



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

March 27, 2001

(Address blacked out)

Dear (Name blacked out):

Dear x:

The purpose of this letter is to ask for clarification of your request for a fee waiver made in connection to your March 14, 2001 request under the Freedom of Information Act (FOIA), 5 U.S.C. §552. The six points discussed below indicate that the most important criterion for a fee waiver should be the ability of the requester to actively disseminate the information provided to the general public. A general statement that "this information is critical to the public welfare and [it is] my intention to disseminate this information publicly" is insufficient for the granting of a fee waiver. We will need to know quite specifically how you plan to disseminate the information. Is a reporter interested, for example, in writing an article based on the documents you will receive from the Department? Have you any other kinds of media interest? These are the kinds of information we need in order to make a decision regarding your request for a fee waiver.

Six factors are considered in the determination as to whether a request satisfies the statutory standard: (1) whether the subject of the requested records concerns the operations or activities of the government; (2) whether the disclosure is likely to contribute to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of the general public; (4) whether the disclosure is likely to contribute significantly to public understanding of government operations or activities; (5) whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) whether any commercial interest outweighs the public interest in disclosure.

If we can be of further assistance, please let us know.

Sincerely,

Patricia J. Guard
Acting Director
Office of Special Education
Programs