

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-16**

March 23, 2015

Mr. Joshua Ayers

RE: FOIA Appeal 2015-16

Dear Mr. Ayers:

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 (“DC FOIA”). In your appeal, you assert that the Metropolitan Police Department (“MPD”) improperly withheld records you requested under the DC FOIA.

Background

On October 16, 2014, you submitted a request under the DC FOIA to the MPD seeking “a copy of all Accident Reports (aka ‘crash reports’) involving accidents that occurred between automobiles and bicyclists . . . within the city limits of Washington, D.C. from October 1, 2012, to October 1, 2014.” The MPD denied your request on October 27, 2014, pursuant to D.C. Official Code § 2-534(a)(6), stating that the requested materials were exempt under the Driver’s Privacy Protection Amendment Act of 2012 (“DPPA”).

On appeal, you challenge the MPD’s decision, contending that the DPPA prohibits only the disclosure of personal information contained in accident reports, and MPD should have segregated and released portions of the reports you requested that are not protected under the DPPA.

The MPD sent this office a response to your appeal on March 20, 2015, advising that it had reevaluated its response to your request and had contacted you to discuss whether you remain interested in obtaining the 5,600 pages of responsive documents that exist.

Conclusion

Based on the MPD’s representation that it is working with you to provide the documents you are seeking, we consider this matter to be moot and dismiss it; however, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the MPD’s response.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)