

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-018**

May 11, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2022-018

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. Official Code § 2-537 ("DC FOIA"), challenging the alleged failure of the District of Columbia Public Schools ("DCPS") to respond to your FOIA request.

On or about September 22, 2021, you submitted a FOIA request to DCPS. Following the agency's acknowledgment of receipt of your request, you electronically filed the present FOIA appeal on November 4, 2021. On appeal, you request that the agency provide information on: "(1) The July 2019 murder of [a specified individual], (2) the disconcerting inconsistencies of Texas recently approved legislation that bans abortion after 6 weeks even in circumstances of rape and incest." Your appeal further requests information on the presumed medical benefits offered by the District of Columbia to pregnant employees.

DCPS responded to your appeal on November 5, 2021, noting that the agency "is not responsible for operations of the entire District of Columbia government." The agency also provided to you contact information for the District of Columbia Department of Human Resources and a link to a website outlining District of Columbia employee family leave policies.

Discussion

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 Environmental*

Protection 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 therefore conclude that the DCPS 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. Official Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Eboni J. Govan (DCPS)