

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-176**

August 26, 2020

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-176

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 Insurance, Securities, and Banking (DISB) to your FOIA request.

You submitted a DC FOIA request to DISB that consisted of a lengthy statement describing your employment relationship with a facility in the state of Missouri. The statement included numerous questions regarding a wide range of topics, none of which appear to relate to DISB or its functions. DISB responded to your request and stated that it did not have responsive records. You subsequently filed an appeal with this Office and requested that we direct DISB to answer the questions that you submitted in your request. On April 6, 2020, DISB responded to your appeal and stated again that it does not have records responsive to your request.¹ Further, the agency noted that your request did not seek records, but appeared instead to ask for information and data which the agency does not have.

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 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 DISB’s response to your appeal is attached to this decision.

We agree with DISB that your request did not identify any records that you wanted from the agency. Rather, your submissions contained a series of questions on various topics. Based on the foregoing, we conclude that the DISB 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: M. Claudine Alula, FOIA Coordinator
DISB (via email)