

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



**Mayor's Office of Legal Counsel**

December 11, 2017

VIA ELECTRONIC MAIL

Mr. Jason Lewis

RE: FOIA Appeal 2018-046

Dear Mr. 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 Public Library (“DCPL”) did not adequately provide records responsive to your request for records relating to an investigation.<sup>1</sup>

On October 22, 2017, you made your request for records. On November 14, 2017, DCPL granted your request in part and denied it in part. DCPL provided you with two responsive records, and withheld one record in its entirety, citing to the deliberative process privilege, D.C. Official Code § 2-534(e). On November 27, 2017, you filed your appeal, requesting “any additional information that may be available under the FOIA.” Specifically, you sought “the finding from an EEOC investigation . . .”

This Office contacted DCPL on November 27, 2017, and notified the agency of your appeal. DCPL responded on December 1, 2017.<sup>2</sup> In its response, DCPL summarized its initial response to your request. DCPL stated further that it had reviewed the responsive document that it had withheld in its entirety – the closest document resembling the “finding” referred to in your appeal – and has since amended its response by releasing to you a partially redacted version of that document. These redactions appear to be made pursuant to D.C. Official Code § 2-534(a)(2) (protecting personal privacy), D.C. Official Code § 2-534(a)(3) (protecting records compiled for an investigation), and D.C. Official Code § 2-534(e) (protecting documents subject to the deliberative process privilege). As a result of this additional partial disclosure, DCPL asserted that it has satisfied your claim that its initial production was inadequate.

---

<sup>1</sup> Your appeal also states that “[t]his is an appeal under the Privacy Act of the denial of my request for records,” however, this Office’s jurisdiction, under D.C. Official Code § 2-537, is limited to whether public records are improperly withheld under DC FOIA. As a result, your statements relating to your rights under the Privacy Act and the “current EEOC rules” will not be addressed further in this decision.

<sup>2</sup> A copy of DCPL’s response is attached.

We agree that DCPL's amended production appears to satisfy the issues raised in your appeal. As a result, we consider your appeal to be moot. Your appeal is hereby dismissed; however, the dismissal shall be without prejudice. You may challenge DCPL's amended production by separate appeal to 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: Grace Perry-Gaiter, General Counsel, DCPL (via email)