

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2020-191**

March 3, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-191

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 Human Resources (“DCHR”) regarding your DC FOIA request.

You submitted a DC FOIA request to DCHR. DCHR 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 DCHR provide responsive information to your request for records without further specifying which records you seek. On June 30, 2020, DCHR responded to your appeal.<sup>1</sup> In its response, DCHR indicated that it denied the majority of the requests, but provided you with responsive records related to Initiative 71 and the Public Employee Salary Information.

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).

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<sup>1</sup> A copy of DCHR’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 DCHR. We conclude that your FOIA request failed to adequately specify which records you sought. We therefore conclude that DCHR 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: Aphrodite Hadjiloucas, FOIA Officer  
DCHR (via email)