

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-189**

November 30, 2022

VIA ELECTRONIC MAIL

Mr. Gregory Slate

RE: FOIA Appeal 2021-189

Dear Mr. Slate:

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 have challenged the response of the Metropolitan Police Department (“MPD”) to your March 13, 2021 FOIA request, identified as 2021-FOIA-03704, which sought the following:

A copy of any and all emails received from or sent to any email address that includes the characters: policeabuse.com. (Date Range for Record Search: From 01/01/2007 To 03/13/2021)

On May 10, 2021, MPD denied your request because, in the absence of an authorization or waiver, the release of the requested emails would constitute an unwarranted invasion of personal privacy under D.C. Code §§ 2-534(a)(2) and/or (a)(3)(c).

In your May 11, 2021 appeal, you have asserted MPD should release the records with redactions applied to the portions that implicate a privacy concern.

Discussion

In the absence of any explanation as to how the requested documents would shed light on MPD’s conduct, this Office is inclined to accept MPD’s denial on its face. *See, e.g. Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993)(When there is a privacy interest in a record and no countervailing public interest, the protected information may be withheld from disclosure).

However, there is an underlying question as to whether the request adequately describes the records sought in a way that could provide a reliable response. Your request for “any and all” emails received from or sent to unspecified individuals or email addresses, without reference to a specific government agency, department or domain name—covering a 14 year timeframe—does not reasonably describe the records sought and is insufficient to permit

the identification and location of records within an agency without an unreasonable amount of effort. *See* 1 DCMR § 402.4 (“A request shall reasonably describe the desired records. Where possible, specific information regarding names, places, events, subjects, dates, files, titles, file designation, or other identifying information shall be supplied”); *Dale v. IRS*, 238 F. Supp. 2d 99, 104 (D.C. Cir. 2002) (a request for “any and all” records does not describe the records sought with reasonably sufficient detail). “[T]he rationale for this rule is that FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters.” *Assassination Archives & Research Ctr. v. CIA*, 720 F.Supp. 217, 219 (D.C. Cir. 1989).

As this Office is not aware of any attempt to clarify this request as submitted, you are free to resubmit it with additional specificity for processing.

Conclusion

Based on the foregoing, we hereby dismiss your appeal. This constitutes the final decision of this Office with respect to your appeal. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Brandy Reaves, MPD FOIA Officer (via email only)