

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR



Office of the General Counsel to the Mayor

January 22, 2008

VIA EMAIL AND U.S. MAIL


Washington, DC 20037

Re: Freedom of Information Act Appeal


This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act (the "FOIA"), D.C. Official Code § 2-531 *et seq.* (2001 & 2006 Supp.), dated December 5, 2007, and received in this office on December 7, 2007 (the "Appeal").

In an initial request to the District of Columbia Metropolitan Police Department ("MPD"), dated May 22, 2007, you sought documents concerning the provision of protection by the Metropolitan Police Department (MPD) to the Vice President of the United States of America ("VPOTUS"), including documents relating to costs and the numbers of officers assigned to the task. Although MPD responded to your request by letter dated September 11, 2007, in your Appeal you advise that it was "effectively if not literally a 'denial letter'" in that only a portion of what you requested was provided.

We forwarded the Appeal to MPD with a request for a response. MPD responded by letter dated January 16, 2007 (the "MPD Response"), and forwarded to you a copy of that response. Attached to the MPD Response was a sample of the information provided to you.

In your Appeal you indicate that you want to obtain all of the information originally requested because the citizens of the District of Columbia should be aware of the "use of the human and material resources of the District of Columbia that are put at the disposal of the Vice President..." It appears that the representative sample of documents originally provided by MPD is responsive. The record reflects that a chart was provided to you entitled "Fiscal Year 2007 October 2006 VPOTUS DETAILS" which reflects the number of hours expended by MPD officers and the total man hours expended. The chart reflects the human and material resources of the District of Columbia as it pertains to MDP officers on this particular task.

Neither your Appeal nor the MPD Response indicates whether the information relating to the cost of protection was provided by MPD or withheld. I will assume that it was provided since MPD did not provide any basis for withholding it, and this will not be further addressed on this Appeal.

Discussion

It is the public policy of the District government that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code, 2001 Ed. § 2-531. In aid of that policy, the FOIA creates the right "to inspect ... and ... copy any public record of a public body . . ." *Id.* § 2-532(a). Yet that right is subject to various exemptions, which may form the basis for a denial of a request. D.C. Official Code, 2001 Ed. § 2-534. The representations made by MPD in the MPD Response persuade us that the department provided all documents that it had located that were responsive to the FOIA request. And, the redaction of information based on D.C. Official Code, 2001 Ed. § 2-534 (a)(3)(E) appears proper given the sensitivity of the information involved. MPD's partial denial of the FOIA request is affirmed and the Appeal is hereby DISMISSED.

If you are not satisfied with this determination, you are free to commence a civil action against the District of Columbia Government at any time in the District of Columbia Superior Court.

Sincerely,



Andrew T. Richardson, III
Interim General Counsel to the Mayor

cc: Ronald B. Harris