

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-228**

October 15, 2021

VIA ELECTRONIC MAIL

Mr. Oluwafemi Faniyi

RE: FOIA Appeal 2021-228

Dear Mr. Faniyi:

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 by the Child & Family Services Agency (“CFSA”) to your DC FOIA request.

You submitted a DC FOIA request for certain reports the agency might have that were related to your children. CFSA explained that the records you sought were not available under the DC FOIA, which allows an agency to withhold “information specifically exempted from disclosure by [another] statute.” D.C. Code § 2-534(a)(6). CFSA further explained that D.C. Code §§ 4-1302.03 and 4-1303.06 expressly limit to whom and for what purpose the agency may disclose information of the nature that you requested. CFSA suggested that if you would like to seek information from the Child Protection Register as the parent of a child, you send a request to cfsa.recordsrequest@dc.gov with the child’s name and date of birth. You appealed, arguing not that the records that you seek are available under FOIA, but that you “already requested records [from cfsa.recordsrequest@dc.gov] twice, on 4/2/21 and 7/2/21, and have not been provid[ed] anything.” CFSA responded to your appeal by providing this Office a copy of the response that it sent to you on July 15, 2021.¹

The agency is correct that, under the DC FOIA, it does not have to provide you with information that is exempt from disclosure under another statute. Here, CFSA has identified a statute that not only exempts the information from disclosure, but requires CFSA to keep it confidential except under very limited circumstances. The agency’s response to you reflects that it has established a separate process to allow specific persons in appropriate situations to obtain the kind of information you requested—*i.e.*, by emailing cfsa.recordsrequest@dc.gov. Although this Office does not have jurisdiction over CFSA’s determination to release or not to release information under the Child Protection Register statute, we hope and expect that the agency will act expeditiously in responding to your request under that statute.

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.

¹ A copy of the agency’s response to your appeal is attached.

Respectfully,

Mayor's Office of Legal Counsel

cc: Wendy Singleton, FOIA Officer
CFSA (via email)