



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

TO: The Assistant Secretary for Management

FROM: The Secretary

SUBJECT: Delegation of Authority for Freedom of Information Act and 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 delegation EA/EM/306, 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 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. 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 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.
- B. 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.

III. REDELEGATIONS

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.
- 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 under the Privacy Act to make final decisions regarding appeals of refusals to correct or amend records.

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.

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 by you prior to the date of certification.

_____/s/_____
Margaret Spellings

OGC Clearance and Date: /s/ David Berthiaume, 5/1/2006

Certified Date: 5/9/2006

Departmental Delegations Control Officer; /s/ Naty G. Beetle

Control Number: EA/EM/311