

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2020-095 & 2020-098**

July 16, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeals 2020-095 and 2020-098

Dear Mr. Ayele:

This letter responds to the administrative appeals 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 Metropolitan Police Department (“MPD”) to respond to your two FOIA requests.

You submitted two separate FOIA requests to MPD. MPD responded to both requests seeking clarification on the documents you were requesting. In response to MPD’s request for additional information, you filed appeals with this Office in both matters on February 3, 2020. On February 10, 2020, MPD responded to your appeals.¹ In the consolidated response to your appeals, MPD indicates that you did not request any documents in the two FOIA requests. Instead, in each request you provided a lengthy narrative discussing various topics. You also asked a series of questions to MPD and provided a 14 page document titled “Decade in Review”. MPD indicates that your response to MPD’s requests for clarification was to file appeals with this Office.

FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records within a reasonable amount of time. More specifically, 1 DCMR § 402.4 states that:

A request shall reasonably describe the desired record(s). Where possible, the specific information regarding names, places, events, subjects, dates, files, titles, file designation or other identifying information shall be supplied.

In addition, under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Environmental Protection Agency*, 767 F.2d 569, 574 (9th Cir. 1985). The law only requires the disclosure of nonexempt documents, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). “FOIA creates only a right of access to records, not a right to personal services.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). *See also Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-130 (D.D.C. 2009).

¹ A copy of MPD’s consolidated response to your two appeals is attached to this decision.

We have reviewed both of your FOIA requests. Instead of requesting documents, you only provided a factual narrative of various topics and directed a series of questions to MPD. We therefore conclude that the MPD properly responded to your two FOIA requests and we hereby dismiss your appeals.

This constitutes the final decision of 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 D.C. Code § 2-537.

Respectfully,

Mayor's Office of Legal Counsel

cc: Teresa Quon Hyden, Associate General Counsel
MPD (via email)