

Archived Information



CALENDAR YEAR 1997

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) 1997, as required by 5 U.S.C. §552.

During CY 1997, the Department received 1,854 Freedom of Information requests. In response of these requests, the Department invoked exemptions 313 times, resulting in the initial denials of information. Thirty-six of these denials were appealed (including three for fee waivers); one appeal was granted, four granted in part and 22 were denied. The remaining nine appeals are pending. In addition to the denials based on exemption, there were 167 instances in which there were no responsive records (*OGLESBY DENIALS*).

The Department collected \$22,696.74 in fees for Freedom of Information requests processed during 1997.

**U. S. DEPARTMENT OF EDUCATION
INITIAL DISPOSITION OF FOIA REQUESTS
Calendar Year 1997**

REPORTING COMPONENT	NUMBER OF REQUESTS			OTHER ***			
	RECEIVED *	RESPONDED	OUTSTANDING **	1	2	3	4
HEADQUARTERS	764	515	141	1	8	0	99
OFFICE OF THE INSPECTOR GENERAL	142	101	7	0	0	0	34
REGIONS							
I - Boston	160	140	2	2	1	0	15
II - New York	106	82	8	0	4	3	9
III - Philadelphia	32	31	0	0	0	1	0
IV - Atlanta	126	124	0	0	2	0	0
V - Chicago	141	129	0	0	6	0	6
VI - Dallas	0	0	0	0	0	0	0
VII - Kansas City	77	64	5	2	4	0	2
VIII - Denver	87	77	8	0	2	0	0
IX - San Francisco	86	51	33	0	1	0	1
X - Seattle	133	130	0	0	2	0	1
TOTAL	1,854	1,444	204	5	30	4	167

***REQUESTS RECEIVED** = RESPONDED + OUTSTANDING + OTHER

****OUTSTANDING** - Reflects number of requests that were being processed as of December 31, 1997

*****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- 2 - Request Withdrawn by Requester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 (**Denials, Oglesby**)

**U. S. DEPARTMENT OF EDUCATION
EXEMPTIONS INVOKED ON INITIAL DENIALS
Calendar Year 1997**

REPORTING COMPONENT	Exemptions By Number Under 5 U.S.C. 552(b)									Total
	1	2	3	4	5	6	7	8	9	
HEADQUARTERS	0	11	3	20	15	57	12	0	0	118
OFFICE OF THE INSPECTOR GENERAL	0	0	0	0	2	0	27	0	0	29
REGIONS										
I - Boston	0	0	0	1	9	11	48	0	0	69
II - New York	0	0	0	2	0	2	13	0	0	17
III - Philadelphia	0	0	0	0	0	0	15	0	0	15
IV - Atlanta	0	0	0	0	1	0	1	0	0	2
V - Chicago	0	0	0	0	0	0	5	0	0	5
VI - Dallas	0	0	0	0	0	0	0	0	0	0
VII - Kansas City	6	0	2	0	0	0	0	0	0	8
VIII - Denver	0	1	0	0	0	0	25	0	0	26
IX - San Francisco	0	0	0	0	1	0	1	0	0	2
X - Seattle	0	0	0	0	3	0	19	0	0	22
TOTAL	6	12	5	23	31	70	166	0	0	313

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 1997**

REPORTING COMPONENT	PROCESSED REQUESTS (Upon Receipt)
Freedom of Information Staff *	23
Office of the Secretary	52
Office of Intergovernmental and Interagency Affairs	2
Office of the General Counsel	22
Office of Management	63
Office of Chief Financial Officer	50
Office of Postsecondary Education	256
Office of the Inspector General	142
Office for Civil Rights	144
Office of Educational Research and Improvement	25
Office of Special Education and Rehabilitative Services	57
Office of Bilingual Education and Minority Languages Affairs	6
Office of Elementary and Secondary Education	28
Office of Vocational and Adult Education	15
Office of the Under Secretary	4
Office of Legislation and Congressional Affairs	17
Regional Offices I - X	948
TOTAL	1,854

* 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 1997**

REPORTING COMPONENT	NAME TITLE	Denials
HEADQUARTER COMPONENTS	Maria-Teresa Cueva Freedom of Information Staff	118
OFFICE OF THE INSPECTOR GENERAL	Thomas R. Bloom Inspector General	29
REGIONS		
I - Boston	Barbara Mahoney Acting Deputy SRR	69
II - New York	John Mahoney Acting Deputy Director SRR	17
III - Philadelphia	Esther Perry Chief, OFSA	15
IV - Atlanta	Judith Harwood Administrative Officer, OSRR	2
V - Chicago	Stephanie Jones Special Assistant, OSRR	5
VI - Dallas	Dura C. Wilson Public Affairs, OSRR	0
VII - Kansas City	Sandra Walker Public Affairs, OSRR	8
VIII - Denver	Tom Rock Attorney, OCR	26
IX - San Francisco	Lony Hancock Director, SRR	2
X - Seattle	Carla Nuxoll SRR	22
TOTAL *		313

- 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 1997**

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 of 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	\$21,071.91
Office of the Inspector General	\$119.50
Appeals (Office of Management)	\$0.00
Subtotal	\$21,191.41
Regions	
I - Boston	\$335.60
II - New York	\$13.20
III - Philadelphia	\$211.34
IV - Atlanta	\$106.30
V - Chicago	\$120.10
VI - Dallas	\$0.00
VII - Kansas City	\$59.89
VIII - Denver	\$624.60
IX - San Francisco	\$0.00
X - Seattle	\$34.30
Subtotal	\$1,505.33
Grand Total	\$22,696.74

**U. S. DEPARTMENT OF EDUCATION
APPEALS
Calendar Year 1997**

**NUMBER OF APPEALS AND RESULTS
(NOTE: Does NOT Include Appeals of Fee Waivers)**

Reporting Component	Granted	Granted In Part	Denied	Other Reasons (Pending)	TOTAL
Director for Management	0	4	20	9	33

**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	0	0	16	0	0	16

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	1	2	0	3

TOTALS

	APPEALED	GRANTED or GRANTED IN PART	DENIED	
	36	5	22	

DISCIPLINARY ACTION

There were no disciplinary action during the reporting period.

RULES MADE BY THE DEPARTMENT

There were no rules issued during the reporting period.

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. In addition, the Department conducted a training session on the FOIA and Privacy Act with employees of the Office of Postsecondary Education.

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