

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-107**

August 3, 2020

VIA E-MAIL

Dr. Daryao S. Khatri

RE: FOIA Appeal 2020-107

Dear Dr. Khatri:

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”). In your appeal, you challenge the response you received from the University of the District of Columbia (“UDC”) regarding your request for public records under DC FOIA.

On December 23, 2019, you sent five questions via email to the UDC FOIA Office. When you did not receive a response from that office, you sent another email message on January 12, 2020, noting that the individual to whom you initially directed your questions was no longer employed by UDC. UDC replied to your message on January 14, 2020, and requested a ten (10) business day extension of the statutory period for replying to a DC FOIA request, pursuant to D.C. Code § 2-532(d). You filed this appeal on February 9, 2020, after you did not receive a response from UDC within that period. On February 12, 2020, UDC responded to your appeal, providing answers and charts responsive to the questions you posed.¹

This office notes that UDC was under no obligation to “either answer questions unrelated to document requests or to create documents” under the DC FOIA. *Zemansky v. United States Envtl. Prot. Agency*, 767 F.2d 569, 574 (9th Cir. 1985). The law requires only the disclosure of nonexempt records, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-43 (10th Cir. 1978). In light of UDC’s decision to answer the questions you posed, despite it having no obligation to do so, we dismiss your appeal as moot.

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 government in the Superior Court of the District of Columbia in accordance with DC FOIA.

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

Respectfully,

Mayor's Office of Legal Counsel

cc: Thomas E. Redmond, Assistant General Counsel
UDC (via email)