



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

April 21, 2022

VIA EMAIL

Gene Hamilton
600 14th St. NW
5th Floor
Washington, DC 20005
foia@aflegal.org

RE: FOIA Request No. 21-01761-F

Dear Mr. Hamilton:

This is a second interim response from the Office of Inspector General (OIG) to your May 28, 2021, Freedom of Information Act (FOIA) request to the United States Department of Education (ED). Your request asked for records relating to the implementation of Executive Order 13985, antiracist therapy, equity, and communication with certain non-governmental groups starting January 20, 2021. On July 11, 2021, Mr. Block clarified your request and limited the responsive records to certain custodians and search terms including “Executive Order 13985”, “Antiracist Therapy”, “Racial Equity”, “Historical Racism”, “Institutional Racism”, “Systemic Racism”, “Structural Racism”, “Advancing Equity”, “Institutional Equity/Inequity”, “Systemic Inequity”, “Structural Inequity”, and “Critical Race Theory.” You also agreed to exclude all media news blasts from the scope of the FOIA request.

The OIG previously released 145 pages of documents in an interim response to you on February 1, 2022. We have further identified and enclosed 265 pages of documents responsive to your request. Information has been redacted pursuant to Exemption (b)(2), (b)(5) and (b)(6) of the FOIA. Exemption (b)(2) protects information related solely to the internal personnel rules and practices of an agency. Exemption (b)(5) protects inter - or intra-agency records subject to the deliberative process privilege. Exemptions (b)(6) protects personal privacy interests. The information withheld under Exemptions (b)(6) includes individual names, addresses, telephone numbers, and other personally identifying information.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Consistent with the FOIA, the OIG confirms that, if it is providing responsive records, it has considered the foreseeable harm standard when reviewing those records and applying any FOIA exemptions. *See* 5 U.S.C. § 552(a)(8)(A).

We are continuing to process the remainder of your request. Once we have completed processing your entire request, you will receive a final response with notification of appeal rights.

Sincerely,

Antigone Potamianos
Counsel to the Inspector General

cc: FOIA Service Center