



1015 15th St. NW, Suite 600  
Washington, DC 20005  
www.nslsln.org

May 1, 2018

**SENT VIA ELECTRONIC MAIL**

Appeals Office  
Office of the Chief Privacy Officer  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 2W218-52  
Washington, DC 20202-4536  
EDFOIAappeals@ed.gov

RE: Freedom of Information Act Appeal FOIA No. 18-01340-F

Dear FOIA Appeals Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(6)(A), and U.S. Department of Education regulations at 34 C.F.R. Part 5, the National Student Legal Defense Network (“NSLDN”) submits the following administrative appeal.

On March 21, 2018, NSLDN submitted a FOIA request (the “Request”) to the Department seeking, generally: (i) a copy of every letter of credit (“LOC”) currently held by the Department that has been posted by or on behalf of any institution participating in one or more of the programs authorized by Title IV of the Higher Education Act; (ii) a copy of every communication from the Department wherein the Department requested or demanded an institution to post any such LOC; and (iii) records describing the processing of the Request, including information sufficient to show the locations and custodians searched and tracking sheets and other information used to track the processing of the request. A true and correct copy of the Request is attached hereto as Exhibit A.

The Request further stated that, without waiving any rights for full compliance, NSLDN “would be willing to receive a detailed log in lieu of documents themselves,” so long as such a log provided specific, enumerated information. NSLDN also noted to the Department that a similar log (regarding LOCs held by the Department in Award Year 2015) was currently posted on the Department’s website.

The Department subsequently assigned the Request tracking number 18-01340-F. On March 22, the Department sent a letter granting NSLDN’s response to the request for waiver of fees associated with the processing of the Request. And on April 23, 2018, the Department issued a “final response” to the Request (“Final Response”) stating:

Staff in FSA informed the FOIA Services Center that they have no documents that are responsive to your request at this time. The first two (2) elements of this request are 1) prohibitively burdensome and expensive. However, we are currently working on the detailed log of FY 2016 Letters of Credit. In an effort to

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promote transparency and increase self-service opportunities for our customers and stakeholders, this data will be proactively released this summer on the *FSA Data Center*, available at <http://studentaid.ed.gov/data-center>.

Final Response at 1-2. A true and correct copy of the Final Response is attached hereto as Exhibit B.

Consistent with the requirements of 34 C.F.R. § 5.40, NSLDN hereby submits this administrative appeal of the Final Response.

## APPEAL OF FINAL RESPONSE

### I. THE DEPARTMENT HAS FAILED TO DEMONSTRATE THAT IT CONDUCTED AN ADEQUATE SEARCH FOR RECORDS.

#### A. ED has not provided information to show that it conducted a search reasonably calculated to uncover records responsive to NSLDN's request for copies of LOCs currently held by the Department.

Under FOIA, the Department has a clear obligation to undertake a search that is reasonably calculated to uncover all relevant documents. The reasonability of the search must be guided in reference to the documents requested. Agencies may not design a search that excludes files where records reasonably may be located, nor may an agency ignore "a lead it cannot in good faith ignore, i.e., a lead that is both clear and certain." *See Kowalczyk v. U.S. Dep't of Justice*, 73 F.3d 386, 389 (D.C. Cir. 1996). As noted above, the Department first stated that "staff in FSA informed the FOIA Services Center that they have no documents that are responsive to [the] request at this time." This response is plainly inadequate for at least four reasons.

*First*, the Request is not limited to records that may exist with "staff in FSA." Rather, the Request sought copies of Letters of Credit held by the Department, meaning that it is likely reasonable for the Department to search additional offices. Such additional offices include, for example, the Office of Postsecondary Education, the Office of the General Counsel, the Office of the Undersecretary, and/or the Office of the Chief Financial Officer. The Department has not explained why it conducted such a narrow search and has not come close to providing an adequate justification for the search methodology. An agency "cannot limit its search to only one or more places if there are additional sources that are likely to turn up the information requested." *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 3226 (D.C. Cir. 1999) (internal quotation marks omitted). In this case, the Department's only explanation and response is that "Staff in FSA informed the FOIA Services Center that they have no documents that are responsive to your request at this time." Final Response at 1 (emphasis added). The Department has provided no detail regarding which staff, which subcomponent offices, or why no other offices were consulted. Both the search and the justification for that search are therefore deficient.

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*Second*, it would appear from the face of the Final Response that the Department conducted its search by asking “staff” from the Office of Federal Student Aid whether any of them had responsive documents. Final Response at 1. The Department did not provide any further information to explain what steps these custodians took (or more broadly) to conduct a good faith, reasonable search for the systems of records likely to possess the requested records. Nor has the Department provided any insight as to which staff, or what categories of FSA staff, were asked to search for responsive records. This is particularly troubling because NSLDN specifically requested records describing how the Request was processed. Request at 4. Because the Department has failed to produce records sufficient to show how the search was conducted, NSLDN is left only with the sparse and conclusory statements from “staff” who were unable to locate responsive records.

*Third*, the Department’s assertion that there are “no documents that are responsive to this request” is belied by the public record. According to the Department’s website, the most common reason why an institution is required to remit a LOC to the Department is because “they have a failing financial responsibility score ... and are not deemed financially responsible.”<sup>1</sup> As the Department has noted, “[t]he LOC mitigates the monetary risk from schools not in compliance with various regulatory standards.”<sup>2</sup> See also, e.g., 34 C.F.R. §§ 668.171(d), 668.175(b), 668.175(c), 668.175(f)(2)(i), 668.175(g)(1)(iii). The Department has also provided information on its website to show that in Award Year 2015, the Department requested 426 LOCs totaling over \$931 million dollars.<sup>3</sup> Are *none* of those LOCs still held by the Department?

The public record is also replete with statements that post-date Award Year 2015—including statements made as recently as March and April of 2018—wherein the Department has required institutions of higher education to submit LOCs. For example:

- As part of the settlement of an administrative action against DeVry University (“DVU”), the Department required that DVU post an LOC in the initial amount of \$68,435,908, that would last at least five years.<sup>4</sup> That LOC appears to be still held by the Department because, in an SEC Form 8-K disclosure filed on April 13, 2018 by Adtalem Global Education, Inc., previously known as DeVry Education Group, Adtalem asserted that “[c]urrently, a letter of credit with an original face amount of \$68,435,908 and \$300 million of term loans are outstanding under the Credit Agreement” with a lender.

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<sup>1</sup> <https://studentaid.ed.gov/sa/about/data-center/school/loc>

<sup>2</sup> *Id.*

<sup>3</sup> <https://studentaid.ed.gov/sa/sites/default/files/Final-AY15-LOCs.xlsx>

<sup>4</sup> See Settlement Agreement ¶ 1(k) available at: <https://www2.ed.gov/documents/press-releases/devry-settlement-agreement.pdf>

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- In an SEC Form 10-K filed by Lincoln Educational Service Corporation (“Lincoln”) on March 9, 2018 – approximately two weeks before NSLDN issued its FOIA request – Lincoln disclosed that:

On January 11, 2018, the DOE sent letters to our Columbia, Maryland and Iselin, New Jersey institutions requiring each institution to submit a letter of credit to the DOE based on findings of late returns of Title IV funds in the annual Title IV compliance audits submitted to the DOE for the fiscal year ended December 31, 2016. ... [T]he DOE concluded that a letter of credit would ... be required for each institution because the regulatory auditor included a finding that there was a material weakness in our report on internal controls relating to return of unearned Title IV Program funds. ... We requested the DOE to reconsider the letter of credit requirement. By letter dated February 7, 2018, DOE maintained that the refund letters of credit were necessary but agreed that the amount of each letter of credit could be based on the returns that were required to be made by each institution in the 2017 fiscal year rather than the 2016 fiscal year. Accordingly, we submitted letters of credit in the amounts of \$0.5 million and \$0.1 million by the February 23, 2018 deadline and expect that these letters of credit will remain in place for a minimum of two years.

*See* Lincoln 10-K for FYE 12/31/2017 (filed 3/9/2018).

- Press reports indicate that the College of New Rochelle was required to post a \$3.84 million LOC in January 2018.<sup>5</sup>

*Fourth*, as explained further below, the Department’s response that there are “no documents that are responsive” to the Request is in direct conflict with its statement, in the very next sentence, that it would be “prohibitively burdensome and expensive” to provide the requested materials. Final Response at 1.

\* \* \*

Because it seems highly unlikely that the Department no longer possesses a single one of the requested financial instruments,<sup>6</sup> NSLDN appeals this determination insofar as it represents nothing more than ED’s failure to conduct a reasonable search.

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<sup>5</sup> <https://www.lohud.com/story/news/education/2018/02/21/college-new-rochelle-faces-ultimatum-over-financial-aid/356911002/>

<sup>6</sup> Read to its logical conclusion, the Department’s response is particularly troubling in light of the fact that many such instruments *require* the Department to present an original LOC (*i.e.*, not a copy) to the financial institution in order to draw funds held under the letter. *See, e.g.*,

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**B. ED has failed to demonstrate that it has conducted an adequate search for records in response to the second portion of the Request.**

The second portion of the Request seeks communications between the Department and institutions of higher education in which the Department “requested or demanded” an institution to post an LOC currently held by the Department. For the reasons stated above, NSLDN cannot take seriously ED’s contentions that there are “no responsive” documents. Indeed, the Lincoln SEC disclosure described above states that “[o]n January 11, 2018, the DOE sent letters to our Columbia, Maryland and Iselin, New Jersey Institutions requiring each institution to subject a letter of credit to the DOE[.]” Accordingly, if such LOC’s exist, it defies logic that the requested communications would not also exist.

**II. THE DEPARTMENT HAS FAILED TO DEMONSTRATE THAT IT WOULD BE “PROHIBITIVELY BURDENSOME” TO PRODUCE THE REQUESTED RECORDS**

Paradoxically, in addition to asserting that the Department has “no documents that are responsive” to the Request, the Department also claims, without any support, that it would be “prohibitively burdensome and expensive” to respond to the Request. This too is unjustified.

The Department clearly has the ability to access this information and the underlying letters. Indeed, the Department has previously produced summary information about the LOCs that it holds. Such summary information appears on the Department’s website in two distinct spreadsheets, one for Award Year 2015<sup>7</sup> and one for Award Years 2013 and 2014.<sup>8</sup> The Department has further stated that it intends to produce a similar spreadsheet (for Award Year 2016) “this summer.” Final Response at 2. Thus, it fully appears that the Department has the ability to segregate the requested class of records, which are readily identifiable to the Department and are therefore able to be produced. *See, e.g., Ruotolo v. Dep’t of Justice, Tax Div.*, 53 F.3d 4, 7 (2d Cir. 1995) (finding that although a request would require 803 files to be searched by “begin[ing] with the most current ... and work[ing] backward in time,” it was “reasonably described and not “unreasonably burdensome.”).

We are also troubled by the very notion that the Department would believe it to be “prohibitively burdensome” to locate LOCs posted by institutions of higher education. If that is true, how does the Department know whether to obtain the funds guaranteed through that

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Letter of Credit re: Rensselaer Polytechnic Institute (exp. 10/31/2015) (requiring presentment of “[t]he original of this letter of credit instrument”) (publicly released in response to FOIA No. 17-02441-F). Accordingly, either the Department has affirmatively relinquished the LOCs themselves, or it simply cannot locate them.

<sup>7</sup> <https://studentaid.ed.gov/sa/sites/default/files/Final-AY15-LOCs.xlsx>

<sup>8</sup> <https://studentaid.ed.gov/sa/sites/default/files/loc-schools.xls>

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financial instrument? Even the most basic recordkeeping practices should allow for the Department to easily locate copies of LOCs.

**III. ED's STATEMENT THAT IT IS WORKING ON A "DETAILED LOG OF FY 2016 LETTERS OF CREDIT" DOES NOT OBTAIN ITS RESPONSIBILITY TO RESPOND TO A REQUEST FOR RECORDS OF LETTERS OF CREDIT HELD CURRENTLY BY THE DEPARTMENT.**

Finally, the Department cannot escape its burden of complying with the Freedom of Information Act by stating simply that it is "working on" a "detailed log of *Award Year 2016* Letters of Credit" which it hopes to "proactively release[]" this summer" on the Department's website. NSLDN is seeking records relating to LOCs *currently* held by the Department – not letters of credit from 2016. It is also entirely unclear from the Department's letter whether the "detailed log" relates to letters requested in 2016 or letters held by Department during 2016. This is simply not a basis for the Department to refuse to produce otherwise releasable records.

**CONCLUSION**

In light of the facts described above, NSLDN requests that ED promptly conduct adequate searches for the materials requested in FOIA Request No. 18-01340-F and promptly disclose all non-exempt materials.

Thank you for your consideration of this appeal. As provided in 5 U.S.C. §552(a)(6)(A)(ii), we look forward to your determination on our appeal within twenty working days. For questions regarding any part of this appeal, or the underlying request for records, please do not hesitate to contact me at [dan@nslan.org](mailto:dan@nslan.org) or at (202) 734-7495.

Sincerely,

A black rectangular redaction box covers the signature area. There are blue scribbles above and below the box.

Daniel A. Zibel  
Vice President & Chief Counsel  
National Student Legal Defense Network

March 21, 2018

VIA ELECTRONIC MAIL

FOIA Public Liaison  
U.S. Department of Education  
Office of Management  
Office of the Chief Privacy Officer  
400 Maryland Ave, SW LBJ 2E320  
Washington, DC 20202  
EDFOIAManager@ed.gov

Re: Freedom of Information Act Request

Dear FOIA Public Liaison:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §552 and the implementing regulations promulgated thereunder for the U.S. Department of Education (“ED” or “Department”), 34 C.F.R. Part 5, the National Student Legal Defense Network (“NSLDN”) makes the following requests for records relating to letters of credit held by the Department pertaining to institutions of higher education participating in the federal student assistance programs authorized by Title IV of the Higher Education Act.

Background

As stated by the Department on its website (<https://studentaid.ed.gov/sa/about/data-center/school/loc>):

Section 498(c) of the Higher Education Act (HEA) of 1965, as amended, requires institutions to submit financial statements to the Department of Education when applying to start participation, to determine compliance annually with the standards of financial responsibility, or to continue participation after a change in ownership, in the various Title IV programs. The regulations establish general standards of financial responsibility, and also provide for the Department to determine the financial responsibility of an institution each year by calculating composite financial scores. The regulations specify that certain amounts reported in the institution's financial statements are used as required elements to calculate the composite score.

The most common reason why an institution is required to remit a letter of credit (LOC) to the Department is because they have a failing financial responsibility composite score (generally a score of 1.4 or less on a scale of -1.0 to +3.0) and are not deemed financially responsible. In accordance with 34 CFR 668.175, an institution with a composite score of 1.4 or less may continue to participate in the

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Title IV programs under the Provisional certification alternative. Institutions participating under provisional certification are subject to heightened cash monitoring, and may be required to submit an irrevocable LOC of not less than 10 percent of the Title IV aid the institution received during its most recently completed fiscal year. *Institutions that passed the score in the previous year may score from 1.0 to 1.4 for up to three consecutive years without providing a LOC, provided other reporting conditions are met. Institutions that score below a 1.0 are required to submit a LOC of not less than 10 percent of the Title IV aid the institution received during its most recently completed fiscal year.*

A LOC may also be required by institutions that are cited for failure of other portions of the financial responsibility standards noted under 34 CFR Part 668 Subpart L.

In addition, as part of the Department's recently concluded negotiated rulemaking sessions regarding Borrower Defense, the Department has been apparently considering changes to both the circumstances in which institutions of higher education will be required to post letters of credit and also the form of financial surety required to be posted. *See, e.g., Issue Paper 3 (Session 3: February 12-15, 2018) available at:* <https://www2.ed.gov/policy/highered/reg/hearulemaking/2017/issuepaper3.pdf>.

### Request

NSLDN hereby requests that ED produce the following within twenty business days:

1. A copy of every letter of credit currently held by the Department that has been posted by, or on behalf of, any institution participating in one or more Title IV, HEA programs.
2. A copy of every communication from the Department wherein the Department requested or demanded an institution to post a letter of credit that is currently held by the Department.

To the extent this request is unduly burdensome on the Department, and without waiving any rights for full compliance with this request, NSLDN would be willing to receive a detailed log in lieu of the documents themselves, so long as the log provides the following information:

- OPEID;
- Institution Name
- State
- Institution Type
- Institution Fiscal Year End Date
- LOC Request Date
- Reason LOC Requested

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- LOC Received Date
- LOC Amount
- LOC Percent Requested
- Notes

NSLDN is aware that the Department has previously been able to provide such information, as is currently available on the Department’s website (for Award Year 2015) at <https://studentaid.ed.gov/sa/sites/default/files/Final-AY15-LOCs.xlsx>

As the Department knows, FOIA is “a tool of inquiry and information gathering for various sectors – including the media, businesses, scholars, attorneys, consumers, and activities.” Ginsberg, W. (2014) *The Freedom of Information Act (FOIA): Background, Legislation, and Policy Issues* (CRS Report No. R41933) available at <https://fas.org/sgp/crs/secrecy/R41933.pdf>. For that reason, FOIA “allows any person—individual or corporate, citizen or not—to request and obtain, without explanation or justification, existing, identifiable, and unpublished agency records on any topic.” *Id.* FOIA presumes disclosure and the Department “bear[s] the burden of justifying withholding of any records.” *AP v. FBI*, 256 F. Supp. 3d 82, 2017 U.S. Dist. LEXIS 161516 at \*10 (D.D.C. Sept. 30, 2017) (quoting *Dep't of State v. Ray*, 502 U.S. 164, 173 (1991)). Under the FOIA Improvement Act of 2016, an agency is permitted to withhold materials only in one of two limited circumstances, *i.e.*, if disclosure would “harm an interest protected by an exemption” or is otherwise “prohibited by law.” 5 U.S.C. § 552(a)(8)(A)(i). The Department has a duty to construe a FOIA request liberally.

If ED takes the position that any portion of any requested record is exempt from disclosure, ED must “demonstrate the validity of [each] exemption that [the Department] asserts.” *People for the American Way v. U.S. Department of Education*, 516 F. Supp. 2d 28, 34 (D.D.C. 2007). To satisfy this burden, ED may provide NSLDN with a Vaughn Index “which must adequately describe each withheld document, state which exemption the agency claims for each withheld document, and explain the exemption’s relevance.” *Id.* (citing *Johnson v. Exec. Office for U.S. Att'ys*, 310 F.3d 771, 774 (D.C. Cir. 2002)). See also *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). That index must provide, for each document withheld and each justification asserted, a relatively detailed justification – specifically identifying the reasons why the exemption is relevant. See generally *King v. U.S. Dep't of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

To ensure that this request is properly construed and does not create any unnecessary burden, we welcome the opportunity to discuss this request, consistent with and without waiving the legal requirements for the timeframe for your response. We note again that the Department may provide summary information in lieu of the documents requested.

Please provide responsive material in electronic format, if possible. Please send any responsive material via email to [info@nslan.org](mailto:info@nslan.org).

NSLDN does not object to the redaction from such records of any names or personally identifiable information of any individual.

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In addition to the records requested above, NSLDN also requests records describing the processing of this request, including records sufficient to identify search terms used (if any), and locations and custodians searched and any tracking sheets used to track the processing of this Request. This includes any questionnaires, tracking sheets, emails, or certifications completed by, or sent to, ED personnel with respect to the processing of this request. This specifically includes communications or tracking mechanisms sent to, or kept by, individuals who are contacted in order to process this request. NSLDN seeks all responsive records, regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages, transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachment to these records.

Your search should consider all agency records and should not exclude files kept or maintained in the personal control of employees or officials, such as personal email accounts, text messages, or other electronic forms of communication. Moreover, to the extent searches are conducted of agency emails or other electronic records, such search must consider all appropriate sources – regardless of whether information is archived or otherwise moved after a certain time period. FOIA does not permit an agency to avoid its obligations simply by having moved records to a different electronic source.

In addition, please note that in conducting a “reasonable search” as required by law you must use the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology advances may render ED’s prior FOIA practices unreasonable. Moreover, not only does this request require the agency to conduct a search, but individual custodians must conduct their own searches in order to make sure that documents are appropriately collected.

### **Request for Waiver of Fees**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 34 C.F.R. 5.33(a), NSLDN requests a waiver of fees associated with the processing of this request because: (1) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; *and* (2) disclosure of the information is not primarily in the commercial interest of the requester.

#### *Disclosure of Information is Likely to Contribute Significantly to Public Understanding of the Operations or Activities of the Government*

This request seeks information that is reasonably necessary to better understand the standards the Department uses to require institutions to post letters of credit and sureties and the degree to which the Department uses such instruments to protect taxpayers from unnecessary risk in

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connection with the Title IV programs. This issue has been put into the public discourse by the Department's prior promulgation of regulations and discussion of this issue as part of the current efforts to engage in a "regulatory reset." NSLDN has the capacity to analyze records and to use the sought records to inform public discourse regarding issues currently pending at the Department. NSLDN has the capacity to broadcast its analysis through the news, its website, and via social media – thus "significantly" contributing to the public understanding of issues present at the Department, including those raised by the Department's processes for handling FOIA requests.

*Disclosure of Information is Not in Commercial Interest of NSLDN*

This request is fundamentally non-commercial. NSLDN is a non-profit, non-partisan organization with recognition pending with the IRS as a 501(c)(3) organization. NSLDN's mission is to work, through a variety of means, to advance students' rights to educational opportunity and to ensure that higher education provides a launching point for economic mobility. We also believe that transparency is critical to fully understanding the government's role in student protections and promoting opportunity. As noted above, NSLDN has the capacity to make the information it receives available to the public through reports, social media, press releases, in litigation filings, and regulatory comments to government agencies. For these reasons, NSLDN qualifies for a fee waiver.

\* \* \*

NSLDN looks forward to working with you on this request. If you have any questions or concerns, or anticipate any problems in complying with this request, please contact me at dan@nsldn.org. If NSLDN's request for a fee waiver is not granted, and any fees will be in excess of \$25, please contact me immediately.

Sincerely,

/s/ Daniel Zibel

Daniel A. Zibel  
Vice President & Chief Counsel  
National Student Legal Defense Network

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Exhibit A



**UNITED STATES DEPARTMENT OF EDUCATION**

OFFICE OF MANAGEMENT

Office of the Chief Privacy Officer

April 23, 2018

Mr. Daniel Zibel  
National Student Legal Defense Network  
1015 15<sup>th</sup> Street, NW Suite 600  
Washington, DC 20005  
[dan@nslldn.org](mailto:dan@nslldn.org)

RE: FOIA Request No. 18-01340-F

Dear Mr. Zibel:

This letter is a final response to your letter dated March 21, 2018 requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request has been assigned to the following office within the Department to search for responsive records: Federal Student Aid (FSA). You requested the following information:

A copy of every letter of credit currently held by the Department that has been posted by or on behalf of, any institution participating in one or more Title IV, HEA programs.

A copy of every communication from the Department wherein the Department requested or demanded an institution to post a letter of credit that is currently held by the Department.

To the extent this request is unduly burdensome on the Department, and without waiving any rights for full compliance with this request, NSLDN would be willing to receive a detailed log in lieu of the documents themselves, so long as the log provides the following information:

- OPEID;
- Institution Name
- State
- Institution Type
- Institution Fiscal Year End Date
- LOC Request Date
- Reason LOC Requested
- LOC Received Date
- LOC Amount
- LOC Percent Requested
- Notes

Staff in FSA informed the FOIA Services Center that they have no documents that are responsive to your request at this time. The first two (2) elements of this request are 1) prohibitively burdensome and expensive. However, we are currently working on the detailed log of FY 2016 Letters of Credit. In an effort to promote transparency and increase self-service

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opportunities for our customers and stakeholders, this data will be proactively released this summer on the *FSA Data Center*, available at <http://studentaid.ed.gov/data-center>.

You have the right to appeal this decision by writing to the address below, 90 days from the date of this letter. Your appeal should be accompanied by a copy of your initial letter of request and this denial letter, and should contain any evidence or argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals can also be submitted by:

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)

Fax: 202-401-0920

Mail: Appeals Office

Office of the Chief Privacy Officer

U.S. Department of Education

400 Maryland Avenue, SW, LBJ 2W218-52

Washington, DC 20202-4536

Or, you may complete the online FOIA appeal form located at:

<http://www2.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf>

If you have any questions, please contact the FOIA Requester Services Center (FRSC) at 202-401-8365 or [EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov).

Sincerely,



Christie D. Swafford

Government Information Specialist, OM/OCPO

Enclosures