

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2022-100**

November 17, 2022

VIA ELECTRONIC MAIL ONLY

Ms. Zehava Robbins

RE: FOIA Appeal 2022-100

Dear Ms. Robbins:

This letter is in response to the administrative appeal that you have submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act ("FOIA"), D.C. Code §§ 2-531, *et seq.* In your appeal, you challenged the lack of response of the Office of the Senior Advisor ("OSA") to your client's July 19, 2021, October 20, 2021, and November 19, 2021 FOIA requests, identified as 2021-FOIA- 06609, 2021-FOIA-06610, 2022-FOIA-00526, and 2022-FOIA-01375, which sought email communications between Senior Advisor Beverly Perry and specified entities, for a specified timeframes.

On March 24, 2022, this Office asked OSA to provide the justification for the decision not to grant a review of the records requested, a *Vaughn* index of the documents withheld, and a copy of any public record(s) in dispute. While this Office did not receive a response, a review of the District's FOIA-tracking data indicates OSA continues to process the requests.

It is the public policy of the District of Columbia that all persons are entitled to full and complete information regarding the affairs of the District government and the official acts of those who represent them as public officials and employees. D.C. Code § 2-531. The ultimate responsibility for responding to requests for records of an agency is vested in the agency head. 1 DCMR § 400.1

Under 1 DCMR § 405.1 when no decision can be dispatched within the applicable time limits, an agency shall nevertheless continue to process the request and inform the requester of the reason for delay, the date on which a determination may be expected, and the right to treat the delay as a denial with the right to appeal.

Based on the record before us, we remand this matter back to OSA to comply with 1 DCMR § 405.1, if it has not already done so, with the objective of producing any non-exempt records that are responsive to your requests as soon as practical.

This constitutes the final decision of this Office. You may challenge any subsequent response to your requests by separate appeal to this Office. If you are dissatisfied with this decision, you

may commence a civil action in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Sincerely,

Mayor's Office of Legal Counsel

cc: Garrett Lee, OSA FOIA Officer (via email only)