

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-247**

August 19, 2021

VIA ELECTRONIC MAIL

Mr. Pili Greenfield

RE: FOIA Appeal 2020-247

Dear Mr. Greenfield:

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 purported failure of the Executive Office of the Mayor (“EOM”) to respond to your DC FOIA request within the statutory timeframe.

Last year, you submitted a FOIA request to EOM seeking various records related to the BET headquarters campus property in Northeast, D.C. EOM informed you that your search returned over 50,000 results and that it could take several months to review for responsiveness and make exemption determinations. You then asked EOM to narrow the search, which EOM informed you could take up to three weeks. Subsequently, you appealed what you viewed as EOM’s failure to respond and stated that you “ha[ve] not received any response within the statutory” period. EOM responded to your appeal by explaining that the deadline you invoked did not apply because of the District’s ongoing public health emergency at that time.¹ EOM also noted that, as of September of last year, it had produced a copy of at least one responsive document to you.

Although an agency typically must respond to DC FOIA requests within 15 business days, EOM is correct that that deadline did not apply during the COVID-19 public health emergency. D.C. Code § 2-532(c)(1) expressly exempts “days of a COVID-19 closure” from the deadline for an agency to respond. A “COVID-19 closure” is defined as a “period of time for which the Mayor has declared a public health emergency.” On March 11, 2020, the Mayor declared a public emergency and public health emergency through Mayor’s Order 2020-045 and Mayor’s Order 2020-046. That public health emergency was in effect at the time of EOM’s response. As a result, the statutory deadline for EOM to respond to your request had not lapsed.²

Based on the foregoing, we conclude that EOM’s deadline to respond to your DC FOIA

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

² Although you claim in your appeal that EOM’s deadline to respond had passed before emergency relief was enacted, that is incorrect. D.C. Act 23-247 added the “COVID-19 closure” provision to D.C. Official Code § 2-532 on March 17, 2020, just two business days after you submitted your request.

request did not lapse and that EOM provided a response to your request following your appeal. We therefore deny this appeal as moot.

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: Vanessa Careiro, Deputy General Counsel
EOM (via email)

Cristina Sacco, Associate General Counsel
EOM (via email)