



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

Adam Rappaport  
CREW  
1400 Eye Street, N.W., Suite 450  
Washington, DC 20005

**AUG 11 2009**

Re: FOIA-2009-01227  
Dell's Next Day Service Plans

Dear Mr. Rappaport:

This is in response to your request dated July 10, 2009, under the Freedom of Information Act seeking access to records related to complaints or investigations of "Next Day Service" plans offered by Dell, Inc. In your telephone conversation with Chris Falcone, you requested that we search for consumer complaints that reference "warranty" in addition to those that specifically reference "next day service" plans. In accordance with the FOIA and agency policy, we have searched our records, as of July 13, 2009, the date we received your request in our FOIA office.

We have located approximately 2,100 pages of responsive records. I am granting partial access to, and am enclosing copies of, the accessible records. Approximately 1,000 pages, and portions of other pages, are subject to two of the nine exemptions to the FOIA's disclosure requirements, as explained below.

I am withholding approximately 1,100 responsive pages which are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

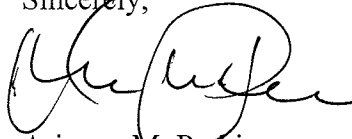
Enclosed are approximately 1,000 pages of responsive complaints that consumers have sent to the Federal Trade Commission ("FTC"). You should know that the enclosed complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided. I am denying access to consumers' names and addresses, and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

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 our FOIA regulations or procedures, please contact Chris Falcone at 202-326-2027.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arianne M. Perkins', written in a cursive style.

Arianne M. Perkins  
Lead Paralegal Specialist

Enclosed:  
CD