

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-59**

May 4, 2017

VIA ELECTRONIC MAIL

Mr. Mark Robinson

RE: FOIA Appeal 2017-59

Dear Mr. Robinson:

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 you submitted a request to the Metropolitan Police Department (“MPD”) for proof of radar certification or qualification for an MPD contract employee who operated an automated traffic enforcement camera in the District on a specified date. MDP denied your request, asserting privacy exemptions under DC FOIA and stating that because you did not have authorization from the employee to release the certificate, doing so would constitute a “clearly unwarranted invasion of personal privacy.”

You appealed MPD’s denial, contending that, among other things, the employee’s radar certification has been made public by way of the issuance of a notice of infraction, and such training records are a matter of public interest. This Office asked MPD to respond to your appeal, whereupon MPD advised us¹ that it will provide the requested certification to you in accordance with a decision we recently issued with respect to FOIA Appeal 2017-48.²

Since MPD has indicated to this Office that it will provide you with the document you have requested, we dismiss your appeal as moot; provided, that MPD shall transmit the document to you within 5 business days of the date of this decision. Further, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to MPD’s substantive response.

¹ A copy of MPD’s response is attached.

² Our decision in FOIA Appeal 2017-48 addressed a request that is identical to the one at issue here. A copy of that decision is attached.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

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