



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

July 15, 2021

Ms. Abigail Alannah Moats
Intake & Digital Advocacy Manager
National Student Legal Defense Network
1460 Fuller St. NW
Washington, DC 20009

RE: FOIA Request No. 21-02169-F

Dear Abigail Alannah Moats:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated July 9, 2021 and received in this office on July 12, 2021. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following: Student Defense requests that the Department produce the following records within twenty business days:

- All documents produced in response to FOIA Request No. 21-00906-F, as well as the final response letter provided to this request.

Available for Public Access Link (PAL) download are 3,909 pages of documents responsive to your request. The documents provided are All documents produced in response to FOIA Request No. 21-00906-F, as well as the final response letter provided to this request.

You can access your PAL account or register for a PAL account at this link:

<https://foiexpress.pal.ed.gov/app/PalLogin.aspx>

However, certain information has been withheld according to FOIA exemptions (b)(4) (b)(6), specified below:

- Records or portions of records relating to the applicant's internal information has been withheld because the Department has concluded that this information is exempt from disclosure under the FOIA, 5 U.S.C. §552 (b)(2). This provision exempts from disclosure predominantly internal matters of a substantial nature, the disclosure of which would risk the circumvention of a statute or Department regulation.
- Records or portions of records relating to various non-disclosure provisions that are contained in other federal statutes are exempt from disclosure pursuant to 5 U.S.C. §552 (b)(3) of the FOIA. This exemption authorizes an agency to withhold information that is specifically exempted from disclosure by other federal statutes. This prohibits release of the Program Review Report during the confidentiality period.

- Proprietary information has been withheld under exemption (b)(4) of the FOIA, 5 U.S.C. § 552 of the FOIA. These provisions require us to withhold proprietary information, which, if disclosed, is likely to cause substantial competitive harm.
- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.
- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.
- Records or portions of records relating to law enforcement pursuant to 5 U.S.C. §552 (b)(7)(A) of the FOIA. This exemption protects records or information compiled for law enforcement purposes, but only to the extent that the production of such records or information could reasonably be expected to interfere with enforcement proceedings.
- Records or portions of records relating to “records or information compiled for a law enforcement purpose is exempt pursuant to 5 U.S.C. §552 (b)(7)(B) of the FOIA. Disclosure of this information would deprive a person of a right to a fair trial or an impartial adjudication.
- Records or portions of records relating to personal information that was compiled for a law enforcement purpose is exempt pursuant 5 U.S.C. §552 (b)(7)(C) of the FOIA. Disclosure of this information would constitute an unwarranted invasion of personal privacy.
- Records or portions of records relating to personal information that was compiled for a law enforcement purpose is exempt pursuant 5 U.S.C. §552 (b)(7)(D) of the FOIA. Disclosure of this information could reasonably be expected to disclose the identity of a confidential source and information furnished by a confidential source.
- Records of portions of records relating to the techniques and procedures that are used for a law enforcement purpose is exempt pursuant to (b)(7)(E) of the FOIA. Disclosure of this information could reasonably be expected to disclose the information pertaining to all law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions and could reasonably be expected to risk circumvention of the law.”
- Records or portions of records relating to information that was compiled for a law enforcement purpose is exempt pursuant 5 U.S.C. §552 (b)(7)(F) of the FOIA. Disclosure of this information could reasonably be expected to disclose the information pertaining to all law enforcement information that “could reasonably be expected to endanger the life or physical safety of any individual.”

Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of Other. However, the Department has provided you

with this information at no charge. The Department's release of this information at no cost does not constitute the grant of a fee waiver and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department. Because we were able to locate and process these documents at minimal costs, they are provided to you at no cost.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation. They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4500	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road Room 2510 College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

You have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Executive Secretariat
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4536

Sincerely,

Shahanga Lee
Government Information Specialist
Office of the Executive Secretariat