



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Officer of Chief Privacy Officer

April 23, 2015

Ryan Bagwell
5219 Shorecrest Drive
Middleton, WI 53562

RE: FOIA Request No. 14-01252-F

Dear Mr. Bagwell:

This is a final response to your FOIA request dated April 30, 2014, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request. You requested the following:

- 1) All records pertaining to your agency's review of The Pennsylvania State University's compliance with the Clery Act that was initiated in November 2011.
- 2) All e-mails, letters and documents that were sent or received between November 1, 2011, and December 31, 2012 and were between members of your agency and the following individuals or entities:
 - employees of Freeh International Solutions
 - employees of The Freeh Group
 - employees of the law firm of Freeh, Sporkin & Sullivan, LLP
 - employees of the law firm of Pepper Hamilton, LLP
 - Louis Freeh (freeh@freehgroup.com)
 - Tom Cloud (cloud@freehgroup.com)
 - Greg Paw (paw@freehgroup.com)
 - any other individual whose email address contains the freehgroup.com domain (i.e. somename@freehgroup.com).

On February 12, 2015, the Department sent you 7 pages of documents responsive to your request regarding Penn State University.

On September 3, 2014, the Department sent you 4 pages of documents responsive to your request regarding Penn State University.

The office of Federal Student Aid (FSA) has informed the FOIA Service Center (FSC) that they maintain approximately 54,000 pages of records responsive to your request. However, the records you requested are part of an ongoing law enforcement investigation into Pennsylvania State University's compliance with the Clery Act. The requested records are therefore being withheld in their entirety according to the FOIA exemption specified on page 2:

1. Records or portions of records relating to law enforcement pursuant to 5 U.S.C. §552 (b)(7)(A) of the FOIA. This exemption protects records or information compiled for law enforcement purposes, but only to the extent that the production of such records or information could reasonably be expected to interfere with ongoing enforcement proceedings.

In addition, portions of the requested records are also being withheld according to the following FOIA exemptions:

1. 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.
2. Records or portions of records relating to personal information that was compiled for a law enforcement purpose is exempt pursuant 5 U.S.C. §552 (b)(7)(C) of the FOIA. Disclosure of this information would constitute an unwarranted invasion of personal privacy.
3. Records of portions of records relating to the techniques and procedures that are used for a law enforcement purpose is exempt pursuant to 5 U.S.C. §552 (b)(7)(E) of the FOIA. Disclosure of this information could reasonably be expected to disclose the information pertaining to all law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions and could reasonably be expected to risk circumvention of the law.”

You have the right to appeal this decision by writing to the address below, 35 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.

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

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If you have any questions, please contact the FOIA Service Center (FSC) at (202) 401.8365 or EDFOIAManager@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Linda Darby". The signature is written in a cursive style with a large, prominent initial "L".

Linda Darby
FOIA Public Liaison, OM/PIRMS