

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2021-265**

November 30, 2021

VIA ELECTRONIC MAIL

Mr. Hailemichael Seyoum

RE: FOIA Appeal 2021-265

Dear Mr. Seyoum:

This letter responds to the administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”), on the grounds that the University of the District of Columbia (“UDC”) failed to respond to your FOIA requests.

On July 27, 2020, you submitted a DC FOIA request seeking “UDC announcements for physics employment positions” for all semesters from Fall 2014 to Fall 2020. Then on August 31, 2020, you submitted a second DC FOIA request for communications between the Middle States Commission of Higher Education and UDC concerning four subcategories of information.

On September 28, 2020, UDC acknowledged receipt of your July 27, 2020, and August 31, 2020, DC FOIA requests and informed you that “the timeline for FOIA responses by an agency are ‘suspended’ to the end of the public health emergency period[,]” in accordance with Section 808(b)(1) of the Coronavirus Support Second Congressional Review Emergency Amendment Act (D.C. Act 23-405, effective August 19, 2020).¹

You filed your appeal with this Office on September 21, 2021, because you had not received a response to your DC FOIA requests. On September 28, 2021, UDC filed a response to your appeal.² In the response, UDC indicated that after a diligent search, the agency did not have any records responsive to your July 27, 2020 DC FOIA request. However, UDC was able to locate one record responsive to your August 31, 2020 FOIA request. Since your appeal only challenged the failure of UDC to respond to your DC FOIA request and UDC has now responded to your request, we dismiss your appeal as moot. However, you may file a new appeal if you are dissatisfied with the agency’s response.

¹ Pursuant to D.C. Official Code § 2-532, agencies typically have fifteen business days to respond to a DC FOIA request from the date of receipt. However due to the COVID-19 closure, this deadline was not applicable for FOIA requests made between March 11, 2020, and January 15, 2021. Under the FOIA Tolling Emergency Amendment Act of 2020 (D.C. Act 23-555, effective December 22, 2020), a FOIA request made between March 11, 2020, and January 15, 2021 should have been processed within 45 business days after January 15, 2021. Your requests were made between March 11, 2020 and January 15, 2021. Accordingly, UDC should have responded to your DC FOIA requests by March 24, 2021.

² A copy of UDC’s response to your appeal is attached to this decision.

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 government in the Superior Court of the District of Columbia in accordance with D.C. Official Code § 2-537.

Respectfully,

Mayor's Office of Legal Counsel

cc: Thomas E. Redmond, Assistant General Counsel
UDC (via email)