

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-108**

April 25, 2022

VIA ELECTRONIC MAIL

Mr. Ameer Flippin

RE: FOIA Appeal 2021-108

Dear Mr. Flippin:

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 of the D.C. Department of Human Resources (“DCHR”) to your DC FOIA request.

You submitted a FOIA request to DCHR seeking “a verification of employment for Unique N. Morris- Hughes with the District of Columbia Government in any capacity” with a response format of “a) Yes, in the capacity of ____ or b) No.” DCHR responded to your request by providing a link to a responsive document on its website. You subsequently filed an appeal with this Office alleging that the website link was non-responsive and that DCHR was refusing to answer a simple yes or no question. DCHR responded to your appeal by explaining that an agency is not obligated to answer questions under FOIA and reiterating that it provided you a responsive document.¹

Under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Envtl. 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 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

¹ A copy of DCHR's response to your appeal is attached to this decision.

cc: John Cheek, Interim FOIA Officer/Attorney-Advisor
DCHR (via email)