



## United States Department of Education

Office of the Deputy Secretary

FOIA Service Center

December 31, 2024

Jeremy Singer-Vine  
The Data Liberation Project

RE: FOIA Request No. 23-01639-F

Dear Jeremy Singer-Vine:

This letter is a supplemental response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated April 27, 2023, and received in the U.S. Department of Education's (Department) FOIA Service Center on April 28, 2023.

You requested the following:

"1. All database records referring to submissions of Cancer Treatment Deferment Requests (OMB No. 1845-0154), excluding fields containing personally-identifying information

As you are aware, the Department of Education's Cancer Treatment Deferment Request form (OMB No. 1845-0154) allows student loan borrowers to request "deferment on [their] eligible loans and forbearance on [their] ineligible loans during cancer treatment and for 6 months after." We request all database records referring to submissions of this form, including:

- Records of the non-personally-identifying information provided through each form submission:
  - From Section 1: Requestor state
  - From Section 2: Responses to "Is or was the individual named above scheduled to receive or receiving cancer treatment in your care?" and "Has the treatment been completed yet?"
  - From Section 3: Responses to "I want to make interest payments on my ineligible loans during forbearance" and "I do not want a forbearance to be applied to my loans which are ineligible for the deferment," and the date signed.
- Additional data associated with the form submission:
  - Date request received by the Department of Education
  - Date request approved, denied, or otherwise determined
  - Determination status (e.g., pending, approved, denied, etc.)
  - Metadata regarding each of the borrower's loans: Dollars outstanding at the time of borrower's request, type of loan, cancer treatment deferment status (pending, approved, denied, not requested, etc.), cancer treatment forbearance status (pending, approved, denied, not requested, etc.)"

On October 11, 2023, the Department sent you a final response to your request. You then questioned the "no records" response to your request, as follows:

"I would like to make sure that I'm understanding the response correctly. The most important part seems to be this line: "Cancer treatment deferment applications are not received by FSA systems." To confirm: Are you saying that FSA never sees the information that is submitted through OMB No. 1845-0154? Or just that the applications are not sent to FSA directly? (Or perhaps something else?)"

On October 23, 2023, you further questioned the response as follows:

"Is the fact that "no borrowers have been in a cancer related deferment since March 2020" the office's reason for not providing the records that predate March 2020? Or am I misunderstanding the statement? Any elaboration of the meaning/intent of that statement would be quite helpful."

Your additional information request was forwarded to Federal Student Aid (FSA).

The Department has identified 1 spreadsheet that is being released to you in part. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552(b). The applicable Exemption is as follows:

(b)(6)

An additional enclosure with this letter explains these exemptions in more detail.

Please note that FSA cancer treatment deferment applications are not received by FSA systems, so FSA is unable to provide the data points as requested. You asked for individual data points based on the applications/forms. However, FSA does not have the forms and so is unable to provide the data.

The Department has thoroughly considered whether disclosure of the record (or portions thereof) is prohibited by law and, if not, whether the exempt material would, in fact, pose a foreseeable harm to an interest protected by an exemption from disclosure under the FOIA if released. After conducting a foreseeable harm analysis, the Department has concluded that the material, if released, would harm an interest protected by the exemption identified in the Applicable Exemption list.

The pages are available for download via the Public Access Link (PAL). You can access your PAL account, or register for a PAL account, at this link:  
<https://foiexpress.pal.ed.gov/app/PalLogin.aspx>

#### Fees

There are no fees associated with processing this request.

#### Additional Assistance

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, offers ombuds services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note, OGIS's assistance does not replace the administrative appeal process described below. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison  
Office of the Deputy Secretary  
U.S. Department of Education  
400 Maryland Ave., SW, LBJ 7W104  
Washington, DC 20202-4500  
Email: [robert.wehausen@ed.gov](mailto:robert.wehausen@ed.gov)  
Phone: 202-205-0733  
Fax: 202-401-0920

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road, OGIS  
College Park, MD 20740-6001  
Email: [OGIS@nara.gov](mailto:OGIS@nara.gov)  
Phone: 202-741-5770 or 1-877-684-6448

You have the right to appeal this decision, as well as decisions in any previous interim releases, with the Department by submitting an appeal to the address below, no later than 90 calendar days from the date of this letter. Using the FOIA Public Liaison or OGIS services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include a 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 supports the argument you wish the Department to consider in making an administrative determination on your appeal. You may submit your appeal by:

Mail: Appeals Office  
Office of the Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W104  
Washington, DC 20202-4536

Online Form: [www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf)

Email: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)

Fax: 202-401-0920

Sincerely,

*Sandra Lewandowski*

Government Information Specialist  
Office of the Deputy Secretary

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

**Exemption (b)(1):** Records or portions of records that contain information that is properly classified for national security purposes.

**Exemption (b)(2):** Records or portions of records that are related solely to an agency's internal personnel rules and/or practices.

**Exemption (b)(3):** Records or portions of records that are specifically exempted from disclosure by statute.

**Exemption (b)(4):** Records or portions of records that contain trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

**Exemption (b)(5):** Records or portions of records that contain inter- or intra-agency records that are normally privileged in the civil discovery context.

**Exemption (b)(6):** Records or portions of records relating to personnel and medical files and similar files when disclosure would constitute a clearly unwarranted invasion of personal privacy.

**Exemption (b)(7)(A):** Records or portions of records compiled for law enforcement purposes, where the release of those records could reasonably be expected to interfere with enforcement proceedings.

**Exemption (b)(7)(B):** Records or portions of records compiled for law enforcement purposes, where the release of those records would deprive a person of the right to a fair trial or an impartial adjudication.

**Exemption (b)(7)(C):** Records or portions of records compiled for a law enforcement purpose where the release of those records could reasonably be expected to constitute an unwarranted invasion of personal privacy.

**Exemption (b)(7)(D):** Records or portions of records compiled for a law enforcement purpose where the release of those records could reasonably be expected to disclose the identity of a confidential source or information furnished by such source.

**Exemption (b)(7)(E):** Records or portions of records compiled for law enforcement purposes, where the release of those records would disclose techniques and procedures for law enforcement investigations or prosecutions, or guidelines for investigations or prosecutions if disclosure could reasonably be expected to risk circumvention of the law.

**Exemption (b)(7)(F):** Records or portions of records compiled for law enforcement purposes, where the release of those records could reasonably be expected to endanger the life or personal safety of an individual.

**Exemption (b)(8):** Records or portions of records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

**Exemption (b)(9):** Records or portions of records that are related to geological and geophysical information and data, including maps, concerning wells.