

Part 12 – Information Services Records

ED/RDS ITEM NO.	DESCRIPTION OF RECORDS	DISPOSAL AUTHORITY
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This schedule covers records pertaining to informational services performed by the Department of Education in relations with the public, including records created in administering Freedom of Information Act and Privacy Act activities.

Records under this series consist of inquiries, replies, and related correspondence; and in the case of FOIA and Privacy Act files, reports and appeal case files; and administrative background materials for formal informational releases. Records relating to budget presentation, and printing, duplicating, and distribution are covered by the General Records Schedule (GRS). Any records created prior to January 1, 1921, must be offered to the National Archives and Records Administration before applying these disposition schedules.

Other information services records such as speeches, press releases, and publications are found in Part 6 – Office of Public Affairs Records.

1. Freedom of Information Act (FOIA) Files.

- a. FOIA Request Files. Files created in response to requests for information under the FOIA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include the official file copy of the requested record or copy thereof.

- 1) Correspondence and supporting documents (**excluding** the official file copy of the records requested if filed herein):

- (a) Granting access to all requested records.

Disposition: TEMPORARY. Destroy 2 years after date of reply. ED/RDS, Part 12, Item 1a.1 (GRS 14, item 11a(1))

- (b) Responding to requests for nonexistent records, or to requesters who provide inadequate descriptions, and to those who fail to pay agency reproduction fees.

- (1) Request not appealed.

Disposition: TEMPORARY. Destroy 2 years after date of reply. ED/RDS, Part 12, Item 1a.1 (GRS 14, item 11a(2))

- (2) Request appealed.

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	<p style="text-align: center;"><u>Disposition:</u> TEMPORARY. Destroy as authorized below under Item 1b.</p> <p>(c) Denying access to all or part or the records requested.</p> <p>(1) Request not appealed.</p>	<p>ED/RDS, Part 12, Item 1a.1 (GRS 14, item 11a(2))</p>
	<p style="text-align: center;"><u>Disposition:</u> TEMPORARY. Destroy 2 years after date of reply.</p> <p>(2) Request appealed.</p>	<p>ED/RDS, Part 12, Item 1a.1 (GRS 14, item 11a(3))</p>
	<p style="text-align: center;"><u>Disposition:</u> TEMPORARY. Destroy as authorized below under Item 1b.</p> <p>2) Official file copy of requested records.</p>	<p>ED/RDS, Part 12, Item 1a.1 (GRS 14, item 11a(3))</p>
	<p style="text-align: center;"><u>Disposition:</u> TEMPORARY. Dispose of in accordance with approved agency disposition instructions for the related records or with the related FOIA request, whichever is later.</p> <p>b. <u>FOIA Appeal Files.</u> Files created in response to administrative appeals under the FOIA for release of information denied by the agency, consisting of the appellant’s letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.</p> <p>1) Correspondence and supporting documents (excluding the file copy of the records under appeal if filed herein).</p>	<p>ED/RDS, Part 12, Item 1a.2 (GRS 14, item 11b)</p>
	<p style="text-align: center;"><u>Disposition:</u> TEMPORARY. Destroy 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later.</p> <p>2) Official file copy of records under appeal.</p>	<p>ED/RDS, Part 12, Item 1b.1 (GRS 14, item 12a)</p>
	<p style="text-align: center;"><u>Disposition:</u> TEMPORARY. Dispose of in accordance with approved agency disposition instructions for the related record or with the related FOIA request, whichever is later.</p>	<p>ED/RDS, Part 12, Item 1b.2 (GRS 14, item 12b)</p>

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- c. FOIA Control Files. Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature and purpose of request, and name and address of requester.

- 1) Registers or listings.

Disposition: TEMPORARY. Destroy 6 years after date of last entry.

ED/RDS, Part 12, Item 1c.1
(GRS 14, item 13a)

- 2) Other files.

Disposition: TEMPORARY. Destroy 6 years after final action by the agency or after final adjudication by the courts, whichever is later.

ED/RDS, Part 12, Item 1c.2
(GRS 14, item 13b)

- d. FOIA Report Files. Recurring reports and one-time information requirements relating to the Department's implementation of the Freedom of Information Act, **excluding** annual reports to Congress at the Department level.

Disposition: TEMPORARY. Destroy when 2 years old.

ED/RDS, Part 12, Item 1d
(GRS 14, item 14)

- e. FOIA Administrative Files. Records relating to the Department's implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.

Disposition: TEMPORARY. Destroy when 2 years old.

ED/RDS, Part 12, Item 1e
(GRS 14, item 15)

2. Privacy Act Files (5 U.S.C. 552a).

- a. Privacy Act Requests Files. Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 U.S.C. 552a(d)(1). Files contain original request, copy of reply thereto, and all related supporting documents, which may include the official file copy of records requested or copy thereof.

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	1) Correspondence and supporting documents (excluding the official file copy of the records requested if filed herein):	
	(a) Granting access to all requested records.	
	<u>Disposition:</u> TEMPORARY. Destroy 2 years after date of reply.	ED/RDS, Part 12, Item 2a.1 (GRS 14, item 21a(1))
	(b) Responding to requests for nonexistent records, or to requesters who provide inadequate descriptions, and to those who fail to pay agency reproduction fees.	
	(1) Request not appealed.	
	<u>Disposition:</u> TEMPORARY. Destroy 2 years after date of reply.	ED/RDS, Part 12, Item 2a.1 (GRS 14, item 21a(2))
	(2) Request appealed.	
	<u>Disposition:</u> TEMPORARY. Destroy as authorized below under Item 1b.	ED/RDS, Part 12, Item 2a.1 (GRS 14, item 21a(2))
	(c) Denying access to all or part of the records requested.	
	(1) Request not appealed.	
	<u>Disposition:</u> TEMPORARY. Destroy 5 years after date of reply.	ED/RDS, Part 12, Item 2a.1 (GRS 14, item 21a(3))
	(2) Request appealed.	
	<u>Disposition:</u> TEMPORARY. Destroy as authorized below under Item 1b.	ED/RDS, Part 12, Item 2a.1 (GRS 14, item 21a(3))
	2) Official file copy of requested records.	
	<u>Disposition:</u> TEMPORARY. Dispose of in accordance with approved agency disposition instructions for the related records or with the related Privacy Act request, whichever is later.	ED/RDS, Part 12, Item 2a.2 (GRS 14, item 21b)

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b. Privacy Act Amendment Case Files. Files related to an individual’s request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a(d)(2), to the individual’s request for a review of the agency’s refusal to amend the individual’s record as provided for under 5 U.S.C. 552a(d)(3), and to any civil action brought by the individual against the Department’s refusal, as provided under 5 U.S.C. 552a(g).

- 1) Requests to amend, agreed to by the Department. Includes individual’s requests to amend and/or review refusal to amend, copies of the Department’s replies thereto, and related materials.

Disposition: TEMPORARY. Dispose of in accordance with the approved disposition instructions for the related subject individual’s record or 4 years after the Department’s agreement to amend, whichever is later.

ED/RDS, Part 12, Item 2b.1
(GRS 14, item 22a)

- 2) Requests to amend, refused by the Department. Includes individual’s requests to amend and to review refusal to amend, copies of the Department’s replies thereto, statement of disagreement, agency justification for refusal to amend a record, and related materials.

Disposition: TEMPORARY. Dispose of in accordance with the approved disposition instructions for the related subject individual’s record, 4 years after final determination by the Department, or 3 years after final adjudication by the courts, whichever is later.

ED/RDS, Part 12, Item 2b.2
(GRS 14, item 22b)

- 3) Appealed requests to amend. Includes all files created in responding to appeals under the Privacy Act for refusal by an agency to amend a record.

Disposition: TEMPORARY. Dispose of in accordance with the approved disposition instructions for the related subject individual’s record or 3 years after final adjudication by the courts, whichever is later.

ED/RDS, Part 12, Item 2b.3
(GRS 14, item 22c)

c. Privacy Act Accounting of Disclosure Files. Files maintained

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	<p>under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency, including forms for showing the subject individual's name, requester's name and address, purpose and date of disclosure, and proof of subject individual's consent when applicable.</p> <p><u>Disposition:</u> TEMPORARY. Dispose of in accordance with the approved disposition instructions for the related subject individual's record or 5 years after the disclosure for which the accountability was made, whichever is later.</p>	ED/RDS, Part 12, Item 2c (GRS 14, item 23)
	<p>d. <u>Privacy Act Control Files.</u> Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requester.</p> <p>1) Registers or listings.</p> <p><u>Disposition:</u> TEMPORARY. Destroy 5 years after date of last entry.</p>	ED/RDS, Part 12, Item 2d.1 (GRS 14, item 24a)
	<p>2) Other files.</p> <p><u>Disposition:</u> TEMPORARY. Destroy 5 years after final action by the agency or final adjudication by the courts, whichever is later.</p>	ED/RDS, Part 12, Item 2d.2 (GRS 14, item 24b)
	<p>e. <u>Privacy Act Reports Files.</u> Recurring reports and one-time information requirements relating to agency implementation, including biennial reports to the Office of Management and Budget (OMB), and the Report on New Systems at all levels.</p> <p><u>Disposition:</u> TEMPORARY. Destroy when 2 years old.</p>	ED/RDS, Part 12, Item 2e (GRS 14, item 25)
	<p>f. <u>Privacy Act General Administrative Files.</u> Records relating to the Department's implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.</p> <p><u>Disposition:</u> TEMPORARY. Destroy when 2 years old.</p>	ED/RDS, Part 12, Item 2f (GRS 14, item 26)

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g. Federal Educational Rights and Privacy Act Complaints.
Complaints concerning the privacy of student educational records maintained by schools that receive financial assistance from the Department of Education. Included are the ED responses and related correspondence.

1) Formal Complaints.

Disposition: TEMPORARY. Destroy 5 years after resolution. ED/RDS, Part 12, Item 2g.1 (NC1-12-82-1, Item 3a)

2) Informal Complaints.

Disposition: TEMPORARY. Destroy 5 years after resolution. ED/RDS, Part 12, Item 2g.2 (NC1-12-82-1, Item 3b)