



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Regulatory Information Management Services

October 31, 2008

U.S. Department of Education FOIA e-Reading Room Certification

On May 30, 2008, the Attorney General issued his third Report to the President pursuant to Executive Order 13,392. This Attorney General Report is based on the Fiscal Year 2007 Annual FOIA Reports that agencies submitted earlier this year and provides an update on the agencies implementation of the FOIA and of their FOIA Improvement Plans. In accordance with Section 4(a) of the Executive Order, the Attorney General's Report includes recommendations for improving agency FOIA administration. The third recommendation requires each agency Chief FOIA Officer to conduct a review of their agency's FOIA Reading Room(s); to address any deficiencies in its content; and then to certify to the Department of Justice and OMB that its Reading Room is in compliance with the requirements of the FOIA.

As described in the Attorney General's Report, the Department of Justice has been actively engaged in a series of steps focused on the issue of FOIA Reading Rooms. In particular, the Department has added the topic of FOIA Reading Rooms to many of its training programs so that agency personnel are fully apprised of the requirements imposed by the FOIA for posting documents. In addition, as the Report points out, the Department of Justice has launched an initiative to reach out to those agencies that it has identified as having Reading Rooms in need of improvement. These outreach efforts will be an on-going process as agencies work to improve both their Reading Rooms and their websites overall.

Set out below is the U.S. Department of Education's certification of agency compliance with the FOIA e-Reading Room legal requirements.

A. Internal Review of Agency FOIA Reading Room

The Department of Education's FOIA e-Reading Room was reviewed to determine compliance to the legal requirements under subsection (a)(2) of the Freedom of Information Act (FOIA). The review included an evaluation of the Department's FOIA e-Reading Room to determine whether or not **four** distinct categories of records are affirmatively available for "public inspection and copying."

The Department of Education's FOIA e-Reading Room is **certified as compliant in all four required legal categories:**

1. "final opinions [and]...orders" made in the adjudication of cases;
2. specific agency policy statements;
3. "administrative staff manuals and instructions to staff that affect a member of the public;" and
4. records disclosed in response to a FOIA request that the "agency determines have become or are likely to become the subject of subsequent requests for substantially the same records."

B. Any Reading Room Deficiencies Addressed

No deficiencies to report.

C. Certification

The U.S. Department of Education certifies that its FOIA e-Reading Room is in full legal compliance under subsection (a)(2) of the FOIA.