

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-200**

March 3, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-200

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 Criminal Justice Coordinating Council (“CJCC”) to respond to your FOIA request.

On March 27, 2020, you submitted a FOIA request to CJCC that consisted of a lengthy statement describing purported contacts you had with CJCC as well as several other institutions in the Washington, D.C. metropolitan region. You also attached reports and articles authored by various organizations throughout the country. On April 2, 2020, CJCC sent you an email requesting that you clarify your request so that it might search for responsive records. You responded to CJCC on April 4, 2020, and indicated that you wished to file an appeal with this Office. Your message to CJCC also included several questions regarding the employment histories of certain individuals and CJCC employees.

CJCC’s April 2, 2020, email to you seeking clarification was not an unlawful denial of your request. DC FOIA mandates that agencies respond to “request[s] reasonably describing any public record.” D.C. Code § 2-532(c). FOIA also 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).

Based on the foregoing, we conclude that the CJCC 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: Kristy Love, Deputy Executive Director
CJCC (via email)