



United States Department of Education

Office of the Secretary

FOIA Service Center

July 6, 2024

Sarai Chaidez
Policy Associate
Student Defense
1701 Rhode Island Avenue NW
Washington, DC 20036

RE: FOIA Request No. 24-00852-F

Dear Sarai Chaidez:

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 January 16, 2024, and received in the U.S. Department of Education's (Department) FOIA Service Center on January 17, 2024.

You requested the following:

“ Student Defense hereby requests that the Department produce the following in the time and manner required under FOIA and the Department's regulations:

1. All settlements, stipulations, decisions, and final agreements reached with any student loan borrower who has filed an “adversary” complaint against the Department in bankruptcy. While Student Defense understands that certain information may not be disclosable under FOIA due to privacy concerns, in light of the fact that much information about individual borrowers is already part of the public record (due to the filing of the adversary complaint and associated pleadings), we specifically request that the Department narrowly tailor any redactions that it believes are necessary. This request can be limited to any agreements executed with a borrower between June 5, 2023 and the date of this request. We specifically request that the Department search the Office of the General Counsel (and the Division of Postsecondary Education within OGC) and the Litigation Support Team within Federal Student Aid.

Note: In lieu of documents, Student Defense would accept a chart or description providing the requested information.”

Your request was forwarded to Federal Student Aid and Office of the General Counsel.

The Department has identified 18 pages and 1 spreadsheet that are being released to you in part. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b). The applicable Exemptions are as follows:

(b)(6)

(b)(7)(C)

In additional enclosure with this letter explains these exemptions in more detail.

The Department has thoroughly considered whether disclosure of the records (or portions thereof) is prohibited by law and, if not, whether the exempt material would, in fact, pose a foreseeable harm to an interest protected by an exemption from disclosure under the FOIA if released. After conducting a foreseeable harm analysis, the Department has concluded that the material, if released, would harm an interest protected by the exemptions identified in the Applicable Exemption list.

The pages are available for download via the Public Access Link (PAL). You can access your PAL account, or register for a PAL account, at this link:

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

Fees

There are no fees associated with processing this request. Therefore, any fee waiver request submitted for this FOIA request is not applicable.

Additional Assistance

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, offers ombuds services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note, OGIS's assistance does not replace the administrative appeal process described below. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison
Office of the Secretary
U.S. Department of Education
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Email: robert.wehausen@ed.gov
Phone: 202-205-0733
Fax: 202-401-0920

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road, OGIS
College Park, MD 20740-6001
Email: OGIS@nara.gov
Phone: 202-741-5770 or 1-877-684-6448

You have the right to appeal this decision, as well as decisions in any previous interim releases, with the Department by submitting an appeal to the address below, no later than 90 calendar days from the date of this letter. Using the FOIA Public Liaison or OGIS services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include a 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 supports the argument you wish the Department to consider in making an administrative determination on your appeal. You may submit your appeal by:

Mail: Appeals Office
Office of the Secretary
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W104
Washington, DC 20202-4536

Online Form: www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf

Email: EDFOIAppeals@ed.gov

Fax: 202-401-0920

Sincerely,

Sandra Lewandowski
Government Information Specialist
Office of the Secretary

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

Exemption (b)(1): Records or portions of records that contain information that is properly classified for national security purposes.

Exemption (b)(2): Records or portions of records that are related solely to an agency's internal personnel rules and/or practices.

Exemption (b)(3): Records or portions of records that are specifically exempted from disclosure by statute.

Exemption (b)(4): Records or portions of records that contain trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption (b)(5): Records or portions of records that contain inter- or intra-agency records that are normally privileged in the civil discovery context.

Exemption (b)(6): Records or portions of records relating to personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy.

Exemption (b)(7)(A): Records or portions of records compiled for law enforcement purposes, where the release of those records could reasonably be expected to interfere with enforcement proceedings.

Exemption (b)(7)(B): Records or portions of records compiled for law enforcement purposes, where the release of those records would deprive a person of the right to a fair trial or an impartial adjudication.

Exemption (b)(7)(C): Records or portions of records compiled for a law enforcement purpose where the release of those records could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(D): Records or portions of records compiled for a law enforcement purpose where the release of those records could reasonably be expected to disclose the identity of a confidential source or information furnished by such source.

Exemption (b)(7)(E): Records or portions of records compiled for law enforcement purposes, where the release of those records would disclose techniques and procedures for law enforcement investigations or prosecutions, or guidelines for investigations or prosecutions if disclosure could reasonably be expected to risk circumvention of the law.

Exemption (b)(7)(F): Records or portions of records compiled for law enforcement purposes, where the release of those records could reasonably be expected to endanger the life or personal safety of an individual.

Exemption (b)(8): Records or portions of records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

Exemption (b)(9): Records or portions of records that are related to geological and geophysical information and data, including maps, concerning wells.