

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-29**

March 20, 2017

VIA ELECTRONIC MAIL

Mr. Jarrod Sharp

RE: FOIA Appeal 2017-29

Dear Mr. Sharp:

This letter responds to two administrative appeals you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeals, you assert that the Metropolitan Police Department ("MPD") improperly withheld records you requested under the DC FOIA.

These appeals are closely related to the decision in FOIA Appeal 2017-21, which this Office issued on March 3, 2017. In FOIA Appeal 2017-21, we upheld MPD's decision to deny your FOIA request for "all records related to the theft of Jarrod Sharp's Honda Civic in 2002" because you failed to demonstrate authorization for the release of records implicating personal privacy and you failed to sufficiently specify your request for MPD to conduct a search. On the same day that the decision in FOIA Appeal 2017-21 was issued, you submitted a new request to MPD for the same records. For the subsequent request, you included additional information that the theft took place near Dupont Circle. On March 6, 2017, MPD denied your renewed request for the same reasons that it denied your prior request. You filed an appeal on the same day, stating that the MPD should "redact any information deemed to be personal or confidential."

On March 17, 2017, while your appeal was pending, you filed another request to MPD for the same records. Again, you further refined your request stating that the theft took place "in or about March 2002." In this request you also "solemnly affirm" that you are in fact Jarrod Sharp. On the same day, MPD closed your request as duplicative. Also on the same day, you appealed MPD's response. This appeal only stated: "Appeal improper and unlawful denial."

Regarding your first renewed appeal, FOIA Appeal 2017-21 already addressed your argument about the redaction of personal information. Due to the specificity of the request it is not possible to use redaction to protect the privacy interest at issue. The remedy for such a specific request would be to demonstrate authorization from the individual whose privacy interests are at stake, in this case "Jarrod Sharp." Merely writing in your request that you personally affirm your identity as "Jarrod Sharp" is neither adequate proof of identity nor sufficient authorization to waive the privacy interests in the records. As a result, the responsive records, if any exist, would necessarily be withheld in their entirety.

Regarding your second renewed appeal, on its own it does not raise a cognizable argument. Taken in the context of your prior requests and appeals for the same records, it is duplicative and this Office reaches the same conclusion.

Based on the foregoing, we affirm MPD's decision. This constitutes 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 DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

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