

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2020-120**

August 10, 2020

VIA E-MAIL

Ms. Whitney Fore

RE: FOIA Appeal 2020-120

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. Code § 2-537 (“DC FOIA”). In your appeal, you challenge the response you received from the Department of Corrections (“DOC”) regarding your request for public records under the DC FOIA.

On November 15, 2019, you submitted a DC FOIA request to DOC seeking digital copies of audio recordings made during telephone calls and visits to the Correctional Treatment Facility (“CTF”) during a specified time period. On December 12, 2019, DOC responded to your request and provided to you redacted copies of visitation and phone call logs. DOC’s response did not address your request for audio recordings. On December 17, 2019, you appealed (FOIA Appeal 2020-053) and requested that DOC be directed to produce the requested records. DOC responded to that appeal on January 8, 2020, and indicated that phone conversation recordings could only be searched by the phone number of the individual called, information that was not provided with your initial DC FOIA request. DOC also indicated that conversations with attorneys were privileged and therefore would not be produced. Lastly, the agency informed you that it would withhold an audio recording that contained information regarding an individual other than your client, pursuant to D.C. Code § 2-534(a)(2) (“Exemption 2”), as disclosure of the information would constitute an invasion of personal privacy. On January 10, 2020, this Office deemed your appeal to be moot following a review of the record. *DC Mayor’s Office of Legal Counsel*, FOIA Appeal: 2020-053.

On February 18, 2020, you submitted to DOC the phone numbers for which your DC FOIA request sought records. You also submitted signed release authorizations from the individuals who participated in the telephone calls and visits specified in your DC FOIA request. On February 19, 2020, DOC confirmed in a letter to you that the agency conducted a due diligence search and produced a disc containing records responsive to your request.<sup>1</sup>

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

Based on the foregoing, we deem your February 18, 2020, appeal to be moot. 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.

Respectfully,

Mayor's Office of Legal Counsel

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