

OFFICE OF OPEN GOVERNMENT (OOG) LEGAL RESOURCES

Open Meetings Act

Statutes, regulations and advisory opinions

1. The Opening Meetings Act “(OMA)” D.C. Official Code § 2-571-2-580, is here: <https://code.dccouncil.us/dc/council/code/titles/2/chapters/5/subchapters/IV/>. This is the primary statute that regulates public body open meetings in the District of Columbia.
2. Amendments to the OMA and OOG in D.C. Official Code § 1-1162.05c.-1-1162.10 are here: <https://code.dccouncil.us/dc/council/code/sections/1-1162.05b.html>. These include: Director’s authority; appeal of *sua sponte* advisory opinions; and rulemaking authority.
3. Regulations to implement the OMA (3 DCMR § 104 *et seq.*) are here: <https://www.open-dc.gov/documents/notice-final-rulemaking-chapter-104-office-open-government>
4. OMA advisory opinions resolving complaints are here: <https://www.open-dc.gov/documents/oma-complaints-resolved>
5. Open Meetings provision known as the Sunshine Act (D.C. Official Code § 1-207.42). This is also a District transparency law. The OOG does not enforce this the law. The OMA does augment the Sunshine Act. Unlike the OMA, the Sunshine provides a private right of action. View the Sunshine Act here: <https://code.dccouncil.us/dc/council/code/sections/1-207.42.html>

Legislative History

OMA’s Legislative History is here contains the Committee Report. The Committee Report reflects the reasoning that supports the law and is useful to interpret the OMA. It is here: https://lims.dccouncil.us/downloads/LIMS/22871/Committee_Report/B18-0716-CommitteeReport1.pdf

Litigation

Pleadings and Orders in OOG litigation are here: <https://www.open-dc.gov/documents/court-enforcement>

OOG Complaint forms

Public OMA Complaint form is here <https://www.open-dc.gov/documents/oog-forms-and-services>

Freedom of information Act

Statutes, regulations and advisory opinions

1. District of Columbia Freedom of Information Act (“D.C. FOIA”) Is the statute that regulates the issuance of public records request. It is found here: <https://www.open-dc.gov/documents/foia-statutes>
2. D.C. FOIA regulations are here: <https://www.dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=1-4>
3. D.C. FOIA advisory opinions are non-binding and are found here: <https://www.open-dc.gov/documents/advisory-opinions>
4. The Mayor’s Office of Legal Counsel currently reviews D.C. FOIA requests that are denied; D.C. FOIA Appeal decisions are here: https://dc.gov/publications?after%5bvalue%5d%5bdate%5d=&before%5bvalue%5d%5bdate%5d=&keys=&type=74&sort_by=field_date_value&sort_order=DESC

Legislative History

D.C. FOIA’s legislative history is here: <https://www.open-dc.gov/news/dc-foia-legislative-history>

Significant FOIA cases:

Kane v. District of Columbia, 180 A.3d 1073 (discusses the 3 District transparency laws)

Hines v. District of Columbia Bd. of Parole, 567 A.2d 909, 912. The D.C. FOIA is modeled on the federal Freedom of Information Act, and therefore we look to decisions interpreting like provisions in the federal act when we interpret the meaning of the

Dugan v. DOJ, 82 F. Supp. 3D 485, 2015, a FOIA response does not have to answer a requesters questions or create records.

FOP v. DC, 139 A.3D 853 (2016), “Each case has presented its own discrete issues, but the constant is an apparent inability or unwillingness by both parties to communicate effectively to achieve the goal animating FOIA. Both parties seemed to have forgotten what FOIA all is about.