

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-161**

February 11, 2021

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-161

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 Department of Behavioral Health (“DBH”) that it had no records responsive to your DC FOIA request.

You submitted a DC FOIA request to DBH that consisted primarily of questions about the Missouri Department of Mental Health and the EEOC. When DBH did not provide records in response to your request, you filed an appeal with this Office in which you repeated several questions from your initial request and posed several new questions. DBH responded to your appeal by explaining that your lengthy statement and multiple interrogatory-like requests to the agency were beyond the scope of the DC FOIA and had no nexus to the agency.¹ DBH also explained that it was unable to locate “the public employment contract and the collective bargaining agreement” that you claimed to have signed with DBH and which you referenced in your request.

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 FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Envtl. 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

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

122, 129-130 (D.D.C. 2009).

Based on the foregoing, we conclude that the DBH properly responded to your DC 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: Matthew Caspari, General
Counsel DBH (via email)