

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-075**

February 3, 2020

VIA ELECTRONIC MAIL

Mr. Charles Elkins

RE: FOIA Appeal 2020-075

Dear Mr. Elkins:

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 District Department of Transportation (“DDOT”) failed to properly respond to your FOIA request for public records.

On December 16, 2019, you submitted a FOIA request to DDOT for a list or other description of the location (map) of areas that have been geofenced within the boundaries of the District by either DDOT or permittees. On January 8, 2020, DDOT extended the FOIA response date to January 23, 2020. On January 21, 2020, you submitted an appeal challenging DDOT’s failure to respond to your FOIA request. On January 27, 2020, DDOT filed a response to your appeal.¹ In the response, DDOT acknowledged that although the extension was noted in FOIAXpress, the agency may not have notified you of the extension. Along with DDOT’s response to your appeal, the agency provided this Office with a copy of the agency’s January 23, 2020 email to you responding to your FOIA request. In the FOIA response, DDOT informs you that many of the files attached to the FOIA response are in geojson format and may not be readable by you as they are in ARCGIS files. DDOT also states that it does not maintain the information in any other document file format.

We note that your appeal was filed before DDOT’s extended deadline for responding to your FOIA request. DDOT did respond on January 23, 2020, the extension deadline, two days after your appeal. Since your appeal only challenged DDOT’s failure to respond to your FOIA request and DDOT has now responded to your request, we dismiss your appeal as moot. However, you may file a new appeal if you are dissatisfied by the public records produced by the agency in response to your request.

This constitutes the final decision of this Office with regard to 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 DDOT’s response to your FOIA appeal is attached to this decision.

Respectfully,

Mayor's Office of Legal Counsel

cc: Karen R. Calmeise, Hearings/FOIA Officer
DDOT (via email)