



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 17, 2022

Federal Trade Commission
Office of General Counsel
600 Pennsylvania Avenue, NW
Washington, DC 20580

Sent via e-mail to FOIA@ftc.gov

RE: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Federal Trade Commission (“FTC”) regulations.

Specifically, CREW requests the following:

1. Any and all records of complaints or any other correspondence with the FTC regarding the spread of non-English language misinformation related to US elections or COVID-19 on FTC-regulated mediums such as television, radio and social media platforms—including but not limited to TikTok, Facebook, YouTube, Twitter, Parler, and Instagram from 2020 to the present..
2. Any and all records reflecting the FTC’s resolution of complaints concerning the spread of non-English language misinformation on FTC-regulated mediums.¹

¹ See Stephanie Valencia, *Social media misinformation is bad in English. But it's far worse in Spanish.*, The Washington Post, (Oct. 28, 2021), [https://www.washingtonpost.com/outlook/2021/10/28/misinformation-spanish-facebook-social-media/?msclkid=80e3ed5ad07811ec850e4d4cb7b1ea2a](https://www.washingtonpost.com/outlook/2021/10/28/misinformation-spanish-facebook-social-media/?hpid=hp_hp-top-table-main-misinformation-spanish-facebook-social-media%3Ahomepage%2Fstory&hpid=hp_hp-top-table-main-misinformation-spanish-facebook-social-media%3Ahomepage%2Fstory); Equity Lab, *How fake news is spreading in immigrant communities online – and how to stop it*, NBCU Academy, (Jun. 3, 2021), <https://www.nbcuacademy.com/catalog/cookie-duong-vietnamese-fake-news-online>.

3. Any and all communications to FTC Commissioners regarding non-English language misinformation related to US elections or COVID-19 on FTC-regulated mediums such as television, radio and social media platforms—including but not limited to TikTok, Facebook, YouTube, Twitter, Parler, and Instagram.
4. Any and all communications to or from the FTC’s General Counsel, the Director of the Office of International Affairs, the Director of the Office of Congressional Affairs, or the the Director of Policy regarding non-English language misinformation related to US elections or COVID-19 on FTC-regulated mediums such as television, radio and social media platforms—including but not limited to TikTok, Facebook, YouTube, Twitter, Parler, and Instagram.
5. Any and all records provided by the FTC in response to Representative Charlie Crist’s (D-St. Petersburg) letter dated, December 1, 2021, in which he requested the FTC to compile and provide to Congress certain information including:
 - a. Specific metrics on how many Spanish-language posts were flagged or taken down compared to posts in English on social media platforms including but not limited to TikTok, Facebook, Reddit, Snapchat, Twitter, WhatsApp, and Youtube; and
 - b. How many Spanish-speaking content moderators are employed at each of the above listed social media platforms.
6. Any and all reports or answers filed by Amazon, TikTok, Facebook, Reddit, Snap[chat], Twitter, WhatsApp, and YouTube in response to an December 2020 FTC request for data including specific metrics on how many non-English language posts were flagged or taken down compared to posts in English, and how many non-English language content moderators are employed at each of the aforementioned social media companies.

This request covers any and all records or internal and external communications, including but not limited to interagency communications, and communications with other government agencies involved in the facilitation of processing such complaints (e.g., Federal Communications Commission), including but not limited to communications sent or received by or copying FTC Chairperson Lina M. Khan, Commissioner Noah Joshua Phillips, Commissioner Rebecca Kelly Slaughter, and Commissioner Christine S. Wilson.

This request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On December 1st, 2021, Congressman Charlie Crist of Florida's 13th District sent a letter to FTC Chair, Lina Khan, urging a "crack down" on foreign language misinformation "following reporting that online [foreign] language misinformation is moderated far less than English misinformation[,]"² which has subsequently led to foreign communities within the United States being presented far more often with falsehoods on social media

² Letter from Rep. Charlie Crist to FTC Chair Lina Khan, Dec. 1, 2021, https://web.archive.org/web/20211203190958/https://crist.house.gov/uploadedfiles/crist_ftc_spanish_misinformation.pdf.

platforms.³ Congressman Crist’s letter “urge[d] the FTC to redouble existing enforcement efforts and collect data to help crack down on harmful [foreign] language misinformation.”⁴ This is so because “Section 6(b) of the Federal Trade Commission Act empowers the FTC to require companies to file ‘reports or answers in writing to specific questions’ about its business practices – as the FTC did with Amazon, TikTok, Facebook, Reddit, Snap[chat], Twitter, WhatsApp, and YouTube in December 2020.”⁵ Accordingly, the requested data included “specific metrics on how many [foreign] language posts were flagged or taken down compared to posts in English, and how many [foreign]-speaking content moderators are employed at each of the [aforementioned] social media companies.”⁶

As of November 16, 2022, it appears that the FTC has yet to respond to Rep. Crist’s letter. Therefore, “[a]s it stands now, policymakers are left to rely on statements from social media platforms on their content moderation practices and testimony from whistleblowers like Frances Hauge[,]” but “those only pertain to content in English.”⁷ As a result, “[a]dditional data is needed to understand the scope of the problem and how to tackle it[,]”⁸ leading to a strong public interest in favor of disclosing information concerning the FTC’s receipt and resolution of complaints pertaining to the ongoing dissemination of foreign language misinformation involving American political affairs on any and all FTC-regulated media platforms.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989)

³ Stephanie Valencia, *supra* note 1 (“Facebook has admitted its platform was used to incite violence against the Rohingya in Myanmar, and in the Philippines, the site helped fuel a vicious drug war and attacks on dissident journalists. Social media platforms are allowing far more misinformation to spread in other languages than they are in English.”).

⁴ *Supra* note 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

(holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely and systematically disseminates information to the public in several ways. CREW’s website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website.

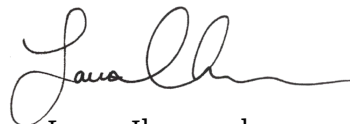
Under these circumstances, CREW fully satisfies the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or liheanachor@citizensforethics.org. Also, if CREW’s request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either liheanachor@citizensforethics.org or Laura Iheanachor, Citizens for Responsibility and Ethics in Washington, 1331 F Street, N.W., Suite 900, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Iheanachor". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Laura Iheanachor
Staff Counsel