

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2015-59**

April 28, 2015

VIA ELECTRONIC MAIL

Mr. James Fournier

RE: FOIA Appeal 2015-59

Dear Mr. Fournier:

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 February 26, 2015, you submitted a request under the DC FOIA to the MPD seeking “all records. . . pertaining to the following individuals: [list of names] . . . In addition, this request seeks any all [sic] documents related to an automobile accident that occurred on December 3, 2014 . . . .”

The MPD denied your request on March 19, 2015, pursuant to D.C. Official Code §§ 2-534(a)(1), 2-524(a)(3)(C), 2-534(a)(6), stating that the release of the requested materials would constitute an unwarranted invasion of privacy and that the records sought were exempt under the Driver’s Privacy Protection Amendment Act of 2012 (“DPPA”).

On appeal, you challenge the MPD’s decision, contending that the requested reports are public documents. The MPD sent this office a response to your appeal on today’s date, advising that it is reevaluating its response to your request and will contact you in an effort to resolve this matter to your satisfaction.<sup>1</sup>

Conclusion

Based on the MPD’s representation that it plans to work 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.

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<sup>1</sup> A copy of MPD’s letter is attached to this correspondence.

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)