

ED Records Schedule

SCHEDULE LOCATOR NO.: 157

REVISION DATE: 7/27/2009

TITLE: Privacy Act Amendment Case Files

PRINCIPAL OFFICE: Department-wide

NARA DISPOSITION AUTHORITY: GRS – See disposition instructions

DESCRIPTION:

Files relating to an individual's request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a(d)(2); to the individual's request for a review of the Department's refusal of the individual's request to amend a record as provided for under 5 U.S.C. 552a(d)(3); and to any civil action brought by the individual against the Department as provided under 5 U.S.C. 552a(g).

DISPOSITION INSTRUCTIONS:

a. Requests to amend agreed to by agency [GRS 14 Item 22.a]

Includes individual's requests to amend and/or review refusal to amend, copies of agency's replies thereto, and related materials.

TEMPORARY

Dispose of in accordance with the approved disposition instructions for the related subject individual's record or 4 years after agency's agreement to amend, whichever is later.

b. Requests to amend refused by agency [GRS 14 Item 22.b]

Includes individual's requests to amend and to review refusal to amend, copies of agency's replies thereto, statement of disagreement, agency justification for refusal to amend a record, and related materials.

TEMPORARY

Dispose of in accordance with the approved disposition instructions for the related subject individual's record, 4 years after final determination by agency, or 3 years after final adjudication by courts, whichever is later.

c. Appealed requests to amend [GRS 14 Item 22.c]

Includes all files created in responding to appeals under the Privacy Act for refusal by agency to amend a record.

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TEMPORARY

Dispose of in accordance with the approved disposition instructions for related subject individual's record or 3 years after final adjudication by courts, whichever is later.

d. **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 156 Privacy Act Requests 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) 2 and 3, 552a(g)
34 C.F.R. § 5b
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