

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-053**

January 10, 2020

VIA ELECTRONIC MAIL

Ms. Whitney Fore

RE: FOIA Appeal 2020-053

Dear Ms. Fore:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Department of Corrections (“DOC”) did not properly respond to your FOIA request for digital copies of audio recordings made during certain visits and telephone calls at the Correctional Treatment Facility (“CTF”) during a specified time period.

On December 12, 2019, DOC responded to your FOIA request and provided a copy of redacted visitation and phone call logs. DOC’s response did not address the request for audio recordings. On December 17, 2019, you appealed and requested that DOC be directed to produce the requested audio recordings. On January 8, 2020, DOC responded to your appeal.¹ In the response, DOC indicates that the DOC phone conversation recordings can only be searched by the phone number of the individual called and not by name. You provided a phone number for only one of the four categories of the audio recordings you requested. In addition, DOC stated that conversations with the attorneys are privileged and therefore are not recorded. DOC also indicated that audio recording responsive to item 2 of the request, the only request in which you provided a telephone number, had been located. However, that recording contained information regarding an individual other than your client. DOC withheld this information because disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under D.C. Official Code § 2-534(a)(2) (“Exemption 2”).

Based on the forgoing, because DOC has responded to your request for digital copies of certain audio recordings, we deem your December 17, 2019 appeal to be moot. If you are dissatisfied with DOC’s January 8, 2020 response, you may file a separate appeal challenging that response, including the decision to withhold an audio recording that was responsive to your request.

This shall constitute the final decision of this Office concerning your appeal. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

¹ A copy of DOC’s response to your appeal is attached to this decision.

Respectfully,

Mayor's Office of Legal Counsel

cc: Oluwasegun Obebe, FOIA Officer
DOC (via email)