

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-097**

June 29, 2022

VIA ELECTRONIC MAIL

Ms. Nina Howe-Goldstein

RE: FOIA Appeal 2022-097

Dear Ms. Howe-Goldstein:

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”), on grounds that the Office of Unified Communications (“OUC”) failed to properly respond to your DC FOIA request.

On January 28, 2022, you submitted a DC FOIA request to OUC seeking records regarding a particular call “including a recording or transcript of the call and all other material pertaining to the OUC response, including data about the call's point of origin and communication with the MPD.” On March 4, 2022, you filed an appeal with this Office asserting that your request was closed without explanation on February 17, 2022 and asking that your request be reopened to be processed in its entirety. On March 8, 2022, we notified OUC of your appeal and requested a response. On March 24, 2022, OUC responded. In its response, OUC explained that it closed your request on February 17, 2022 after emailing you a response letter notifying you “[p]ursuant to DC Official Code § 2-534(a)(2), the [911 recording] is exempt from disclosure” because “it contains information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” The response letter also stated, “we can provide a CAD chronology report, which lays out details about the call. Such report would also require a thorough analysis to make sure that certain information that are exempt from disclosure under the DC Official Code do not get released.”

OUC later sent a revised response stating that it was withholding the CAD chronology report “pursuant to DC Official Code § 2-534(a)(3)(E), as it contains investigative techniques and procedures not generally known outside the government” and “pursuant to DC Official Code § 2-534(a)(3)(F), as it contains information that could endanger the life or physical safety of law-enforcement personnel.”¹

Because your appeal only challenged OUC’s lack of response and OUC has now provided you a response letter, we dismiss this appeal as moot. You are free to challenge OUC’s substantive

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

response to your request by separate appeal to this Office.²

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: Domingo Juan, FOIA Officer
OUC (via email)

² This Office notes that OUC appears to have produced chronology reports before in response to other requests, so in a subsequent response from OUC we would expect the agency to explain why it believes the chronology report in this case would reveal investigative techniques or endanger the physical safety of law-enforcement personnel while other chronology reports would not. We would also expect the agency to explain why redacting names and identifying information on any recording would not be sufficient to protect personal privacy.