

**foiapa**

**From:** Dave Michaels <dave.michaels@wsj.com>  
**Sent:** Wednesday, July 11, 2018 11:31 AM  
**To:** foiapa  
**Subject:** Foia from The Wall Street Journal  
**Attachments:** 14-00451 Ensign appeal decision.pdf



July 11, 2018

FOIA Officer  
 Securities and Exchange Commission  
 100 F. Street, NE  
 Mail Stop 2736  
 Washington, DC 20549  
 (202) 551-7900  
 via [foiapa@sec.gov](mailto:foiapa@sec.gov)

Fee Waiver Requested

**FOIA REQUEST**  
**Fee waiver requested**

**Expedited Treatment  
 Requested**

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and a copy of:

- *Number of WB-APP forms submitted to the commission for each fiscal year 2013 through 2017 and year to date 2018.*

**Please note the controlling decision on these records, as outlined in the attached April 7, 2015, correspondence regarding FOIA REQUEST NUMBER 14-00451-APPS. In addition, while you may note in the reply how many WB-APPs were submitted by serial submitters barred from the program, please do not exclude those figures from the statistics that you provide.** In that letter, Assoc. General Counsel Richard Humes granted a Wall Street Journal request for these statistics pertaining to an earlier time period.

The decision on 14-00451-APPS should control how you fill this request and should provide for expedited processing.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of the efficiency and productivity of the whistleblower program authorized by public law. This information should be made available free of charge because it does not involve a complicated search for the agency and is delimited to a brief period of time.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I would appreciate your communicating with me by email or telephone, rather than by mail.

I look forward to your determination regarding my request within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Dave Michaels  
Staff Writer  
The Wall Street Journal  
1025 Connecticut Ave NW 8th Floor  
Washington, DC 20036  
202-862-1364

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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

OFFICE OF THE  
GENERAL COUNSEL

Stop 9612

April 7, 2015

Craig Linder  
Assistant General Counsel  
Dow Jones & Co.  
1211 Avenue of the Americas  
New York, NY 10036

Re: Appeal, Freedom of Information Act (FOIA) Request No. 14-07609-FOIA,  
designated on appeal as No. 14-00451-APPS

Dear Mr. Linder:

This responds to your August 25, 2014<sup>1</sup> appeal of the response by the FOIA Office of the Securities and Exchange Commission ("SEC" or "Commission") to Rachel Ensign's request for certain statistics regarding the Commission's whistleblower program. On July 15, 2014, the FOIA Office informed Ms. Ensign that it had not located any records responsive to her request after a thorough search of the Commission's various systems of records. On appeal, you question how the SEC is unable to identify any responsive records. I have reviewed your appeal and it is granted, in part.

Ms. Ensign's request sought specific statistics pertaining to the number of applications for whistleblower awards received by the Commission.<sup>2</sup> The SEC's Office of the Whistleblower ("OWB") maintains certain statistics, most of which are published in its annual report. The most recent report was issued on November 17, 2014, and includes statistics regarding the number of whistleblower tips received by fiscal year; the types of whistleblower allegations; the geographic origin of whistleblower tips; denials of applications for whistleblower rewards; and the total number of whistleblower awards granted. The report also provides details regarding

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<sup>1</sup> Please note that while your letter is dated August 25, 2014, it was not received by the FOIA Office until September 24, 2014.

<sup>2</sup> The requested records were described as: (1) the total number of WB-APP forms submitted to the Commission since the passage of the Dodd-Frank Financial Reform Act on July 21, 2010; (2) the number of WB-APP forms submitted to the Commission broken out by fiscal year from fiscal year 2010 through year-to-date fiscal year 2014; (3) the total number of WB-APP forms submitted that have not yet been resolved with a final order from the commission; (4) the number of WB-APP forms submitted more than 360 days ago that have not yet been resolved with a final order from the Commission; (5) the number of WB-APP forms submitted more than 180 days ago that have not yet been resolved with a final order from the Commission; (6) the number of WB-APP forms submitted more than 90 days ago that have not yet been resolved with a final order from the Commission; and (7) any other relevant data on the number of WB-APP forms submitted that have not yet been resolved with a final order from the Commission, broken out by time since the WB-APP forms were submitted.

whistleblower rewards that have been granted. You can find a copy of this report at <http://www.sec.gov/about/offices/owb/annual-report-2014.pdf>.

Of the statistics requested by Ms. Ensign, I have been advised by staff in the OWB that it has statistics responsive only to Item Nos. 1 and 2 of her request (as identified above in footnote 2). Enclosed are the statistics for the number of WB-APP forms submitted to the Commission since the passage of Dodd-Frank, and the number of WB-APP forms submitted to the Commission for fiscal years 2010 through 2014. Because OWB does not currently maintain the remaining statistics requested, I affirm the FOIA Officer's finding of no responsive records as it relates to Item Nos. 3 through 7 of Ms. Ensign's request. Please note that final orders granting or denying whistleblower award applications can be accessed on the Commission's website, <http://www.sec.gov/litigation/apdocuments.shtml>. For these reasons, your appeal is granted in part.

You have the right to seek judicial review of this determination by instituting an action in the United States Court for the District of Columbia or in the district where you reside or have your principal place of business.<sup>3</sup> Voluntary mediation services as a non-exclusive alternative to litigation are also available through the National Archives and Records Administration's Office of Government Information Services ("OGIS"). Please contact OGIS at [ogis@nara.gov](mailto:ogis@nara.gov), [www.archives.gov/ogis](http://www.archives.gov/ogis), or 1-877-684-6448 for more information. If you have any questions regarding this determination, please contact Mark Tallarico, Senior Counsel, at 202-551-5132.

For the Commission  
by delegated authority,



Richard M. Humes  
Associate General Counsel

Enclosure

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<sup>3</sup> See 5 U.S.C. § 552(a)(4)(B).

Information Gathered Pursuant to Freedom of Information Act Request No.  
14-07609-FOIA, designated on appeal as No. 14-00451-APPS

1. The number of total WB-APP forms submitted to the Commission since the passage of the Dodd-Frank Financial Reform Act on July 21, 2010 (to present date).

297 claims for awards have been submitted.

2. The number of WB-APP forms submitted to the Commission broken out by fiscal year from fiscal year 2010 through year-to-date-fiscal year 2014.

2010 – 0

2011 – 9

2012 – 38

2013 – 70

2014 – 132

*\*Note:* These numbers exclude WB-APPs received from a serial submitter that was barred from the program. *See* Final Order of the Commission Denying Whistleblower Award (May 12, 2014), available at <http://www.sec.gov/about/offices/owb/orders/owb-multiple-final-051214.pdf> (public, redacted version).





UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

August 16, 2018

Mr. Dave Michaels  
The Wall Street Journal  
1025 Connecticut Ave NW 8th Floor  
Washington, DC 20036

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. **18-02437-FOIA**

Dear Mr. Michaels:

This letter is in response to your request, dated and received in this office on July 11, 2018, for the "Number of WB-APP forms submitted to the commission for each fiscal year 2013 through 2017 and year to date 2018." Reference is also made to our letter dated July 12, 2018, in which we addressed your expedited processing and fee waiver request.

The total number of properly-filed WB-APP Forms submitted to the Commission in SEC Covered Actions are as follows:

FY 2013 - 165  
FY 2014 - 152  
FY 2015 - 123  
FY 2016 - 143  
FY 2017 - 204  
FY 2018 (through July 18) - 102

Of the totals noted above, 157 claims were from serial submitters who were barred from the whistleblower program by the Commission.

If you have any questions, please contact me at [luetkenhausj@sec.gov](mailto:luetkenhausj@sec.gov) or (202) 551-8352. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You also have the right to seek assistance from Aaron Taylor as a FOIA Public Liaison or contact the Office of Government Information Services (OGIS) for dispute resolution services. OGIS can be reached at 1-877-684-6448 or [Archives.gov](http://Archives.gov) or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov).

Sincerely,

Jason Luetkenhaus  
FOIA Lead Research Specialist