



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

July 27, 2021

Mr. Jason Lautenbacher
Agency Records Officer
Department of Education
400 Maryland Avenue SW
Washington DC, 20202
jason.lautenbacher@ed.gov

Dear Mr. Lautenbacher,

The National Archives and Records Administration (NARA) has received notification of an allegation of unauthorized disposition of Federal Student Aid (FSA) records. According to the allegation, a private citizen submitted a Freedom of Information Act (FOIA) request for records associated with their federal student loans. They received copies of one application and a summary of loans from the National Student Loan Data System (NSLDS), but there were no records that matched the Master Promissory Note, and the Certificate of Comprehensive Insurance. Additionally, they were informed by a FSA customer service representative that FSA did not have their Master Promissory Note on file.

NARA requests that the FSA investigate why the Master Promissory Note and Certificate of Comprehensive Insurance were not produced for this FOIA request and provide a comprehensive report within 30 days in accordance with 36 CFR 1230.16. In your report, please provide the disposition authorities for the Master Promissory Note and the Certificate of Comprehensive Insurance. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government



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October 18, 2021

Mr. Jason Lautenbacher
Agency Records Officer
Department of Education
400 Maryland Avenue SW
Washington DC, 20202
jason.lautenbacher@ed.gov

Dear Mr. Lautenbacher,

The National Archives and Records Administration (NARA) received your final report dated September 29, 2021, regarding the U.S. Department of Education's (ED) investigation into an allegation of unauthorized disposition of Federal Student Aid (FSA) records.

In this report you stated that the ED has determined that no unauthorized disposition of FSA records has occurred. The copy of records provided to the private citizen, in response to their Freedom of Information Act (FOIA) request, represents all records associated with the type of federal student loan the private citizen received, namely, a Direct Consolidation Loan made under the William D. Ford Federal Direct Loan Program.

Your report expounds that a Master Promissory Note (MPN) is not used for Direct Consolidation Loans, and that this type of loan requires the applicant to sign and submit a Federal Direct Consolidation Loan Application and Promissory Note. Similarly, the Certificate of Comprehensive Insurance is also not used for Direct Consolidation Loans. Thus, explaining why a Certificate of Comprehensive Insurance and MPN was not part of the records provided to the private citizen. NARA understands that various staff members from FSA's Office of General Counsel and the Ombudsman have engaged with the private citizen to confirm the validity of their loan obligation.

Based on the information provided in your report, NARA considers this allegation of unauthorized disposition of agency records unfounded. Thank you for your responsiveness in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a prominent initial "L".

LAURENCE BREWER
Chief Records Officer
for the U.S. Government