

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-141**

September 2, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-141

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 determination by the DC Homeland Security and Emergency Management Agency (“HSEMA”) that it has no records responsive to your FOIA request.

You submitted a FOIA request to HSEMA that consisted of a series of questions. You also alluded to certain partnership agreements between the University of the District of Columbia and various agencies, including HSEMA. HSEMA then sent you a letter explaining that you had not in fact made a request for specific records and that, to the extent you were requesting particular records, it did not have those records in its possession. You subsequently filed an appeal with this Office in which you repeated several questions from your initial request. On March 18, 2020, HSEMA responded to your appeal by referring to its letter to you in which it explained that you had not made a request for specific records. HSEMA also reiterated that, to the extent you appeared to be requesting any records, it had no records responsive to your request.¹

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*,

¹ A copy of HSEMA’s response to your appeal is attached to this decision. HSEMA also informed our Office that it intends to send you a revised version of its initial response to you in order to correct certain misstatements immaterial to this appeal. That letter from HSEMA is forthcoming.

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).

Based on the foregoing, we conclude that the HSEMA 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: Whitney Bowen, FOIA Officer
HSEMA (via email)