

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



**Mayor's Office of Legal Counsel**



October 11, 2017

VIA ELECTRONIC MAIL

Ms. Malaika Lewis

RE: FOIA Appeal 2017-168

Dear Ms. Lewis:

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”), on the grounds that the District of Columbia Water and Sewer Authority (“DC Water”) improperly denied your request for certain records.

Background

On August 29, 2017, you submitted a request to DC Water seeking records pertaining to sewer issues associated with a particular property in the District. DC Water denied your request on September 18, 2017, stating that records responsive to your request are exempt from disclosure in accordance with D.C. Official Code § 2-534(a)(2) and that DC Water is not authorized to disclose such records without written consent and proper identification from the owner of the subject property.

You appealed DC Water’s denial to this Office on the grounds that it was improper. In specific, you argue that you are a tenant of the property about which you requested records, and that any personally identifiable information contained in the records could be redacted from the remaining responsive information. This Office notified DC Water of your appeal, and it responded on October 4, 2017.<sup>1</sup> In its response, DC Water indicated that it reconsidered its initial denial on the basis of privacy concerns and conducted a search for the records you requested. DC Water provided you with all responsive documents<sup>2</sup> on September 27, 2017 and October 3, 2017, and waived fees associated with your request.

Your appeal was based on DC Water’s denial of your request in its entirety, and DC Water has since responded by producing responsive documents. As a result, we consider your appeal to be

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<sup>1</sup> A copy of DC Water’s response is attached for your reference.

<sup>2</sup> Portions of the documents were redacted.

moot, and it is dismissed. The dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the substantive response you received from DC Water.

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: Victoria A. Fleming, FOIA Officer and Senior Paralegal, DC Water (via email)