

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-202**

April 25, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2020-202

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. Official Code § 2-537 (“DC FOIA”), challenging the response of the Office of Police Complaints (“OPC”) to your FOIA request.

You submitted a FOIA request to OPC that consisted of questions about universities and job fairs. Specifically, “1) What formal and informal ties does OPC have with American University Washington College of Law, Georgetown Law and the University of Maryland, College Park? 2) Will you join me in moving to call upon all documentations which were presented to students, faculty and staff of American University Washington College of Law, Georgetown Law and University of Maryland, College Park to be promptly disclosed either to my e-mail or in the alternative my mailing address?” OPC responded by informing you that visits to the schools were for internship fairs and giving a link to where documents OPC staff provided at the events could be found. You subsequently filed an appeal with this Office in which you repeated several questions from your initial request and posed additional questions. OPC responded to your appeal by reiterating that it provided the requested documents and has no other responsive materials.¹

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-

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

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 therefore conclude that the OPC 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. Official Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Alicia J. Yass, Legal Counsel
OPC (via email)