



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

July 27, 2021

Gene Hamilton
American First Legal Foundation

RE: FOIA Request No. 21-01973-F

Dear Gene Hamilton:

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 June 23, 2021 and received in this office on June 24, 2021. Your request was forwarded to the Office of the Secretary, Executive Secretariat, FOIA Service Center to search for documents that may be responsive to your request.

You requested the following: Documents sufficient to show the disposition of FOIA requests where a fee waiver was requested on the basis that the requestor was a representative of the news media under 34 C.F.R. § 5.64. This should be read to include 2 documents that detail whether each fee waiver request was granted or denied and the basis or justification for each decision. The timeframe for this request is January 1, 2020, to date the records request is processed.

Attached to this e-mail is an excel Spreadsheet and 3 pages of documents that are fully releasable and responsive to your request. The documents provided are:

- 21-01973-F Fee Waiver List (excel spreadsheet)
- Fee Waiver criteria sheet (3rd page of Determination letter 1)
- Fee Waiver Determination Letter 1
- Fee Waiver Determination Letter 2

The contents of this list provides the FOIA requests that we have received where the requesters' fee category was listed as news media in our tracking system. This report also provides the Fee Waiver status of each of the requests listed.

If you would like to see any of the documents pertaining to the FOIA requests in the excel spreadsheet, plus reply to me, Elise Cook, via email and I will provide those documents to you.

A requesters' fee category is selected by the requester upon the request being submitted to us for processing. That category is only challenged when a requester is seeking a fee waiver. Therefore, in instances where the fee waiver was denied, the requester had not provided sufficient evidence to support the news media category and then ultimately be granted a fee waiver. I have also attached the fee waiver criteria sheet that is used when making fee waiver determinations.

The department has standard template letters that are used when making fee determinations. I have also attached copies of those letters for your reference.

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 News Media. 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 further assistance from the Department's FOIA Public Liaison, Robert Wehausen. The Department's FOIA Public Liaison can be reached by email at robert.wehausen@ed.gov; by phone at 202-205-0733; by fax at 202-401-0920; or by mail at Office of the Executive Secretariat, U.S. Department of Education, 400 Maryland Ave., SW, 7C132, Washington, DC 20202-4500, Attn: FOIA Public Liaison.

If you have any questions, please contact the FSC at (202) 401-8365 or EDFOIAMANAGER@ed.gov.

Sincerely,

Elise Cook

Elise Cook
Government Information Specialist
Office of the Executive Secretariat

Enclosure