



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

September 21, 2021

Mr. Alexander S. Elson
Senior Counsel
National Student Legal Defense Network
1015 15th Street NW, Suite 600
Washington, DC 20005

RE: FOIA Request No. 21-02665-F

Dear Alexander S. Elson:

This letter is an interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated August 31, 2021 and received in this office on August 31, 2021.

You requested: 1. All documents constituting or reflecting communications between or among Department staff regarding the discrepancies between the data provided to Student Defense on May 24, 2021(see FOIA Request No. 21-01335-F, described and linked to above) and the data provided to the public on August 19, 2021, including but not limited to the discrepancy between the 517,699 eligible borrowers provided to Student Defense and the “over 323,000” borrowers who the Department announced would receive TPD relief.

2. All documents constituting or reflecting communications between the Department and any outside party, including NelNet, regarding the discrepancy described in Request 1.

3. To the extent not called for by the above requests, all documents discussing or describing the discrepancy described in Request 1.

Attached to this e-mail are 14 pages of documents responsive to your request. The documents provided are:

- 21-02665-F (OGC)

However, certain information has been withheld according to FOIA exemptions (b)(5), specified below:

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.

At this time, the Department is continuing to process your request. You will receive any additional documents under a separate cover letter.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation. They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4500	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road Room 2510 College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

You have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals may be submitted using the on-line form available at
www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Executive Secretariat
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4500

Sincerely,

Elise Cook

Elise Cook
Government Information Specialist
Office of the Executive Secretariat

Enclosure