

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

Freedom of Information Act Appeal: 2012-60

July 9, 2012

Mr. Albert Main

Dear Mr. Main:

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 22, 2012 (the “Appeal”).

Appellant Industrial Bank’s request for information under DC FOIA dated July 19, 2011 (the “FOIA Request”) sought a copy of the winning bid in response to request for offers to lease space for the operation of automated teller machines at 225 7th Street, N.E. (Eastern Market). In response, by email dated June 7, 2012, DGS provided a copy of the requested record to Appellant, with redactions based upon exemptions for personal privacy under D.C. Official Code § 2-534(a)(2) and for commercial or financial information obtained from outside the District government under D.C. Official Code § 2-534(a)(1). On Appeal, Appellant contests the award of the contract resulting from the request for offers to lease space for the operation of automated teller machines at 225 7th Street, N.E. (Eastern Market) and requests that the award be reconsidered.

Ordinarily, we would request a response from the agency (here, DGS) in response to the allegations set forth in the Appeal. However, in this case, a response is not necessary. As we have indicated in past decisions (see, e.g., Freedom of Information Act Appeal 2012-26), our jurisdiction under D.C. Official Code § 2-537(a) is limited to adjudicating whether or not a record may be withheld pursuant to a request under DC FOIA. In this case, Appellant does not contest the response to the FOIA Request, but asks instead for a reconsideration of the contract award. The Appeal does not state a challenge under DC FOIA and the requested relief is not within our jurisdiction to consider. Moreover, the response of DGS to the FOIA Request appears to be in compliance with the requirements of law.

Based on the foregoing, the Appeal is hereby dismissed.

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

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Camille D. Sabbakhan, Esq.