

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-158**

November 5, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-158

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 response of the Department of Human Resources (“DCHR”) to your FOIA request.

On February 23, 2020, you submitted a FOIA request to DCHR that consisted of a lengthy statement discussing the Missouri Department of Mental Health and posing various questions about the Equal Employment Opportunity Commission. Your request did not seek any documents from DCHR. Subsequently, DCHR twice contacted you for clarification of what documents you were seeking. On March 19, 2020, you filed an appeal with this Office challenging DCHR’s response to you. On March 24, 2020, DCHR responded to your appeal by explaining that your request did not seek any particular documents and that you had not responded to their requests for clarification.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*, 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).

¹ DCHR’s response to your appeal is attached.

We have reviewed both your FOIA request and the appeal, and we conclude that you did not ask for documents from DCHR. We therefore conclude that DCHR 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: Aphrodite Hadjiloucas, FOIA Officer
DCHR (via email)