

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL TO THE MAYOR
Freedom of Information Act Appeal 2012-42**

May 9, 2012

Ms. Diane Kiesel

Dear Ms. Kiesel:

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 April 17, 2012 (the “Appeal”). You (“Appellant”) assert that the Department of Corrections (“DOC”) improperly withheld records in response to your request for information under DC FOIA dated March 22, 2012 (the “FOIA Request”).

Appellant’s FOIA Request sought records with respect to a named individual who was employed by DOC from 1970 until his death in 1981. Appellant stated that “I am interested in confirming his dates of employment, and in reviewing his application for employment, his salary, his work assignments and performance, information about his promotions and any disciplinary information contained in his employment files. I am also interested in reviewing any memos, reports or reviews that were written by him or are about him.” Appellant also stated that she needed the records for a biography that she was writing about the mother of the individual.

In response, by letter dated April 10, 2012, DOC stated that it could not provide records without an authorization because disclosure would constitute an unwarranted invasion of personal privacy and was exempt under D.C. Official Code § 2-534(a)(2).

On Appeal, Appellant challenges the denial of the FOIA Request, contending that as the named individual has been deceased for many years, any concern about his privacy “no longer exists” and any concern about his reputation is “vastly diminished.” Moreover, Appellant notes that his two adult children, his closest relatives, have been cooperative and granted interviews. Finally, Appellant contends that the right of the public to know about the mother of the individual, “an important public figure”, outweighs the “no-longer-existing privacy rights of her long-dead son.”

In its response, dated May 2, 2012, DOC reconsidered its decision. First, DOC states that Appellant indicated that the relatives of the deceased individual gave implied consent to the disclosure of the requested records. Second, DOC states that the Appellant agreed by telephone to provide a written consent to the disclosure to the agency. Accordingly, DOC is providing to Appellant the responsive records which it has located, with a redaction of the social security number of the deceased individual.

Based on the foregoing, we will now consider the Appeal to be moot and it is dismissed.

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Oluwasegun Obebe, Esq.