

Discussion

It is the public policy of the District government 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 2001 Ed. § 2-531. In aid of that public policy, the FOIA creates the right "to inspect ... and ... copy any public record of a public body . . ." *Id.* § 2-532(a). In furtherance of that public policy, an agency must show that it made a good faith effort to conduct a search for the requested records, using methods which reasonably can be expected to produce the information requested. *Campbell v. United States Department of Justice*, 164 F. 3d 20 (D.C. Cir. 1998).

DCRA has not yet shown that it made reasonable efforts to search for the records, specifically including documents that may or may not be maintained by the plumbing division. An agency is required to search for the requested information within existing agency records. There is no evidence that any search has been conducted. Therefore, DCRA's partial denial of Appellant's FOIA Request is VACATED and REMANDED to DCRA, where it shall make a good faith effort to conduct a search based on the parameters set forth in the FOIA Request. Within ten (10) days of the date hereof, DCRA shall submit to this office and to Appellant the detailed results of that effort. DCRA may withhold records, or portions of records, under one or more of the statutory exemptions upon a clear marking or identification of the records (or portions) showing the deletions and an identification of the exemption or exemptions relied upon in making those deletions. DCRA may assess fees associated with the retrieval, review, and reproduction of responsive records to the extent provided in the DC-FOIA, and shall notify Appellant in advance of the expected cost.

This office is taking the liberty of copying the Office of General Counsel for DCRA so that they may take any steps as reasonably necessary to ensure that the plumbing division is responsive to requests made by the FOIA Officer.

As the appellant, you are free under the DC-FOIA to commence a civil action against the District of Columbia government at any time in the District of Columbia Superior Court, without awaiting the outcome of DCRA's response to this ruling.

Sincerely,



Andrew T. "Chip" Richardson, III
Deputy General Counsel to the Mayor

cc: Selena Robinson
Lori Parris