

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-190**

March 3, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-190

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 you received from the Department of Consumer & Regulatory Affairs (“DCRA”) regarding your DC FOIA request.

You submitted a DC FOIA request to DCRA. DCRA responded to your request, indicating that your request for information does not sufficiently ask for already-existing responsive records and poses questions, which FOIA does not require agencies to answer. On June 9, 2020, you filed an appeal with this Office, requesting that DCRA provide responsive information to your request for records without further specifying which records you seek. On September 21, 2020, DCRA responded to your appeal.¹ In its response, DCRA indicated that your DC FOIA request did not specifically request records. Instead you provided a 14-page document chronicling different events in your life and posing a number of questions to DCRA.

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).

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

We have reviewed both your FOIA request and the appeal, which asked a different set of questions of DCRA. We conclude that your FOIA request failed to adequately specify which records you sought. We therefore conclude that DCRA 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: Erin J. Roberts, FOIA Officer
DCRA (via email)