TO: Deborah O. Moore
FROM: The Secretary
SUBJECT: Designation as the U.S. Department of Education’s Chief Freedom of Information Officer and Delegation of Authority to Administer the Department’s responsibilities under Freedom of Information Act and subsection (d)(1) of the Privacy Act

I. DELEGATION

Under the authority vested in me by section 412 of the Department of Education Organization Act, 20 U.S.C. § 3472 and in accordance with 5 U.S.C. § 552(j) and Section 2 of Executive Order 13392, “Improving Agency Disclosure of Information,” I hereby designate you as the U.S. Department of Education’s (Department’s) Chief Freedom of Information Act (FOIA) Officer and delegate to you the authority and agency-wide responsibility to administer and secure efficient and appropriate compliance with the Department’s responsibilities under the FOIA, 5 U.S.C. § 552, and subsection (d)(1) of the Privacy Act of 1974, as amended (Privacy Act) 5 U.S.C. § 552a(d)(1). This includes, but is not limited to, the authority and responsibility to:

(A) issue decisions on administrative appeals filed in accordance with FOIA and the Department of Education regulations implementing that statute, 34 CFR Part 5. It also includes the authority to issue decisions on appeals of denials both of requests for records and of requests for waiver of fees;

(B) monitor implementation of FOIA throughout the Department and keep me, the General Counsel, and the Attorney General appropriately informed of the Department’s performance in implementing FOIA;

(C) make recommendations to me of such adjustments to Department practices, policies, personnel, and funding as may be necessary to improve the Department’s implementation of FOIA;

(D) prepare reports to the Attorney General, submitted through me, at such times and in such formats as the Attorney General may direct, on the Department’s performance in implementing FOIA;

(E) facilitate public understanding of the purposes of the statutory exemptions of FOIA by including concise descriptions of the exemptions in both the Department’s handbook for obtaining various types and categories of public information from the Department pursuant to chapter 35 of title 44 and Section 552 of title 5 of the U.S. Code, and the Department’s annual report on FOIA,
and by providing an overview, where appropriate, of certain general categories of Department records to which those exemptions apply;

(F) offer training to Department staff regarding their responsibilities under FOIA;

(G) serve as the primary Department liaison with the National Archives and Records Administration’s Office of Government Information Services and the Department of Justice’s Office of Information Policy and ensure compliance with their requirements and recommendations;

(H) designate one (1) or more FOIA Public Liaisons to be responsible for assisting in reducing delays, increasing transparency and understanding of the status of FOIA requests, and assisting in the resolution of disputes; and

(I) review, not less frequently than annually, all aspects of the administration of FOIA by the Department to ensure compliance with the requirements of the law and regulations.

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 administer FOIA for documents maintained in the Office of Inspector General (except for the authority to waive or reduce all or part of any fee and to submit reports to Congress or the President unless otherwise provided by law), which is delegated to the Inspector General by delegation EA/EF/193, certified May 10, 2011; and

(B) the authority to administer the Departmental responsibilities under the Privacy Act except for subsection (d)(1).

III. REDELEGATION

You may not designate anyone else as the Chief FOIA Officer for the Department and may not redelegate your authorities under paragraphs (C), (G) and (H) in Section I of this Delegation.

The following authorities may be redelegated to an officer on your staff, although no further redelegation is authorized:

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

Except as noted above and subject to the reservations contained herein, you may redelegate the other authorities delegated to you herein and authorize further redelegations. Any redelegation must be done in accordance with the Administrative Communications System directive, ACSD-OFO-015, Delegations of Authority, dated August 26, 2016.

IV. CERTIFICATION AND EFFECTIVE DATE

This authority delegated to you in this personal delegation may not be exercised by you, and will be automatically voided, if you leave your position in the Office of the Secretary, or if this delegation is superseded or rescinded. This delegation is effective upon certification by the Department’s Principal Delegations Control Officer, and it supersedes all previous delegations of these authorities, including, but not limited to, EA/EASF/179, certified on February 14, 2019, and EA/EASF/178, certified on February 14, 2019.

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

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Miguel A. Cardona

OGC Clearance and Date: ____Debbie Friendly; 3/11/2022____________________
Date Certified: 3/11/2022
Delegation Control Officer: Jim Clemmens
Control Number: EA/EA/189