

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-015**

April 27, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2022-015

Dear Mr. Ayele:

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 determination by the DC Department of Human Resources (“DCHR”) that it has no records responsive to your FOIA request.

You submitted a 35-part FOIA request to DCHR that primarily consisted of a series of questions and document requests unrelated to the work of DCHR. You also requested “documents outlining the benefits provided by your offices to female employees who are pregnant (in terms of paid family and medical leave of absences).” DCHR sent you a response, explaining that it had no responsive records and was not obligated to answer questions, conduct research, or create records to satisfy your request. You subsequently filed an appeal with this Office in which you sought clarification regarding benefits provided to pregnant DC government employees. DCHR responded to your appeal by notifying this Office that its response inadvertently omitted records responsive to the request for “documents outlining the benefits provided by your offices to female employees who are pregnant (in terms of paid family and medical leave of absences)”, which DCHR corrected by sending you “a link to the Electronic District Personnel Manual, which contains responsive resources related to applicable personnel regulations and relevant issuances.”¹

FOIA requires that requests describe the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records within a reasonable amount of time. More specifically, 1 DCMR § 402.4 states that:

A request shall reasonably describe the desired record(s). Where possible, the specific information regarding names, places, events, subjects, dates, files, titles, file designation or other identifying information shall be supplied.

In addition, under FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Env'tl. Prot. Agency*,

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

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

cc: Aphrodite Hadjiloucas, FOIA Officer/Attorney-Advisor
DCHR (via email)