



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF MANAGEMENT**

OFFICE OF THE ASSISTANT SECRETARY

TO: Director, Regulatory Information Management Services
Office of Management

FROM: Michell Clark

SUBJECT: Redlegation of Authority for Freedom of Information Act and Privacy Act

I. DELEGATION

Under the authority vested in me by a delegation from the Secretary, EA/EM/311, certified on May 9, 2006, I hereby delegate to you, your successor in function, and anyone serving for you in an acting capacity:

- A. The authority to administer the Department's responsibilities under the Freedom of Information Act (FOIA), 5 U.S.C. §552. This delegation includes the authority to deny access to documents to the extent that such denial is consistent with FOIA procedures and FOIA Departmental regulations. This also includes the authority to charge fees, to waive fees and to reduce fees to requesters consistent and in accordance with the FOIA and Departmental regulations and policies on such fees for documents requested; and
- B. The authority to administer the Department's responsibilities under the Privacy Act, 5 U.S.C. §552a.

Unless otherwise noted in future delegations of authority, amendments to the authority delegated herein are included in the scope of this delegation.

II. RESERVATIONS

Unless otherwise noted in existing or future delegations of authority, the following are not delegated:

- A. The authority to issue decisions on administrative appeals filed in accordance with FOIA and the Department regulations implementing that statute.
- B. The authority under FOIA to issue decisions regarding appeals of denials of requests for records and requests for waiver of fees.

- C. The authority to administer FOIA for documents maintained in the Office of Inspector General, which is delegated to the Inspector General by delegation EA/EF/106, certified August 6, 1997.
- D. The authority to make written requests to another agency or any instrumentality of the U.S. Government for records for a legally authorized Office of Inspector General civil or criminal law enforcement activity, pursuant to 5 U.S.C. §552a (b)(7). That authority is delegated to the Inspector General by delegation EA/EF/78, certified July 22, 1994; and
- E. The authority under the Privacy Act to make final decisions regarding appeals of refusals to correct or amend records.

III. REDELEGATIONS

Except as noted under “Reservations” above, you may redelegate the other authorities delegated to you.

IV. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification by the Department’s Principal Delegations Control Officer and it supersedes all previous delegations of these authorities.

I ratify actions within the scope of this delegation taken prior to the date of certification.

/s/
Michell Clark

OGC Clearance and Date: /s/ David Berthiaume, 6/7/2006
Certified Date: 6/7/2006
Departmental Delegations Control Officer: /s/ Naty G. Beetle
Control Number: EM/EMV/315