public about proposed actions, significant activities and business.

I. Records Management

The FTC will provide a short summary of the FTC's record management compliance and provide a link to an explanation on our records page.

J. FOIA

The FTC will provide a description of its FOIA compliance and provide a link to its FOIA page as well as to its quarterly and annual reports. The FTC does not have a significant FOIA backlog.

K. Congressional Requests

The FTC will provide a link to its webpage that describes our Office of Congressional Relations.

L. Declassification

Not applicable. The FTC does not maintain any classification or de-classification program for its information.

- M. Participation and Collaboration – The FTC collaborates with other agencies and with citizens to help solve national problems.
1. The Agency accomplishes this goal through a wide range of activities including: focus groups, twitter chats, town hall style events, and education.
 - a) Education Arm: *Division of Consumer & Business Education*
 - b) Consumer Response Center: *Consumer Response and Operations*
 - c) Competition Policy Guidance: *Competition Policy Guidance and Educational Resources*
 - d) Bureau of Competition Contact Page: *Antitrust Questions or Complaints Public Workshops*
 2. One example of our successful public and private partnerships is our **Every Community Initiative**, launched in 2014. In recent years, we’ve brought an enormous number of cases to stop scam artists, shut down their operations, and put money back in consumers’ pockets.
 - a) We’ve talked with experts, advocates, and industry, and we’re listening to the voices of consumers around the country, including: service members, Native Americans in Albuquerque, **Latinos facing real or bogus debts**, and **African Americans in Atlanta**.
 - b) In the past few years, the FTC held 31 outreach events around the country, called *Common Ground* conferences, to bring together law enforcers, advocates, and community leaders to discuss issues affecting their communities. These conferences explore how our work overlaps with other enforcement agencies, like state attorneys general, and how we and other groups, like BBBs and legal aid lawyers, can work together more effectively.
 - c) We have worked with the NAACP to create a page on our website at www.FTC.gov/NAACP with information about scams targeting the African American community.
 - d) The FTC is also working with New America Media to host a series of roundtable discussions with ethnic media outlets. We have held about a half dozen so far, and they have introduced the FTC and its consumer protection mission to journalists who may not have heard of us. The hope is that those journalists, in turn, will inform their communities, which include immigrants, about how to avoid fraud, and report it at www.FTC.gov.
 3. Examples of collaboration with the public and other government agencies also include our policy workshops. All workshops were open to the public and livestreamed from our website. A transcript, video, and power point presentations are available on the workshop websites. A public comment period was opened when each workshop was announced.
 - a) June 2014, **Conditional Pricing Practices: Economic Analysis and Legal Policy Implications**
 - b) Feb. 2015, **Examining Health Care Competition Workshop**
 - c) June 2015, The “**Sharing**” Economy: Issues Facing Platforms, Participants, and Regulators
 - d) Jan. 2016, **Auto Distribution: Current Issues & Future Trends**

- e) June 2016, [Something New Under the Sun](#): Competition & Consumer Protection Issues in Solar Energy
 - f) January 2016, [PrivacyCon](#) and the upcoming second [PrivacyCon](#) in January 2017
4. In addition to engaging with the public through public challenges, the FTC also engages with technical experts, academics, and others through industry groups such as the Messaging, Malware and Mobile Anti-Abuse Working Group ([M³AAWG](#)). After discussions with the FTC and others, M³AAWG leadership formed the [Voice and Telephony Abuse Special Interest Group](#) (“VTA SIG”) in 2014, a subgroup that could leverage M³AAWG’s expertise on messaging abuse and apply it to voice spam such as robocalls. The FTC serves in a leadership role in VTA SIG, which currently works to support various initiatives that tackle voice spam.
 5. Ongoing collaboration and consultation with the Office of the National Coordinator for Health IT (ONC). FTC staff reviewed drafts of the [Shared Nationwide Interoperability Roadmap](#) and the [Federal Health IT Strategic Plan](#), which were issued in Sept. 2015. The FTC also participates regularly as a member of the Federal Health IT Coordinating Council, an interagency working group.
 6. Collaboration with other federal and non-federal government agencies includes:
 - a) We have worked for years with DOJ, HHS, FCC, FDA, and CFPB. For example, on the law enforcement front, we coordinated two major settlements with AT&T and T-Mobile, along with the FCC and all state AGs, to provide for hundreds of millions of dollars in consumer redress for unauthorized third party charges on mobile phones – also known as mobile cramming.
 - b) Additionally, in 2015 the FTC and local, state, federal, and international partners announced [Operation Collection Protection](#), the first coordinated federal-state enforcement initiative targeting deceptive and abusive debt collection practices.
 - c) We have also worked closely with other agencies to provide business education tools, particularly for small companies. For example, in 2016 we worked with HHS and the FDA to develop an [interactive tool](#) showing health app developers which laws apply to them, whether it be HIPAA, the Food, Drug, and Cosmetic Act, the FTC Act, or the FTC’s Health Breach Notification Rule.
 - d) In competition matters, the FTC seeks to collaborate with the state attorneys general to obtain the best results and maximize the use of limited resources in the enforcement of the U.S. antitrust laws. FTC and state attorneys general joint investigations have resulted in joint enforcement actions, including the successful litigation with the Idaho Attorney General against St. Luke’s Health System and the case with the District of Columbia and Pennsylvania blocking the merger of Staples, Inc. and Office Depot, Inc.

N. Flagship Initiative
Currently under review.