

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-171**

September 2, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-171

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 Office of Police Complaints (“OPC”) to your FOIA request.

You submitted a FOIA request to OPC that consisted primarily of questions about Equal Employment Opportunity Commission (“EEOC”) regulations, the Americans with Disabilities Act, and a U.S. Department of Justice investigation in Missouri. OPC informed you that it was unable to determine what records you might be seeking. OPC explained that if you wished to pursue the request, you would need to provide details on specific records you believed that OPC may have in its possession. You proceeded to file an appeal with this Office in which you asked additional questions about the EEOC and women’s soccer. OPC responded to your appeal by again explaining that you did not request any documents that might be in the possession or control of that agency.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 A copy of OPC’s response to your appeal is attached to this decision.

Your FOIA submission did not request any specific records, let alone any records that would conceivably be in the possession of OPC. Based on the foregoing, we conclude that OPC 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: Alicia J. Yass, Legal Counsel
OPC (via email)