

Archived Information



CALENDAR YEAR 1996

REPORT OF THE DEPARTMENT OF EDUCATION
ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT

(5 U.S.C. §552)

SUMMARY

This summary report provides an overview of the Department of Education's administration of the Freedom of Information Act (FOIA), during calendar year (CY) 1996, as required by 5 U.S.C. §552.

During CY 1996, the Department received 1,977 Freedom of Information requests. In response to these requests, we involved exemptions 323 (times), resulting in the initial denial of information. Fifteen of these denials were appealed (including three for fee waivers): one appeal was granted, one was granted in part, and four were denied. The remaining nine appeals are pending. In addition to the denials based on exemptions, there were 103 instances in which the Department responded, "no responsive records" (*OGLESBY DENIALS*).

The Department collected \$23,533.76 in fees for Freedom of Information requests processed during 1996.

**U. S. DEPARTMENT OF EDUCATION
INITIAL DISPOSITION OF FOIA REQUESTS
Calendar Year 1996**

REPORTING COMPONENT	NUMBER OF REQUESTS			OTHER *			
	RECEIVED	RESPONDED	OUTSTANDING **	1	2	3	4
HEADQUARTERS	893	649	166	2	8	1	67
OFFICE OF THE INSPECTOR GENERAL	148	143	1	0	0	0	4
REGIONS							
I - Boston	119	110	1	0	0	0	8
II - New York	88	82	3	0	0	0	3
III - Philadelphia	29	29	0	0	0	0	0
IV - Atlanta	130	117	5	0	0	2	6
V - Chicago	93	91	0	1	1	0	0
VI - Dallas	114	93	8	1	1	0	11
VII - Kansas City	84	77	0	0	4	0	3
VIII - Denver	64	57	1	3	3	0	0
IX - San Francisco	124	65	53	1	5	0	0
X - Seattle	91	89	0	0	1	0	1
TOTAL	1,977	1,602	238	8	23	3	103

REQUESTS RECEIVED = RESPONDED + OUTSTANDING + OTHER

****OUTSTANDING** - Reflects number of requests that were being processed as of December 31, 1996

***OTHER** - Represents four reasons listed below for no responsive records or no search undertaken:

- 1 - Inadequate Identification of Material Requested
- 2 - Request Withdrawn by Requester
- 3 - Refused to Pay Assessed Fee
- 4 - No Responsive Records (*Oglesby Denials*)

**U. S. DEPARTMENT OF EDUCATION
EXEMPTIONS INVOKED ON INITIAL DENIALS
Calendar Year 1996**

REPORTING COMPONENT	Exemptions By Number Under 5 U.S.C. 552(b)									Total
	1	2	3	4	5	6	7	8	9	
HEADQUARTERS	0	8	0	22	8	88	1	0	0	127
OFFICE OF THE INSPECTOR GENERAL	0	0	0	0	5	0	49	0	0	54
REGIONS										
I - Boston	0	0	1	0	1	2	12	0	0	16
II - New York	0	0	0	1	1	8	13	0	0	23
III - Philadelphia	0	0	0	0	3	7	19	0	0	29
IV - Atlanta	0	0	0	0	0	0	2	0	0	2
V - Chicago	0	0	0	0	0	0	1	0	0	1
VI - Dallas	0	1	1	0	2	1	29	0	0	34
VII - Kansas City	0	0	1	0	1	0	1	0	0	3
VIII - Denver	0	0	0	0	5	0	0	2	0	7
IX - San Francisco	0	0	0	0	0	0	3	0	0	3
X - Seattle	0	0	0	0	4	0	20	0	0	24
TOTAL	0	9	3	23	30	106	150	2	0	323

Totals reflect the use of more than one exemption on several responses.

1. National Security
2. Material circumventing agency rules. Overly burdensome requests that are of no public interest and relate to internal concerns.
3. Matters directed to be withheld by other laws.
4. Proprietary, confidential, financial matters.
5. Predecisional material related to decision-making process, attorney client privilege, and attorney work product.
6. Matters related to personal privacy.
7. Matters related to law enforcement.
8. Some matters relating to banks and financial institutions.
9. Information on wells.

**U. S. DEPARTMENT OF EDUCATION
FOIA REQUESTS PROCESSED BY COMPONENT
Calendar Year 1996**

REPORTING COMPONENT	PROCESSED REQUESTS (Upon Receipt)
Office of the Secretary	45
Freedom of Information Staff *	32
Office of Intergovernmental and Interagency Affairs	8
Office of the General Counsel	11
Office of Management	73
Office of Chief Financial Officer	210
Office of Postsecondary Education	266
Office of the Inspector General	148
Office for Civil Rights	79
Office of Educational Research and Improvement	47
Office of Special Education and Rehabilitative Services	32
Office of Bilingual Education and Minority Languages Affairs	7
Office of Elementary and Secondary Education	24
Office of Vocational and Adult Education	30
Office of the Under Secretary	7
Office of Legislation and Congressional Affairs	22
Regional Offices I - X	936
TOTAL	1,977

* In almost all instances, these requests were for records of other offices in the Department, but the FOIA staff issued the Department's response after consultation with the appropriate offices.

**U. S. DEPARTMENT OF EDUCATION
 NAMES AND TITLES OF PERSONS
 RESPONSIBLE FOR INITIAL DENIALS
 Calendar Year 1996**

REPORTING COMPONENT	NAME TITLE	Denials
HEADQUARTER COMPONENTS	Maria-Teresa Cueva Freedom of Information Staff	127
OFFICE OF THE INSPECTOR GENERAL	Thomas R. Bloom Inspector General	54
REGIONS		
I - Boston	Ralph Wright Acting Deputy SRR	16
II - New York	W. Wilson Goode Acting Deputy Director SRR	23
III - Philadelphia	W. Wilson Goode Chief, OFSA	29
IV - Atlanta	Sonia Atkinson Administrative Officer, OSRR	2
V - Chicago	Stephanie Jones Special Assistant, OSRR	1
VI - Dallas	Dura C. Wilson Public Affairs, OSRR	34
VII - Kansas City	James B. Tomy Public Affairs, OSRR	3
VIII - Denver	David Dunbar Attorney, OCR	7
IX - San Francisco	Lony Hancock Director, SRR	3
X - Seattle	Carla Nuxoll SRR	24
TOTAL *		323

- OCR - Office for Civil Rights
- SRR - Secretary's Regional Representative
- OSRR - Office of the Secretary's Regional Representative

* Total does not reflect the cases of denials for no responsive records.

All appeal determinations were made by the Director for the Office of Management.

**U. S. DEPARTMENT OF EDUCATION
FOIA FEES
Calendar Year 1996**

FEE SCHEDULE

1. Commercial use requesters are assessed ten cents per photocopied page with no free pages. Fees are charged for search, review and redaction at the rate of pay for the employee(s) performing the task, plus 16% of that rate to cover administrative overhead costs (e.g., retirement, leave, insurance, health program, etc.).
2. Educational and scientific institutions and news media are charged for photocopying only, with the first 100 pages given without charge. No search or review time is charged.
3. All other requesters are assessed ten cents per photocopied page after the first 100 pages. Search time is charged at the rate of pay for the employee(s) performing the task plus 16% of that rate, with the first two hours given without charge. No review time is charged.

FEES COLLECTED

REPORTING COMPONENT	ANNUAL FEES COLLECTED
Headquarters	\$21,435.99
Office of the Inspector General	\$253.62
Appeals (Office of Management)	\$0.00
Subtotal	\$21,689.61
Regions	
I - Boston	\$570.00
II - New York	\$339.35
III - Philadelphia	\$0.00
IV - Atlanta	\$101.20
V - Chicago	\$195.70
VI - Dallas	\$90.39
VII - Kansas City	\$253.37
VIII - Denver	\$201.84
IX - San Francisco	\$0.00
X - Seattle	\$92.30
Subtotal	\$1,844.15
Grand Total	\$23,533.76

**U. S. DEPARTMENT OF EDUCATION
APPEALS
Calendar Year 1996**

NUMBER OF APPEALS AND RESULTS

Reporting Component	Granted	Granted In Part	Denied	Other Reasons (Pending)	TOTAL
Director for Management	1	1	4	9	15

**EXEMPTIONS
(By Number Under 5 U.S.C. 552(b))
INVOKED ON APPEAL DETERMINATIONS**

Reporting Component	1	2	3	4	5	6	7	8	9	TOTAL
Director for Management	0	0	0	0	1	1	3	0	0	5

NOTE: Total reflects the fact that in some instances more than one exemption was cited in a single determination.

APPEALS OF FEE WAIVERS

Reporting Component	Granted	Denied	Pending	TOTAL
Director for Management	0	0	3	3

TOTALS

	APPEALED	GRANTED	DENIED	
	15	1	4	

DISCIPLINARY ACTION

The Department's response is negative.

RULES MADE BY THE DEPARTMENT

The Department's response is negative.

OTHER INFORMATION

The Department's FOIA Staff attended seminars of the American Society of Access Professionals and the FOIA Update session conducted by the Department of Justice.

The FOIA Staff regularly advised Department officials on the requirements of the law and regulations in response to FOIA requests.