

ED Records Schedule

SCHEDULE LOCATOR NO.: 156

REVISION DATE: 7/27/2009

TITLE: Privacy Act Requests Files

PRINCIPAL OFFICE: Department-wide

NARA DISPOSITION AUTHORITY: GRS – See disposition instructions

DESCRIPTION:

Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 U.S.C. 552a(d)(1). Files contain original request, copy of reply thereto, and all related supporting documents, which may include the official file copy of records requested or copy thereof.

DISOSITION INSTRUCTIONS:

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein) [GRS 14 Item 21.a]

1. Granting access to all the requested records.

TEMPORARY

Destroy 2 years after date of reply.

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

a. Requests not appealed.

TEMPORARY

Destroy 2 years after date of reply.

b. Requests appealed.

TEMPORARY

Destroy as authorized under schedule ED 157 Privacy Act Amendment Case Files.

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

a. Requests not appealed.

TEMPORARY

ED Records Schedule

Destroy 5 years after date of reply.

- b. Requests appealed.

TEMPORARY

Destroy as authorized under schedule ED 157 Privacy Act Amendment Case Files.

- b. Official file copy of requested records [GRS 14 Item 21.b]

Dispose of in accordance with approved agency disposition instructions for the related records or with the related Privacy Act 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.

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 157 Privacy Act Amendment Case Files, ED 158 Privacy Act Accounting of Disclosure Files, and ED 159 Privacy Act Control Files.

ARRANGEMENT/ANNUAL ACCUMULATION:

PREVIOUS NARA DISPOSITION AUTHORITY:

SPECIFIC LEGAL REQUIREMENTS:

5 U.S.C.552a (d)(1)
34 C.F.R. § 5b
Public Law 90-23

ED Records Schedule

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