

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-30**

March 20, 2017

VIA REGULAR U.S. MAIL

Mr. Andre M. LaFontaine, III

RE: FOIA Appeal 2017-30

Dear Mr. LaFontaine:

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 Office of Open Government ("OOG") failed to adequately respond to FOIA requests you submitted to the OOG in July 2016 and January 2017.

Background

This Office reviewed your appeal, including the copies you provided us with of the two FOIA requests at issue. The first request is dated July 7, 2016. The request is not addressed to a specific District official, employee, or agency; rather, the greeting on the letter is "To Freedom of Information Act [sic]." There is also no address on the letter indicating to where you sent it. The request seeks notes, medical records, and letters to and from correctional facilities in Iowa, Oklahoma, Indiana, Wisconsin, and Minnesota. Your second FOIA request is addressed to "The Office of Open Government, Freedom of Information Act."¹ The request seeks a writ of execution of property pertaining to a correctional facility in Iowa as well as transcripts from grand jury proceedings and sentencing hearings.

In response to your second FOIA request, the Office of Open Government advised you that: (1) it has no record of having received your July 2016 request; (2) The OOG does not maintain the records you are requesting of it; and (3) the OOG does not have the authority to compel the release of records from other jurisdictions or federal agencies. As a result, the OOG administratively closed your January 2017 request.

Upon receiving your appeal, this Office notified the OOG and requested that it respond. The OOG explained that it does not maintain the records you are seeking.² Because the OOG does not maintain the records, it could not conduct a search for them.

Discussion

¹ There is no date on the request; however, the OOG indicates that it received it on January 18, 2017.

² A copy of the OOG's response is attached.

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect ... and ... copy any public record of a public body ...” *Id.* at § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. Under the DC FOIA, an agency is required to disclose public records if they are “retained by a public body.” D.C. Official Code § 2-502(18). Here, as the OOG has advised you, it is an independent office under the Board of Ethics and Government Accountability for the Government of the District of Columbia. The OOG has no affiliation with and does not retain records pertaining to correctional agencies or criminal proceedings.

Conclusion

Based on the foregoing, we affirm the OOG’s decision to administratively close your request and hereby dismiss your appeal.

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 the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Traci L. Hughes, Esq., Director, OOG (via email)