



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Privacy, Information, and Records Management Services

April 17, 2014

Khaliah Barnes
EPIC
1718 Connecticut Ave, NW
Suite 200
Washington, DC 20009

RE: FOIA Request No. 14-01135-F

Dear Ms. Barnes:

This letter is in response to your request dated April 15, 2014, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on April 15, 2014. Your request has been assigned to the appropriate office within the Department to search for documents that may be responsive to your request.

You have asked for expedited processing of your request. That request is denied. The Department has concluded that you have not demonstrated a compelling need for the information. In addition, you have not substantiated that there is an urgency to inform the public concerning any actual or alleged Federal Government activity.

Enclosed with this letter is a general informational sheet for Expedited Processing. Should you still wish to claim that your request should be granted expedited processing, you must provide more specific and detailed evidence to support your claims under each statutory requirement described in our FOIA regulations available on the internet at: www.usdoj.gov/foia and outlined in the attachment to this letter.

You have the right to appeal this expedited processing denial within 35 days of the date of this letter. Your written 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.

Appeal Address:

U.S. Department of Education
Office of Management
400 Maryland Avenue, SW, LBJ 2W311
ATTN: FOIA Appeals Office
Washington, DC 20202-4500

Or, you may complete the online FOIA appeal form, located at:
http://www.ed.gov/policy/gen/leg/foia/foia_appeal_form_1.html.

If you have any questions, please contact the FOIA Requester Service Center at (202) 401-8365 or via e-mail at EDFOIAManager@ed.gov (please include the case number).

Sincerely,



Elise Cook
FOIA Public Liaison
FOIA Service Center

Freedom of Information Act
EXPEDITED PROCESSING CRITERIA
(Department of Justice General Information)

Compelling Need

Expedited processing is provided if the requester demonstrates a compelling need. A requester can show compelling need in one of two ways: by establishing that his or her failure to obtain the records quickly could reasonable be expected to pose an imminent threat to the life or physical safety of an individual; or, if the requester is a person primarily engaged in disseminating information, by demonstrating that an urgency to inform the public concerning actual or alleged Federal Government activity exists.

Loss of Substantial Due Process Rights

As a general rule, a request also should be expedited if it is shown that substantial due process rights of the requester would be impaired by the failure to process immediately and that the information sought is not otherwise available. It is not sufficient, however, for a requester merely to allege that requested records are needed in connection with some judicial or administrative proceeding; rather, the immediate use of the FOIA must be shown to be critical to the preservation of a substantial right.

Other Considerations

Beyond these two categories, it is unclear to what extent agencies have the discretion to grant requests for expedition under any other circumstances. Moreover, agencies should not forget the interests of all requesters in having their requests treated equitably, as well as the public interest in the integrity of FOIA processing. Because a decision to take a FOIA request out of turn necessarily entails further delay for other requesters waiting patiently in line, simple fairness demands that it be made only upon careful scrutiny of truly exceptional circumstances.