

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



Mayor's Office of Legal Counsel

January 11, 2018

VIA ELECTRONIC MAIL

Joyce Briscoe

RE: FOIA Appeal 2018-062

Dear Ms. Briscoe:

This letter responds to the administrative appeal that you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”).¹ In your appeal you challenge the Fire and Emergency Medical Services Department’s (“FEMS”) denial of your December 18, 2017 request for records related to an ambulance pick up. Your submission did not appear to state a basis for your appeal other than asserting your belief that the Office of the Attorney General was required to approve your request.

This Office contacted FEMS on December 28, 2017, and notified the agency of your appeal. FEMS responded on December 29, 2017, advising us that it previously responded to your request by informing you that certain verification documents were required to grant your request, because the records sought involve medical information protected under the Health Insurance Portability and Accountability Act of 1996 (“HIPPA”).² D.C. Official Code § 2-534(a)(6) exempts from disclosure information that is protected by other statutes, including HIPPA.

The basis for your appeal is unclear; the Office of the Attorney General is not required to approve your FOIA request. Instead, FEMS instructed you that your request could be granted if you submit the appropriate verification documents. Without appropriate verification, the information you seek is protected from disclosure under HIPPA. Absent appropriate verification, we affirm FEMS’s decision to withhold the records you requested pursuant to D.C. Official Code § 2-534(a)(6).

¹ You submitted your FOIA appeal to the Office of the Inspector General; however, your appeal was transferred to this Office, which adjudicates administrative FOIA appeals on behalf of the Mayor.

² FEMS’s response is attached.

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: Angela Washington, Information and Privacy Officer, FEMS (via email)