

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2020-131**

August 12, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-131

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 Schools (“DCPS”) to respond to your FOIA request.

You submitted a FOIA request to DCPS that consisted of a lengthy statement describing your employment relationship with a facility in a different state. You also attached a 12-page document entitled “Decade in Review” which also did not request any documents. On February 26, 2020, DCPS sent you a letter stating that it was unable to respond to your FOIA request because it consisted of a “series of questions rather than a request for specific records.” You subsequently filed an appeal with this Office in which you repeated several questions from your initial request. On March 8, 2020, DCPS responded to your appeal by submitting to this Office the agency’s February 26, 2020, response to your initial request.<sup>1</sup> DCPS also confirmed with this Office on March 10, 2020, that it would not conduct a search in response to your appeal letter because the letter did not contain any specific requests for records.

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

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<sup>1</sup> A copy of DCPS’s response to your initial request is attached to this decision.

(D.D.C. 2009).

Based on the foregoing, we conclude that the DCPS properly responded to your 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: Eboni J. Govan, FOIA Officer  
DCPS (via email)