



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

March 30, 2004

Re: FOIA-2004-00140
Companies Registered Access to Do Not
Call Registry

Dear Ms. [REDACTED]

This is in response to your December 2, 2003, correspondence requesting access, under the Freedom of Information Act ("FOIA"), to information on companies that obtained access to the Do Not Call Registry. Alysa Bernstein of our office informed you that, because many of the approximately 47,000 responsive listings may be exempt from release under the FOIA, processing your request would cost approximately \$1,132,800. In a January 28, 2004, telephone conversation with Ms. Bernstein, you declined to pay those fees and stated that you wished to amend your request to seek information on those entities that purchased the entire registry. On February 20, 2004, we received your firm's check for \$1286, which is 1/4 of the anticipated fees. In accordance with the FOIA and agency policy, we have searched our records, as of December 10, 2003, the date we received your request in our FOIA office.

We have located 872 entities that registered for access to the do not call registry. The document providing the requested information is exempt from the FOIA's mandatory disclosure requirement as explained below. Accordingly, we are denying your request. Further, because you amended the request based on our representation of a review process we have determined is unworkable, we are also denying your original request which consists of 47,000 responsive entities.

We are denying access to the responsive entities in order to protect the personal privacy of individuals' who conduct telemarketing services from their homes. That information is exempt from disclosure under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because the individuals right to privacy outweighs the interest of the general public in seeing personal identifying information. *See Lakin Law Firm v. Federal Trade Commission*, 352 F.3d 1122 (7th Cir. 2003).

We have determined that there are no "reasonably segregable" non-exempt portions of the information. *See* 5 U.S.C. § 552(b). My earlier fee estimate of \$1,132,800 for the original request and \$5184 for the amended request was based on my belief that the non-exempt portions of the document could be reliably identified through a process of searching for each registrant's name in several on-line telephone directories and then determining whether each listing was a business or a residence. Unfortunately, having attempted to segregate the exempt portions using

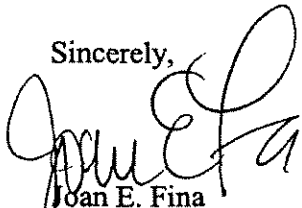
this method, I have determined that it will not work. Neither have we been able to identify any other reliable and "reasonable" method for segregating the exempt portions of the document from the non-exempt portions. Accordingly, we are unable to provide you with the non-exempt portions of the material you requested.

Ms. Bernstein will contact you about the method for refunding the \$1286.00 paid by [REDACTED] for processing the FOIA since these fees were not incurred.

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 your receipt 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 our FOIA regulations or procedures, please contact Ms. Bernstein at (202) 326-3289.

Sincerely,



Joan E. Fina
Attorney