



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Privacy, Information, and Records Management Services

December 18, 2014

Eileen M. Connor
Special Litigation Unit
NYLAG
7 Hanover Squar, 18th Floor
New York, NY 10004

RE: FOIA Request No. 15-00417-F

Dear Ms. Connor:

This letter is in response to your request dated December 5, 2014, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on December 8, 2014. Your request has been assigned to the appropriate offices within the Department to search for documents that may be responsive to your request.

In your request, you have asked for a waiver of all fees associated with the processing of your request. You will receive the records that you requested, if they exist, but, your request for a fee waiver is denied.

The Department has concluded that you have failed to provide sufficient information to demonstrate your entitlement to a waiver of processing fees. More specifically, justification has not been provided to explain how copies of the requested records would contribute any new significant information to the public's understanding of the Department's operations. You have also not provided any evidence demonstrating public interest in the documents. Accordingly, your requester category is determined to be an "all other use" requester and, therefore, subject to search fees after the first 2 hours, and duplication fees after the first 100 pages or \$3.00 per CD.

You indicated that you are willing to pay \$25.00 for fees associated with processing your request. Until a search is completed and the number of pages is established, a firm estimate of potential fees cannot be provided. You will be notified if the fees associated with your request will exceed \$25.00.

Attached is general information of the FOIA Fees and Waivers. Should you still wish to claim that the Department's processing fees should be waived, you must provide more specific and detailed evidence to support your claims under each statutory requirement described in our FOIA regulations available on the internet at: www.usdoj.gov/foia and outlined in the attachment to this letter.

You have the right to appeal this fee waiver denial within 35 days of the date of this letter. Your written appeal should be accompanied by a copy of your initial letter of request and this denial letter, and should contain any evidence or argument you wish the Department to consider in making an administrative determination on your appeal.

Appeal Address:

U.S. Department of Education
Office of Management
400 Maryland Avenue, SW, LBJ 2W311
ATTN: FOIA Appeals Office
Washington, DC 20202-4500

Or, you may complete the online FOIA appeal form, located at:
http://www.ed.gov/policy/gen/leg/foia/foia_appeal_form_1.html.

If you have any questions, or would like the original signed copy of this letter, please contact the FOIA Requester Service Center at (202) 401-8365 or via e-mail at EDFOIAManager@ed.gov (please include the case number).

Sincerely,



Elise Cook
FOIA Public Liaison
FOIA Service Center

Enclosure