

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-124**

August 10, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-124

Dear Mr. Ayele:

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 District of Columbia Public Library (“DCPL”) to respond to your FOIA request.

You submitted a DC FOIA request to DCPL that consisted of a lengthy statement describing your employment relationship with a facility in a different state. Your request asked that DCPL answer various questions you posed regarding a wide range of topics. You also attached a 12-page document entitled “Decade in Review.”

On February 21, 2020, you filed an appeal with this Office and requested that we direct DCPL to answer additional questions that you included in your appeal letter. On March 4, 2020, DCPL responded to your appeal and submitted a *Vaughn* index to this Office.¹ The agency stated that it did not have records responsive to your request due to the fact that it does not maintain records for the New York state facility you identified in your request. Further, the agency noted that you posed several questions in your DC FOIA request, which it was not obligated under DC FOIA to answer. Similarly, the DC FOIA does not require DCPL to answer the additional questions contained in your appeal letter. Despite this, the agency did conduct a search for records. The agency did not locate any responsive records or any requests or inquiries from media or law enforcement agencies regarding you.

The DC 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 the DC FOIA, an agency “has no duty either to answer questions unrelated to

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

document requests or to create documents.” *Zemansky v. United States Env'tl. Prot. 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).

We agree with DCPL that your request for records from a facility in New York state could not be fulfilled by a District agency. Further, DCPL was not required to provide answers to the questions you posed in both your initial appeal and your February 21, 2020, appeal letter. Based on the foregoing, we conclude that the DCPL properly responded to your FOIA request and we hereby deny your appeal.

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: Grace Perry-Gaiter, General Counsel
DCPL (via email)