

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION CENTER	)	
666 Pennsylvania Avenue, S.E.	)	
Suite 301	)	
Washington, DC 20003,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No.
	)	
FEDERAL TRADE COMMISSION	)	
Pennsylvania Ave. at 6th Street, N.W.	)	
Washington, D.C. 20580,	)	
	)	
Defendant.	)	
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COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant Federal Trade Commission.

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff Electronic Privacy Information Center ("EPIC") is a public interest research organization in Washington, DC. EPIC is a project of the Fund for Constitutional Government ("FCG"). FCG is a non-profit charitable organization established

in 1974 to protect civil liberties and constitutional rights. EPIC's activities include the review of federal agency activities to determine their possible impacts on civil liberties and privacy interests. Among its other activities, EPIC has prepared reports and presented Congressional testimony on Internet and privacy issues and has participated in numerous conferences in the United States and abroad on privacy policy.

4. Defendant Federal Trade Commission ("FTC") is an independent administrative agency of the government of the United States. FTC is an agency within the meaning of 5 U.S.C. §552(e).

Plaintiff's FOIA Request and Defendant's Failure to Respond

5. By letter to defendant dated June 10, 1999, plaintiff submitted a Freedom of Information Act ("FOIA") request for "copies of all records concerning the FTC's investigation of privacy complaints." Plaintiff noted that its request included, but was not limited to, "letters, electronic mail, web submissions, fax transmissions, and formal complaints." Plaintiff further noted that it was "interested in (a) records regarding alleged privacy violations by a specific company or organization and (b) requests for general assistance in a privacy matter, whether or not a specific company or organization is indicated."

6. On several occasions since the submission of plaintiff's FOIA request, defendant has contacted plaintiff telephonically concerning the request. On those occasions, defendant has

asserted that it does not have a system for tracking privacy complaints and could not estimate when processing of plaintiff's FOIA request might be completed.

7. Despite several oral requests from plaintiff during the referenced telephonic contacts for a written confirmation from defendant concerning the status of plaintiff's FOIA request, defendant has not provided plaintiff with any written communication concerning plaintiff's FOIA request.

8. To date, defendant has not provided the records requested by plaintiff in its FOIA request, notwithstanding the FOIA's requirement of an agency response within twenty (20) working days.

9. Plaintiff has exhausted the applicable administrative remedies.

10. Defendant has wrongfully withheld the requested records from plaintiff.

#### Requested Relief

WHEREFORE, plaintiff prays that this Court:

- A. order defendant to disclose the requested records in their entireties and make copies available to plaintiff;
- B. provide for expeditious proceedings in this action;

- C. award plaintiff its costs and reasonable attorneys fees incurred in this action; and
- D. grant such other relief as the Court may deem just and proper.

Respectfully submitted,

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D.C. Bar. No. 422825

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