



DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

March 1, 2022

Ms. Isabel Tessier
National Student Legal Defense Network
1015 15th St. NW, Suite 600
Washington, DC 20005

**Sent via electronic mail to:
info@defendstudents.org**

Re: FOIA # 2022-FSF-00097

Dear Ms. Tessier:

This is in response to your Freedom of Information Act (FOIA) request dated February 4, 2022. You requested that the Department of the Treasury's (Treasury), Bureau of the Fiscal Service (Fiscal Service) provide the following records:

- 1) "Documents sufficient to show *all* debts referred to Treasury by the Department of Education for collection, from January 1, 2017 through present, as well as the current status of each debt or collection effort. This request is limited to include *only* documents regarding referral of debts owed to Education and/or the U.S. Government by institutions of higher education, their affiliates, owners, shareholders, or executives, for actions stemming from an institution's participation in the Title IV student aid programs. This request *excludes* records reflecting individual student borrower debts."

We have withheld responsive records in their entirety pursuant to Exemption (b)(6) of the FOIA, 5 U.S.C. § 552. Exemption (b)(6) protects from disclosure personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The following bullet points outline our specific reasons:

- The Fiscal Service has determined that the Treasury Offset Program (TOP) and Cross Servicing databases contain Personally Identifiable Information (PII) and the disclosure of such information would violate laws that protect PII, such as the Privacy Act of 1974.
- The Fiscal Service has determined that non-PII data in the TOP and Cross Servicing databases are non-segregable from PII data. Efforts to segregate non-PII data from PII would impose an undue burden on Fiscal Service's operational resources.

- Fiscal Service cannot reliably filter non-PII records, based on the data provided by referring agencies and therefore we refer you to the organization from which the debt was referred.
- 2) “Documents sufficient to show *all* debts referred to the Department of Justice (“Justice”) by Treasury for collection, litigation, or settlement, from January 1, 2017 through present, as well as the current status of each debt or collection effort. This request is limited to include only those debts that have been referred to Justice that stem from an institution of higher education’s participation in one or more programs authorized by Title IV of the Higher Education Act. This request *includes* records related to debts owed by institutions of higher education (including their affiliates, owners, shareholders, or executives) for actions stemming from an institution’s Title IV participation, but *excludes* records related to individual student loans.”

The Fiscal Service did not refer any Education debts to the Department of Justice during the timeframe specified in your FOIA request. Therefore, the Fiscal Service has no records responsive to your request.

If you consider our response to be a denial of your request, you may administratively appeal within 90 days from the date of this letter. Your appeal must be in writing, must be signed by you, and should contain the reason(s) why you are appealing. Your appeal should be addressed to FOIA@fiscal.treasury.gov or:

U.S. Department of the Treasury
Bureau of the Fiscal Service
Attn: FOIA Disclosure Office, Room 508B
3201 Pennsy Drive, Building E
Landover, MD 20785

Both your letter and its envelope should be clearly marked “Freedom of Information Act Appeal.” The deciding official on your appeal will be the Fiscal Service Commissioner or his designee.

Additionally, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
1-877-684-6448

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The above FOIA number should be included on all related correspondence. For any questions regarding this FOIA request, please contact the FOIA Disclosure Office at FOIA@fiscal.treasury.gov or 202-874-5602.

Sincerely,

Linda Claire Chero
Assistant Commissioner
Debt Management Services