

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR**



Mayor's Office of Legal Counsel



August 16, 2017

VIA ELECTRONIC MAIL

Anonymous Requestor

RE: FOIA Appeal 2017-119

Dear Anonymous Requestor:

This letter responds to the administrative appeal you submitted 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 D.C. Fire and Emergency Medical Services Department ("FEMS") failed to respond to your request for certain records.

Background

On June 21, 2017, you submitted a request under the DC FOIA to FEMS seeking: "the audio recordings from the early morning of July 10, 2016 between the hours of 2AM and 7AM. I would like the recording of all communications on the DC EMS. . . . If recordings aren't available, I would be interested in logs of responses during that time frame: who was dispatched, to where etc."

On August 2, 2017, you filed this appeal, asserting that FEMS failed to respond your request. This Office notified FEMS of the appeal.

On August 3, 2017, FEMS provided this Office with a response to your appeal.¹ In its response, FEMS explained that it is not withholding records and that it had not denied your request, but instead rerouted it to the Office of Unified Communication ("OUC"), "which maintains audio recordings of all communications regarding the D.C. EMS." FEMS stated that the department "does not possess any records/recordings responsive to the information being requested . . ."

Since your appeal was based on FEMS' lack of response and FEMS has since responded, we consider your appeal to be moot, and it is dismissed. The dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to FEMS' substantive response.

¹ A copy of FEMS's response is attached for your reference.

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 DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Angela Washington, Information and Privacy Officer, FEMS (via email)