

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL TO THE MAYOR**

Freedom of Information Act Appeal: 2011-64

October 18, 2011

Fritz Mulhauser, Esq.

Dear Mr. Mulhauser:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a)(2001) (“DC FOIA”), dated September 13, 2011 (the “Appeal”). You (“Appellant”) assert that Metropolitan Police Department (“MPD”) improperly withheld records in response to your request for information under DC FOIA dated February 18, 2011 (the “FOIA Request”).

Background

Appellant’s FOIA Request sought records relating to License Plate Reader systems (“LPRS”) employed by MPD, including records which describe MPD policies or guidelines and records showing the motor vehicle identification tags (“tags”) captured by the LPRS units employed by MPD.

In response, by letter dated March 28, 2011, MPD provided documents to Appellant pursuant to the FOIA Request. However, with respect to tags captured by the LPRS units employed by MPD, MPD withheld the records based on two exemptions from disclosure:

1. The disclosure of the tags captured by the LPRS units would be an unwarranted invasion of personal privacy under D.C. Official Code § 2-534(a)(2) and (a)(3C).
2. The disclosure would reveal investigative techniques and procedures not generally known to the public exempt under D.C. Official Code § 2-534(a)(3E).

On Appeal, Appellant challenges the response to his FOIA Request as follows:

1. Appellant contends that.
2. Appellant contends that.

In its response, by email dated June 15, 2011, MPD stated that, upon review of the Appeal and the original request and response:

1. It has conducted an additional search and will be releasing additional responsive documents, as described in its response. (A copy of the response will be provided to Appellant by our office.)

2. It is releasing training materials, described in the response as a training disk and a PowerPoint presentation.

Conclusion

Based on the foregoing, we will now consider your Appeal to be MOOT and it is hereby DISMISSED, without prejudice to challenge the revised response of MPD.

If you are dissatisfied with this decision, you are free under the DC FOIA to commence a civil action against the District of Columbia government in the District of Columbia Superior Court.

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Natasha Cenatus
Ronald B. Harris, Esq.