



April 18, 2022

VIA EMAIL

Freedom of Information Act Appeal
Office of the General Counsel
Federal Trade Commission
600 Pennsylvania Avenue N.W.
Washington, D.C. 20580
FOIAAppeal@ftc.gov

Re: Appeal of FOIA Request 2022-00763

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, Truth in Advertising, Inc. (“TINA.org”) writes to appeal the Federal Trade Commission’s refusal to disclose documents within its control.

By way of background, on March 29, 2022, TINA.org, a 501(c)(3) nonprofit consumer organization that publishes educational articles and consumer news on its website regarding important consumer topics, sent a FOIA request seeking all consumer complaints submitted to the FTC regarding Roblox. *See* TINA.org Mar. 29, 2022 FOIA Request (attached). This request was assigned identification number 2022-00763.

On March 31, 2022, TINA.org received a letter from Dione Stearns, Assistant General Counsel, indicating that the FTC located 1,291 responsive complaints that consumers have made to the Commission but is only proving a sampling of 200 complaints to TINA.org in response to its FOIA request.

As confirmed by Kristin Hill, General Attorney at the Office of the General Counsel, in an April 4th email (attached), the FTC’s decision to limit its production to 200 complaints is not based on any rule or regulation, but rather a determination by the FTC FOIA unit that reviewing more than 200 consumer complaints imposes an undue or unreasonable burden on the agency.

However, the FTC has provided more than 200 documents in response to FOIA requests in the past. *See e.g.*, FTC FOIA-2020-00485 response providing TINA.org more than 300 responsive documents (attached). As such, it is clear that the FTC’s line drawing at 200 documents in response to this request (Request 2022-00763) is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

Furthermore, providing the most current 15 percent of the nearly 1,300 responsive documents prevents TINA.org from discerning any statistically significant patterns or practices revealed within consumer complaints to the Commission about Roblox, and means that TINA.org has no way of knowing if the subject matter of complaints has changed over time, if the number of complaints has stayed constant, increased or diminished over time, and whether the Agency has ignored consumer protection issues for a multitude of years or not. This is information that the public has a right to know, particularly given that more than 50 million consumers use Roblox on a daily basis.¹

Accordingly, TINA.org requests that the FTC release all consumer complaints regarding Roblox as the public interest in their release outweighs any public interest in withholding them.

This letter is sent without prejudice to any of TINA.org's rights or remedies, all of which are expressly preserved.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration of this appeal.

Sincerely,

A handwritten signature in blue ink that reads "Laura Smith".

Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.

¹ Roblox Reports Fourth Quarter and Full Year 2021 Financial Results,
<https://d18rn0p25nwr6d.cloudfront.net/CIK-0001315098/86017b0c-bf73-4b2b-bd0a-5373b1609b1b.pdf>.