

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-235**

September 7, 2022

VIA ELECTRONIC MAIL

Marla Spindel

RE: FOIA Appeal 2020-235

Dear Ms. Spindel:

This letter is in response to the administrative appeal that you have submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act ("FOIA"), D.C. Code §§ 2-531, *et seq.* In your appeal, you challenged the lack of response of the Department of Human Services ("DHS") to your December 21, 2019 FOIA request, identified as 2020-FOIA-02035, which sought the following:

[A]ll contracts between Department of Human Services and community providers for housing prevention services, including those listed on the attached document. (Date Range for Record Search: From 01/01/2019 To 12/31/2019)

On September 4, 2020, this Office asked DHS to provide the justification for the decision not to grant a review of the records requested, a *Vaughn* index of the documents withheld, and a copy of any public record(s) in dispute. As of the date of this decision, a response has not been received.

It is the public policy of the District of Columbia that all persons are entitled to full and complete information regarding the affairs of the District government and the official acts of those who represent them as public officials and employees. D.C. Code § 2-531. The ultimate responsibility for responding to requests for records of an agency is vested in the agency head. 1 DCMR § 400.1

Based on the record before us, we can only conclude that the failure to timely respond to your request constitutes a constructive denial. D.C. Official Code § 2-532(e). We therefore remand this matter to DHS to promptly disclose any non-exempt records that are responsive to your request.

This constitutes the final decision of this Office. You may challenge any subsequent response to your request by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Sincerely,

The Mayor's Office of Legal Counsel

cc: Robert Warren, DHS FOIA Officer (via email only)