

ED Records Schedule

SCHEDULE LOCATOR NO.: 151

REVISION DATE: 7/15/2010

TITLE: Freedom of Information Act (FOIA) Requests Files

PRINCIPAL OFFICE: Department-wide

NARA DISPOSITION AUTHORITY: GRS – See disposition instructions

DESCRIPTION:

Files created in response to requests for information under the FOIA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include the official file copy of requested record or copy thereof.

DISPOSITION INSTRUCTIONS:

a. Correspondence and Supporting Documents (EXCLUDING the official file copy of the records requested if filed herein) (GRS 14, Item 11a)

1. Granting access to all the requested records

TEMPORARY

Cut off after date of reply. Destroy/delete 2 years after cutoff.

2. Responding to requests for nonexistent records; to requesters who provide inadequate descriptions; and to those who fail to pay department reproduction fees

a. Requests not appealed

TEMPORARY

Cut off after date of reply. Destroy/delete 2 years after cutoff.

b. Requests appealed

See ED 152 FOIA Appeals Files.

3. Denying access to all or part of the records requested

a. Requests not appealed

TEMPORARY

Cut off after date of reply. Destroy/delete 6 years after cutoff.

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- b. Requests appealed.

TEMPORARY

See ED 152 FOIA Appeals Files.

- b. Official File Copy of Requested Records (GRS 14 Item 11b)

Dispose of in accordance with approved Department disposition instructions for the related records, or with the related FOIA request, whichever is later.

- c. Freedom of Information Act and Privacy Act Tracking System (FOIAXpress) Master Data Files

The system tracks FOIA and Privacy Act request cases. FOIAXpress is specifically used to create new FOIA request cases, track data and requests, and has document management capabilities. FOIAXpress maintains metadata about the requests (date received, date completed, office responsible for fulfilling request, etc.) and may also contain electronic versions of FOIA requests and copies of responsive documents. Cost data related to the fees owed by and collected from requestors is also maintained. The system data is used for compiling the Secretary's Annual FOIA Report to the Attorney General of the United States.

TEMPORARY

Destroy/delete 6 years after final determination or appeal determination by Department, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later.

- d. Duplicate Copies Regardless of Medium Maintained for Reference Purposes and That Do Not Serve as the Record Copy

TEMPORARY

Destroy/delete when no longer needed for reference.

IMPLEMENTATION GUIDANCE:

Follow the disposition instructions in ED 086 Information Systems Supporting Materials for system software; input/source records; output and reports; and system documentation.

Related schedules: ED 152 FOIA Appeals Files and ED 153 FOIA Control Files.

ARRANGEMENT/ANNUAL ACCUMULATION:

PREVIOUS NARA DISPOSITION AUTHORITY/CONTACT:

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SPECIFIC LEGAL REQUIREMENTS:

Freedom of Information Act, 5 U.S.C. § 552

34 C.F.R. § 5

Public Law 90-23

SPECIFIC RESTRICTIONS:

Privacy Act 18-04-01 Freedom of Information Act and Privacy Act Case Files

Privacy Act 18-04-02 Freedom of Information Act and Privacy Act Tracking System

LINE OF BUSINESS: Administration/ Departmental