



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

September 16, 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. 21-02099-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 6, 2021 and received in this office on July 7, 2021. Your request was forwarded to the following office to search for documents that may be responsive to your request: Office of the Under Secretary (OUS), Office of Postsecondary Education (OPE), Office of the General Counsel (OGC) and Office of Financial Operations (OFO).

You requested the following:

1. All documents that constitute or have been submitted by ACICS (including by any representative of ACICS) in connection with any appeal of the June 2, 2021 SDO Decision, including but not limited to ACICS's notice of appeal, appeal, and all documents and attachments filed in connection with the appeal.

For purposes of this request, we ask that the Department include at least following offices and individuals as custodians required to conduct a search:

- Jordan Matsudaira
- The Department's Office of Hearings and Appeals
- The Department's Office of the General Counsel

Staff from OUS informed this office (FSC) that after a search of their files, they were unable to locate any documents that were responsive to your request.

Available for Public Access Link (PAL) download are 117 pages of documents responsive to your request. The documents provided are:

- 21-02099-F
- OHA Documents
- 21-02099-F OPE

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

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

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

- 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 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.

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,

Sandra Lewandowski

Sandra Lewandowski
Government Information Specialist
Office of the Executive Secretariat

Enclosure