

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-127**

August 12, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-127

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 denial of your DC FOIA request by the Child and Family Services Agency (“CFSA”).

You submitted two duplicate DC FOIA requests to CFSA that consisted of lengthy statements describing your employment relationship with a facility in the state of Missouri. The statements included numerous questions regarding a wide range of topics, none of which appear to relate to CFSA or its functions. On February 25, 2020, CFSA replied to your requests by email and stated that the agency was unable to provide records. The agency explained that your requests failed to “reasonably describe” the public records you sought, as required by D.C. Code § 2-532(c). You subsequently filed an appeal with this Office and requested that we direct CFSA to answer the questions that you submitted in your requests. On March 5, 2020, CFSA responded to your appeal by email and restated the requirement that a requester “reasonably describe records sought.”

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 FOIA, an agency “has no duty either to answer questions unrelated to 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 CFSA that your request did not describe the records you sought with sufficient detail. Based on the foregoing, we conclude that CFSA properly responded to your DC FOIA request and we hereby dismiss 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: Wendy Singleton, Executive Assistant/FOIA Officer
CFSA (via email)