

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-172**

November 13, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeals 2020-172

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 Metropolitan Police Department (“MPD”) to respond to your FOIA request. We note that the request was previously the subject of another FOIA appeal (FOIA Appeal 2020-095).

MPD’s response to your appeal indicates that you did not request any documents. Instead, you provided a lengthy narrative discussing various topics. You also suggested that various other agencies outside of MPD might have records, including the Department of Human Services, the Office of Human Rights, and the Equal Employment Opportunity Commission.

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 Environmental Protection 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).

We have reviewed your FOIA Appeal, as well as the duplicate appeal addressed by FOIA Appeal 2020-095. Instead of requesting documents, you only provided a factual narrative of various topics and directed a series of questions to MPD. We therefore conclude that the MPD 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: Teresa Quon Hyden, Associate General Counsel
MPD (via email)