



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

James Fenton
MuckRock
DEPT MR 25999
411A Highland Ave.
Somerville, MA 02144

JUN 15 2016

Re: FOIA-2016-00890
SilverPush

Dear Mr. Fenton:

This is in response to your request dated June 2, 2016, under the Freedom of Information Act seeking access to documents related to

- “[N]ames and contact information for the app developers receiving the warning letters regarding use of SilverPush audio beacon technology that were announced by FTC on March 17, 2016 (**Category 1**);
- [A]ny information on how those developers were identified (**Category 2**).”

In accordance with the FOIA and agency policy, we have searched our records as of June 2, 2016, the date we received your request in our FOIA office.

Your request did not indicate an agreement to pay any fees associated with the processing of your request. However, the Commission’s fee regulations specify that fees less than \$25 will be waived. *See* 16 C.F.R. § 4.8(b)(4). Because the fees associated with the processing of your request did not exceed \$25, we have processed your request free of charge. In the future, please provide a fee agreement to facilitate the processing of your request.

We have located approximately 162 pages of responsive records. I am granting partial access to the accessible records. Specifically, I am granting full access to 36 pages responsive to **Category 1** and denying access to 126 pages responsive to **Category 2**. These pages fall within the exemptions to the FOIA’s disclosure requirements, as explained below.

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 information is exempt from disclosure under FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) protects information that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. *See Foster v. DOJ*, 933 F. Supp. 687(E.D. Mich. 1996).

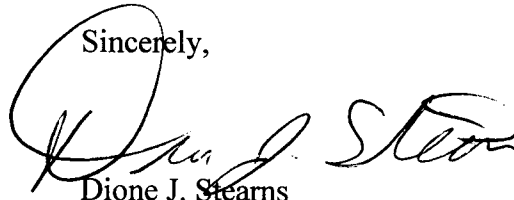


With respect to **Category 1** documents, please note that warning letters are issued by FTC staff and reflect staff views on a particular matter at the time the warning letters are sent. The conduct of the recipient or content of the at-issue material may have since changed.

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 FOIA regulations or procedures, please contact Shelley M. O'Hara at (202) 326-2072.

Sincerely,

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

Dione J. Stearns
Assistant General Counsel

