



Tyler Kingkade <tyler.kingkade@buzzfeed.com>

FOIA Request from BuzzFeed News (Dec. 6, 2017)

2 messages

Tyler Kingkade <tyler.kingkade@buzzfeed.com>
To: ED FOIA Manager <edfoiamanager@ed.gov>

Wed, Dec 6, 2017 at 5:54 PM

Dec. 6, 2017

U.S. Department of Education
Office of Management
Regulatory Information Management Services
400 Maryland Avenue, SW, LBJ 2W220
Washington, DC 20202-4536
ATTN: FOIA Public Liaison

Good afternoon,

This is a request for copies of and the opportunity to inspect records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

I seek a copy of letters sent to the following schools between the time period of Oct. 15, 2017 and Nov. 30, 2017 regarding the end, resolution, or conclusion of Title IX investigations of their schools: Imagine Preparatory School in Arizona; Adams County School District 12 in Colorado; East St Louis School District 189 in Illinois; Paducah Area Technology Center in Kentucky; Paducah Public Schools in Kentucky; Charlotte-Mecklenburg Schools in North Carolina.

The FOIA Improvement Act of 2016 also amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . .

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Further, "the withholding agency must supply 'a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.'"

In addition, I ask that your agency exercise its discretion to release records which may be technically exempt, but where withholding serves no important public interest.

If a portion of the responsive records become available before the entire request is complete, I respectfully request that your agency provide records on a rolling basis.

I request that any releases stemming from this request be provided to me in digital format via email, a compact disk or other like media.

I request to be categorized as a representative of the news media. 5 U.S.C. § 552(a)(4)(A)(ii). I am a reporter for BuzzFeed

News and formerly the Huffington Post, and my articles reach thousands of readers every week. The requested records will inform my reporting and I intend to use these records in my capacity as a reporter.

Further, I request that any remaining fees be waived because disclosure of the responsive records “is in the public interest” as “it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, as a reporter for BuzzFeed News, I am able to distribute this information broadly to the public.

Please do not hesitate to contact me if you have any questions concerning this request.

Thank you. I appreciate your time and attention to this matter.

Sincerely,

Tyler Kingkade

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