

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2022-019**

April 27, 2022

VIA ELECTRONIC MAIL

Mr. Michael Ayele

RE: FOIA Appeal 2022-019

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 District of Columbia Public Library (“DCPL”) that it has no records responsive to your FOIA request.

You submitted a 35-part FOIA request to DCPL that primarily consisted of a series of questions and document requests unrelated to the work of DCPL. 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).” DCPL sent you a response, explaining that it has no responsive records because “DCPL maintains records related to DCPL matters not matters related to homicides in the state of Mississippi.” You subsequently filed an appeal with this Office in which you sought clarification regarding benefits provided to pregnant DC government employees. DCPL responded to your appeal by reiterating that it is “not the custodian of records related to out of state criminal matters” and that it was not obligated to respond to your list of questions. DCPL also stated that it is for the District of Columbia Department of Human Resources to provide benefits information.<sup>1</sup>

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*, 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.

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<sup>1</sup> A copy of DCPL’s response to your appeal is attached to this decision.

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 DCPL 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: J. Kevin McIntyre, Interim General Counsel  
DCPL (via email)