



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

August 17, 2021

J.D. Daniel A. Zibel
Vice President & Chief Counsel
National Student Legal Defense Network
1015 15th Street, NW Suite 600
Washington, DC 20005

RE: FOIA Request No. 21-02268-F

Dear Daniel A. Zibel:

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 July 20, 2021 and received in this office on July 21, 2021. Your request was forwarded to the following offices to search for documents that may be responsive to your request: Office of the Under Secretary (OUS), Office of the Secretary (OS), Office of Postsecondary Education (OPE), Office of the General Counsel (OGC), Office of Communications and Outreach (OCO) and Federal Student Aid (FSA).

You requested: Student Defense hereby requests that the Department produce, the following in the time and manner required under FOIA and the Department's regulations:

1. All settlements or other final agreements reached with any student loan borrower who has filed an "adversary" complaint against the Department in bankruptcy. While Student Defense understands that certain information may not be disclosable under FOIA due to privacy concerns, in light of the fact that much information about individual borrowers is already part of the public record (due to the filing of the adversary complaint and associated pleadings), we specifically request that the Department narrowly tailor any redactions that it believes are necessary. This request can be limited to any agreements executed with a borrower between March 15, 2020 and present. We specifically request that the Department United States Department of Education FOIA Public Liaison search the Office of the General Counsel (and the Division of Postsecondary Education within OGC) and the Litigation Support Team within Federal Student Aid.
2. All communications during the month of July 2021 between or among the Office of the General Counsel, the Office of Federal Student Aid, the Office of the Undersecretary, the Office of the Secretary, the Office of Postsecondary Education, and the Office of Communications that use the word "bankruptcy" and refer to either the Washington Post ("Washington Post" or "WaPo" or "Post") or reporter Danielle Douglas-Gabriel.

Staff from OPE and FSA informed this office (FSC) that after a search of their files, they were unable to locate any documents that were responsive to your request.

This response concerns OGC. Available for Public Access Link (PAL) download are 11 pages of documents responsive to your request. The documents provided are:

- 21-02268-F (OGC)

You can access your PAL account or register for a PAL account at this link:

<https://foiaexpress.pal.ed.gov/app/PalLogin.aspx>

However, certain information has been withheld according to FOIA exemptions (b)(6), specified below:

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

At this time, the Department is continuing to process your request and your FOIA request case file remains open. It will not close until the Department provides you with a response regarding outstanding responsive documents. Our final release letter will contain information related to your appeal rights of agency decisions.

If you have any questions, please contact the FOIA Service Center at (202) 401-8365, or you may send an e-mail to EDFOIAManager@ed.gov.

Sincerely,

Sandra Lewandowski

Sandra Lewandowski
Government Information Specialist
Office of the Executive Secretariat

Enclosure