

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

**Freedom of Information Act Appeal: 2012-59**

July 6, 2012

Ana-Maria Ignat, Esq.

Dear Ms. Ignat:

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 June 29, 2012 (the “Appeal”). You, on behalf of UDC Took Crowell Institute for At-Risk Youth and Juvenile Special Education Law Clinic (“Appellant”), assert that the Department of Corrections (“DOC”) improperly withheld records in response to your request for information under DC FOIA dated April 3, 2012 (the “FOIA Request”).

Appellant’s FOIA Request sought a statement of work incorporated by reference in an intergovernmental agreement between DOC and the Bureau of Prisons (“BOP”). In response, by letter dated May 8, 2012, DOC stated that it had located a responsive record, albeit with a different title than described in the FOIA Request, but was withholding the record as it was a BOP record. DOC advised Appellant to submit the FOIA Request directly to BOP. On Appeal, Appellant challenges the denial of the FOIA Request on the ground that the requested record was in the custody and control of DOC and was required to be provided pursuant to DC FOIA.

In its response, dated July 6, 2012, DOC stated that it was releasing the record to Appellant. DOC explained that Appellant’s description of the record caused its search to be prolonged and, as a timely response was due before BOP could be consulted as to applicability of any exemptions to disclosure, DOC sent the response set forth above while simultaneously requesting a determination from BOP as to the applicability of any exemptions. As BOP has now informed DOC that it has “no specific concern with the release of the document,” DOC revised its response.

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.