

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-083**

November 5, 2020

VIA ELECTRONIC MAIL

Mr. Steve Thompson

RE: FOIA Appeals 2020-083

Dear Mr. Thompson:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the failure of the Department of Employment Services (“DOES”) to respond to your FOIA request.

You submitted a FOIA request to DOES requesting the databases used by DOES to track information by all businesses on the UC-30s. You asked that DOES provide the data in spreadsheet form, csv file, or other machine-readable format in which it is stored by the District. DOES did not respond to your FOIA request. On January 24, 2020, this Office received your appeal challenging DOES’s failure to respond to your FOIA request. You indicated that 60 days had passed with no response from DOES. On January 24, 2020, this Office forwarded your appeal to DOES. Our records reflect that we still have not received a response from DOES.

Based on the record before us, we conclude that DOES’s failure to timely respond to your request constitutes a constructive denial under the DC FOIA. D.C. Official Code § 2-532(e). Nevertheless, will provide DOES one more opportunity to respond to your request. We therefore remand this matter to DOES and direct it to disclose to you any non-exempt, responsive records, within 5 business days of the date of this decision. You may challenge DOES’s subsequent response by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Tonya Robinson, General Counsel, DOES (via email)