



THE ABC'S OF FOIA

DC Office of Open Government
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**THE OFFICE
OF
OPEN GOVERNMENT
(OOG)**

ABOUT THE OOG

- STATUTORY CHARGES:
 - **OPEN MEETINGS ACT (OMA)**
(D.C. OFFICIAL CODE § 2-571 TO 2-580);
AND
 - **FREEDOM OF INFORMATION ACT (FOIA)**
(D.C. OFFICIAL CODE § 2-531 TO 2-538).

ABOUT THE OOG

- THE OOG IS AN INDEPENDENT OFFICE WITHIN THE BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY CHARGED WITH ADVANCING OPEN GOVERNANCE IN THE DISTRICT OF COLUMBIA.
- THE OOG IS RESPONSIBLE FOR TRAINING PUBLIC BODIES ON THE REQUIREMENTS OF THE OMA AND FOIA.

ABOUT THE OOG

- THE OOG ADVOCATES FOR FAIR AND EFFICIENT FOIA PROCESSING.
- THE DIRECTOR OF OOG SERVES AS THE CITY'S ADVISOR TO FOIA OFFICERS, AND PROVIDES FORMAL AND INFORMAL ADVICE TO AGENCIES SEEKING GUIDANCE AND COMPLIANCE.

ABOUT THE OOG

- THE OOG ALSO ASSISTS MEMBERS OF THE PUBLIC IN FILING FOIA REQUESTS WITH THE REQUISITE PUBLIC AGENCY.

FOIA'S PUBLIC POLICY

- **ALL** ARE ENTITLED TO FULL AND COMPLETE INFORMATION REGARDING THE AFFAIRS OF GOVERNMENT AND THE OFFICIAL ACTS OF THOSE WHOSE WHO REPRESENT THEM AS PUBLIC OFFICIALS AND EMPLOYEES (D.C. OFFICIAL CODE § 2-531).

APPLICABILITY

- FOIA APPLIES TO **ALL** PUBLIC BODIES, WHICH INCLUDE THE MAYOR AND AGENCIES, INCLUDING INDEPENDENT AGENCIES, AND THE COUNCIL OF THE DISTRICT OF COLUMBIA (D.C. OFFICIAL CODE § § 2-502(18(A))).

AGENCY RESPONSIBILITY

- EACH AGENCY HEAD MUST DESIGNATE AN INDIVIDUAL AS ITS FOIA OFFICER.
- EACH AGENCY MUST POST ON ITS WEBSITE THE NAME, TITLE, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF ITS DESIGNATED FOIA OFFICER.

(1 DCMR §§ 401.2 - 401.3)

WHO MAY REQUEST RECORDS

- **ANY** PERSON HAS A RIGHT TO INSPECT, AND AT HIS HER DISCRETION, TO COPY **ANY** PUBLIC RECORD OF A PUBLIC BODY EXCEPT AS EXPRESSLY PROVIDED BY THE FOIA EXCEPTIONS. (D.C. OFFICIAL CODE § 2-532(A)).

INCLUDES RECORDS OF SOME CONTRACTORS

- THIS INCLUDES **ANY** RECORD PRODUCED OR COLLECTED PURSUANT TO A CONTRACT WITH A PRIVATE CONTRACTOR TO PERFORM A PUBLIC FUNCTION. D.C. OFFICIAL CODE § 2-532(A-3)).

AVAILABLE WITHOUT A FOIA REQUEST

RECORDS THAT MUST BE AVAILABLE TO THE PUBLIC WITHOUT THE NEED OF A FOIA REQUEST INCLUDE:

- EMPLOYEE'S SALARY, TITLE AND EMPLOYMENT DATES;
- CONTRACTS EXPENDITURES;
- BUDGETS;
- MANUALS;
- POLICIES;
- RULES;
- OPINIONS;
- ORDERS; AND
- MEETING MINUTES OF OPEN PROCEEDINGS OF PUBLIC BODIES.

SEE (D.C. OFFICIAL CODE § 2-536)

HOW REQUESTS MAY BE SUBMITTED

- A REQUEST FOR A RECORD OF AN AGENCY MAY BE MADE ORALLY OR IN WRITING AND MUST BE DIRECTED TO THE PARTICULAR AGENCY (1 DCMR § 402.1).
- A REQUESTER MAY BE ASKED TO SUBMIT IN WRITING A REQUEST FOR RECORDS (1 DCMR § 402.2).
- REQUESTS MAY BE MAILED, FAXED OR E-MAILED (1 DCMR § 402.3).

PUBLIC RECORDS

- INCLUDES ALL BOOKS, PAPERS, MAPS, PHOTOGRAPHS, CARDS, TAPES, RECORDINGS, VOTE DATA (INCLUDING BALLOT-DEFINITION MATERIAL, RAW DATA, AND BALLOT IMAGES), OR OTHER DOCUMENTARY MATERIALS, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY A PUBLIC BODY.
- PUBLIC RECORDS INCLUDE INFORMATION STORED IN AN ELECTRONIC FORMAT (D.C. OFFICIAL CODE § 2-502(18)).

APPLICABLE REGULATIONS

- 1 DCMR § 400 ET. SEQ. CONTAINS THE RULES AND PROCEDURES TO BE FOLLOWED BY ALL AGENCIES, OFFICES, AND DEPARTMENTS OF THE DISTRICT OF COLUMBIA, AND ALL PERSONS REQUESTING RECORDS PURSUANT TO FOIA.

HOW REQUESTS ARE MADE

- A REQUEST FOR A RECORD OF AN AGENCY MAY BE MADE ORALLY OR IN WRITING AND SHALL BE DIRECTED TO THE PARTICULAR AGENCY (1 § DCMR 402.1).
- AN AGENCY MAY ASK THAT THE REQUESTER SUBMIT AN ORAL REQUEST IN WRITING (1 § DCMR 402.2).
- REQUESTS MAY BE MAILED, FAXED OR E-MAILED (1 § DCMR 402.3).

THE FOIA REQUEST MUST BE SPECIFIC

- A REQUEST MUST REASONABLY DESCRIBE THE DESIRED RECORD(S). IF POSSIBLE, SPECIFIC INFORMATION REGARDING NAMES, PLACES, EVENTS, SUBJECTS, DATES, FILES, TITLES, FILE DESIGNATION, OR OTHER IDENTIFYING INFORMATION SHALL BE SUPPLIED (1 DCMR § 402.4).

INVOLVES ALL WHO MAINTAIN RECORDS

- ALL AGENCY EMPLOYEES WHO MAINTAIN RECORDS MUST ASSIST THE DESIGNATED FREEDOM OF INFORMATION OFFICER, AS APPROPRIATE, WITH THE IDENTIFICATION AND SEARCH OF RESPONSIVE RECORDS (1 DCMR § 401.5).



COMMUNICATION



**UNSURE OF
THE
REQUEST**

COMMUNICATION

- WITHIN YOUR AGENCY AND WITH THE REQUESTER. CONTACT THE REQUESTER IF THE REQUEST IS UNCLEAR FOR SUPPLEMENTAL INFORMATION(1 DCMR § 402.5).

CAVEAT #1

- WHEN THE FOIA OFFICER CONTACTS THE REQUESTER FOR ADDITIONAL INFORMATION THE REQUEST IS DEEMED RECEIVED WHEN THE FOIA OFFICER RECEIVES THE ADDITIONAL INFORMATION (1 DCMR § 405.6).



AVOID THE FOIA RELEASE STAMPEDE!!
ASK YOUR FOIA OFFICERS!!

FOIA MISHAP

- THE NAMES, ADDRESSES, DATES OF BIRTH, AND THE RENTAL ASSISTANCE BEING RECEIVED WAS INADVERTENTLY RELEASED IN 2017 IN RESPONSE TO A FOIA REQUEST FOR DOCUMENTS ON THE DISTRICT'S RAPID RE-HOUSING PROGRAM. REQUEST.

PUBLIC DOMAIN DOCTRINE

- IT IS WELL ESTABLISHED THAT WHEN A PERMANENT AND COMPLETE COPY OF A RECORD HAS BEEN RELEASED INTO THE PUBLIC DOMAIN, THE GOVERNMENT MAY NOT RELY ON FOIA'S STATUTORY EXEMPTIONS AND MUST RELEASE THE RECORD.

PUBLIC DOMAIN DOCTRINE

COURTS ORDER THE RELEASE OF THE RECORD
BECAUSE:

- (1) A PERMANENT AND COMPLETE COPY OF THE RECORD HAS BEEN RELEASED IN THE PUBLIC DOMAIN;
- (2) THE PARTY ASSERTING A CLAIM OF PRIOR IDENTIFIES THE SPECIFIC INFORMATION IN THE PUBLIC DOMAIN THAT APPEARS TO DUPLICATE THAT BEING WITHHELD; AND
- (3) THE GOVERNMENT'S FAILURE TO DEMONSTRATE THAT THE SPECIFIC RECORDS IDENTIFIED HAVE SINCE BEEN REMOVED FROM THE PUBLIC DOMAIN.

PUBLIC DOMAIN DOCTRINE

- *NIAGARA MOHAWK POWER CORP. V. UNITED STATES DOE*, 169 F.3d 16, 19; 335 U.S. App D.C. 100, EXPLAINS THE LOGIC AND NECESSITY OF REQUIRING THE GOVERNMENT TO RELEASE A RECORD PURSUANT TO A FOIA REQUEST THAT IS IN THE PUBLIC DOMAIN.

PUBLIC DOMAIN DOCTRINE

- “NIAGARA’S POSITION IS HERE IS A LITTLE ODD: IF THE INFORMATION IS PUBLICALLY AVAILABLE, ONE WONDERS WHY IS IT BURNING UP COUNSEL FEES TO OBTAIN IT UNDER FOIA?”

PUBLIC DOMAIN DOCTRINE

- “BUT THE LOGIC OF FOIA COMPELS THE RESULT: IF IDENTICAL INFORMATION IS TRULY PUBLIC, THEN ENFORCEMENT OF AN EXEMPTION CANNOT FULFILL ITS PURPOSES.”



TIME IS OF THE ESSENCE

TIME IS OF THE ESSENCE

- **BEFORE** EXPIRATION OF 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS AND LEGAL HOLIDAYS THE PUBLIC BODY MUST MAKE THE REQUESTED RECORD AVAILABLE.

EXTENSION IN UNUSUAL CIRCUMSTANCES

- BUT IN UNUSUAL CIRCUMSTANCES, THE AGENCY MAY INVOKE AN ADDITIONAL 10-DAY EXTENSION BY WRITTEN NOTICE TO THE REQUESTER SETTING FORTH THE REASONS FOR EXTENSION AND EXPECTED DATE FOR DETERMINATION (D.C. OFFICIAL CODE § 2-532(D-1)).

EXTENSION IN UNUSUAL CIRCUMSTANCES

- “UNUSUAL CIRCUMSTANCES” ARE LIMITED TO:
THE NEED FOR CONSULTATION, WHICH SHALL
BE CONDUCTED WITH ALL PRACTICABLE SPEED,
WITH ANOTHER PUBLIC BODY HAVING A
SUBSTANTIAL INTEREST IN THE DETERMINATION
OF THE REQUEST OR AMONG 2 OR MORE
COMPONENTS OF A PUBLIC BODY HAVING
SUBSTANTIAL SUBJECT-MATTER INTEREST;

EXTENSION IN UNUSUAL CIRCUMSTANCES

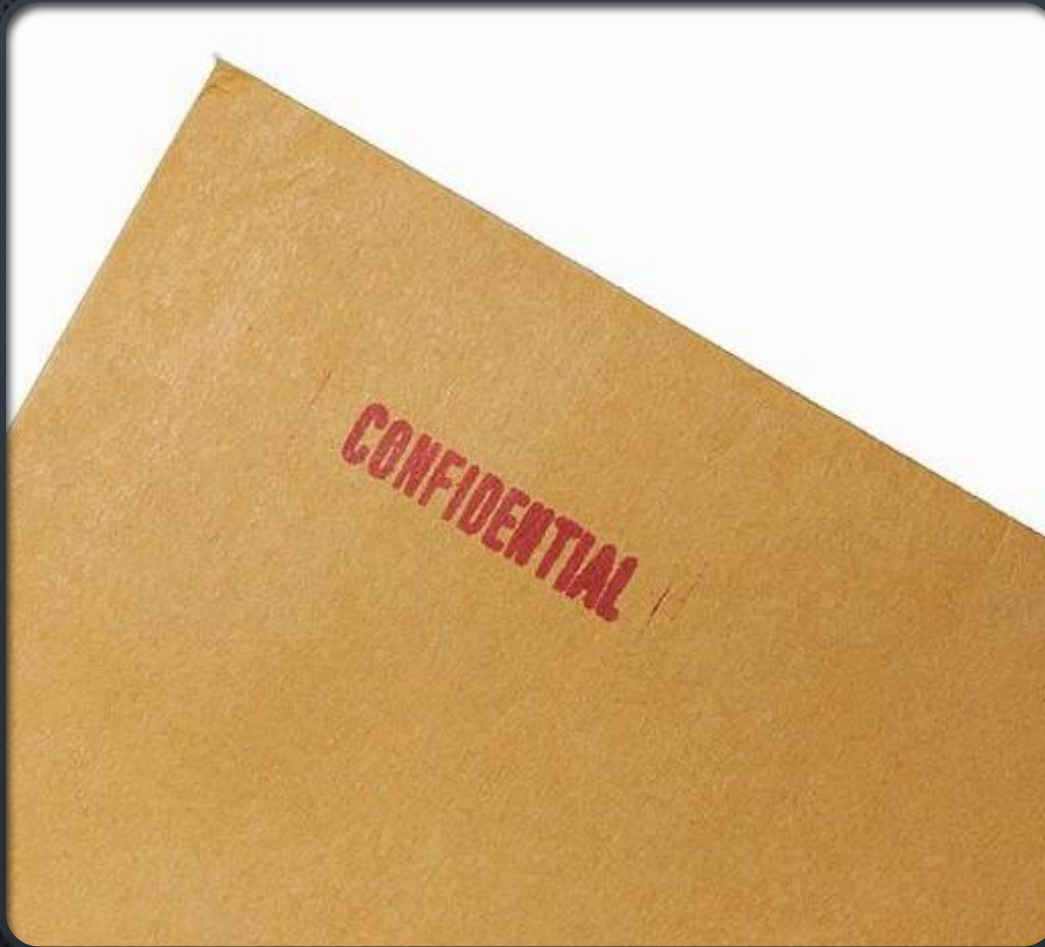
- OR THE NEED FOR CONSULTATION, WHICH SHALL BE CONDUCTED WITH ALL PRACTICABLE SPEED, WITH ANOTHER PUBLIC BODY HAVING A SUBSTANTIAL INTEREST IN THE DETERMINATION OF THE REQUEST OR AMONG 2 OR MORE COMPONENTS OF A PUBLIC BODY HAVING SUBSTANTIAL SUBJECT-MATTER INTEREST.

EXTENSION IN UNUSUAL CIRCUMSTANCES

- IF A REQUESTED RECORD CANNOT BE LOCATED FROM THE INFORMATION SUPPLIED OR IS KNOWN TO HAVE BEEN DESTROYED OR OTHERWISE DISPOSED OF, NOTIFY THE REQUESTER (1 DCMR § 407.3).

CATEGORIES OF EXEMPTIONS

THERE ARE 17
CATEGORIES OF
INFORMATION THAT MAY
BE EXEMPT FROM
DISCLOSURE UNDER
FOIA.



EXEMPTION 1

- (1) TRADE SECRETS AND COMMERCIAL OR FINANCIAL INFORMATION OBTAINED FROM OUTSIDE THE GOVERNMENT, TO THE EXTENT THAT DISCLOSURE WOULD RESULT IN SUBSTANTIAL HARM TO THE COMPETITIVE POSITION OF THE PERSON FROM WHOM THE INFORMATION WAS OBTAINED.

EXEMPTION 2

- (2) PERSONAL PRIVACY: INFORMATION OF A PERSONAL NATURE WHERE THE PUBLIC DISCLOSURE THEREOF WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

EXEMPTION 2A

- ANY BODY-WORN CAMERA RECORDINGS RECORDED BY THE METROPOLITAN POLICE DEPARTMENT:
- (A) INSIDE A PERSONAL RESIDENCE; OR
- (B) RELATED TO AN INCIDENT INVOLVING DOMESTIC VIOLENCE, STALKING OR SEXUAL ASSAULT AS DEFINED BY THE D.C. CODE.

EXEMPTION

3

- (3) INVESTIGATORY RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES INCLUDING RECORDS OF COUNCIL INVESTIGATIONS AND INVESTIGATIONS CONDUCTED BY THE OFFICE OF POLICE COMPLAINTS.

EXEMPTION

3

BUT ONLY TO THE EXTENT THAT THE PRODUCTIONS OF SUCH RECORDS WOULD INTERFERE WITH:

- (I) ENFORCEMENT PROCEEDINGS;
- (II) COUNCIL INVESTIGATIONS; OR
- (III) OFFICE OF POLICE COMPLAINTS ONGOING INVESTIGATIONS

EXEMPTION

3

- DEPRIVE A PERSON OF A RIGHT TO A FAIR TRIAL OR AN IMPARTIAL ADJUDICATION, CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY;
- DISCLOSE THE IDENTITY OF A CONFIDENTIAL SOURCE AND, IN THE CASE OF A RECORD COMPILED BY A LAW-ENFORCEMENT AUTHORITY IN THE COURSE OF A CRIMINAL INVESTIGATION, OR BY AN AGENCY CONDUCTING A LAWFUL NATIONAL SECURITY INTELLIGENCE INVESTIGATION, CONFIDENTIAL INFORMATION FURNISHED ONLY BY THE CONFIDENTIAL SOURCE;

EXEMPTION

3

- DISCLOSE INVESTIGATIVE TECHNIQUES AND PROCEDURES NOT GENERALLY KNOWN OUTSIDE THE GOVERNMENT; OR ENDANGER THE LIFE OR PHYSICAL SAFETY OF LAW-ENFORCEMENT PERSONNEL.

EXEMPTION 4

- COMMON LAW DISCOVERY PRIVILEGES (A) ATTORNEY WORK PRODUCT APPLIES TO DOCUMENTS PREPARED BY OR FOR AN ATTORNEY IN ANTICIPATION OF LITIGATION, NO MATTER THE STATUS OR STAGE OF THE LITIGATION;

ATTORNEY WORK PRODUCT

- APPLIES TO DOCUMENTS PREPARED BY OR FOR AN ATTORNEY IN ANTICIPATION OF LITIGATION, NO MATTER THE STATUS OR STAGE OF THE LITIGATION.

DELIBERATIVE PROCESS

- THE METHOD THROUGH WHICH AN AGENCY CREATES POLICIES, OPINIONS, RULES AND REGULATIONS.

DELIBERATIVE PROCESS

- TO QUALIFY FOR THIS EXEMPTION, THE RECORD MUST BE BOTH PRE-DECISIONAL AND DELIBERATIVE. PRE-DECISIONAL DOCUMENTS ARE THOSE "GENERATED BEFORE THE ADOPTION OF AN AGENCY POLICY. A DOCUMENT IS DELIBERATIVE IF IT IS A PART OF THE AGENCY GIVE-AND-TAKE—OF PROCESS—BY WHICH THE DECISION ITSELF IS MADE."

ATTORNEY CLIENT PRIVILEGE

- PROTECTS CONFIDENTIAL COMMUNICATIONS BETWEEN AN ATTORNEY AND CLIENT WHEN THE AGENCY IS THE CLIENT AND WHEN PRIVILEGE IS NECESSARY TO OBTAIN LEGAL ADVICE.

EXEMPTION 5

- FUTURE EXAMINATION TEST QUESTIONS.

EXEMPTION

6

- OTHER STATUTES, CANNOT BE A REGULATION. INFORMATION SPECIFICALLY EXEMPTED FROM DISCLOSURE BY STATUTE (OTHER THAN FOIA), PROVIDED THAT SUCH STATUTE: REQUIRES THAT THE MATTERS BE WITHHELD FROM THE PUBLIC IN SUCH A MANNER AS TO LEAVE NO DISCRETION ON THE ISSUE; OR ESTABLISHES PARTICULAR CRITERIA FOR WITHHOLDING OR REFERS TO PARTICULAR TYPES OF MATTERS TO BE WITHHELD.

EXEMPTION 7

- NATIONAL SECURITY MATTERS UNDER FEDERAL LAW.

EXEMPTION

8

- ANTITRUST INVESTIGATIONS-D. C. OFFICIAL CODE § 28-4505.

EXEMPTION

9

- ARSON INVESTIGATIONS- D.C. OFFICIAL CODE § 5-417.

EXEMPTION 10

- EMERGENCY RESPONSE PLANS

EXEMPTION 11

- SOCIAL SECURITY AND FEDERAL EMPLOYER ID NUMBERS; (D.C. OFFICIAL CODE § 47-2851.06)

EXEMPTION 12

- WHISTLEBLOWERS, UNLESS THE NAME OF THE EMPLOYEE IS ALREADY KNOWN. D.C. OFFICIAL CODE §§ 1-615.51; 2-233.01 *ET SEQ.*

EXEMPTION 13

- HOMELAND SECURITY RECORDS, D.C.
OFFICIAL CODE § 7-2271.04.

EXEMPTION 14

- SEALED CRIMINAL RECORDS, CHAPTER 8 OF TITLE 16

EXEMPTION 15

- CRITICAL INFRASTRUCTURE (APPLIES ONLY TO ENTITIES REGULATED BY THE PUBLIC SERVICE COMMISSION).

EXEMPTION 16

- TEACHER EVALUATIONS D.C. OFFICIAL CODE § 38–2615(A).

CAVEAT #2

- THE REDACTION RULE ALLOWS FOR THE RELEASE OF THE RECORDS BY CONCEALING THE EXEMPT PORTIONS FROM PUBLIC VIEW (D.C. OFFICIAL CODE § 2-534(B)).

REDACTIONS

- THE JUSTIFICATION FOR THE DELETION MUST BE EXPLAINED FULLY IN WRITING, AND THE EXTENT OF THE DELETION MUST BE INDICATED ON THE PORTION OF THE RECORD WHICH IS MADE AVAILABLE OR PUBLISHED, UNLESS INCLUDING THAT INDICATION WOULD HARM AN INTEREST PROTECTED BY AN EXEMPTION UNDER WHICH THE DELETION IS MADE.

REDACTIONS

- “IF TECHNICALLY FEASIBLE, THE EXTENT OF THE DELETION AND THE SPECIFIC EXEMPTIONS SHALL BE INDICATED AT THE PLACE IN THE RECORD WHERE THE DELETION WAS MADE.”

CAVEAT #3

- THE LANGUAGE EXEMPTING CERTAIN CATEGORIES OF RECORDS FROM RELEASE UNDER FOIA AT D.C. OFFICIAL CODE § 2-534(A), IS DISCRETIONARY. THEREFORE, NOTWITHSTANDING THE RECORD BEING EXEMPT, IT MAY BE RELEASED IF NO HARM COMES FROM DOING SO.

QUESTIONS

1- A B C D

2- A B C D

3- A B C D

4- A B C D

5- A B C D

6- A B C D

**ANSWERS
(RESPONDING
TO A REQUEST)**

RESPONSES

- A FOIA RESPONSE DOES NOT HAVE TO PROVIDE **ANSWERS** TO REQUESTOR'S QUESTIONS DISGUISED AS A FOIA REQUEST IN RESPONSE TO AN INDIVIDUAL'S REQUEST FOR INFORMATION. THE AGENCY'S OBLIGATION IN MEETING A FOIA REQUEST IS TO PROVIDE ACCESS TO ITS RECORDS. *DUGAN V. DOJ*, 82 F. SUPP. 3D 485 (2015).



**DO WE HAVE TO CREATE
RECORDS???**

DO WE HAVE TO CREATE RECORDS?

- FOIA DOES NOT REQUIRE AN AGENCY TO CREATE DOCUMENTS OR OPINIONS IN RESPONSE TO AN INDIVIDUAL'S REQUEST FOR INFORMATION OR TO OBTAIN RECORDS FROM ANOTHER AGENCY. *DUGAN v. DOJ*, 82 F. SUPP. 3D 485, 2015.



COSTS

FEES

- A PUBLIC BODY MAY ESTABLISH AND COLLECT FEES NOT TO EXCEED THE ACTUAL COST OF SEARCHING FOR, REVIEWING, REDACTING, AND MAKING COPIES OF RECORDS.

WAIVER OF FEES

- DOCUMENTS MAY BE FURNISHED WITHOUT CHARGE OR AT A REDUCED CHARGE WHERE A PUBLIC BODY DETERMINES THAT WAIVER OR REDUCTION OF THE FEE IS IN THE PUBLIC INTEREST BECAUSE FURNISHING THE INFORMATION CAN BE CONSIDERED AS PRIMARILY BENEFITING THE GENERAL PUBLIC. (D.C. OFFICIAL CODE § 2-532(B)).



FEES

FEES GO TO THE GENERAL FUND WHICH MUST BE DISCLOSED
TO THE REQUESTER

CAVEAT #4

- A REQUESTER SEEKING A WAIVER OR REDUCTION OF FEES SHALL PROVIDE A STATEMENT IN HIS OR HER REQUEST LETTER EXPLAINING HOW THE REQUESTED RECORDS WILL BE USED TO BENEFIT THE GENERAL PUBLIC (1 DCMR § 408.10).

TYPES OF FEES

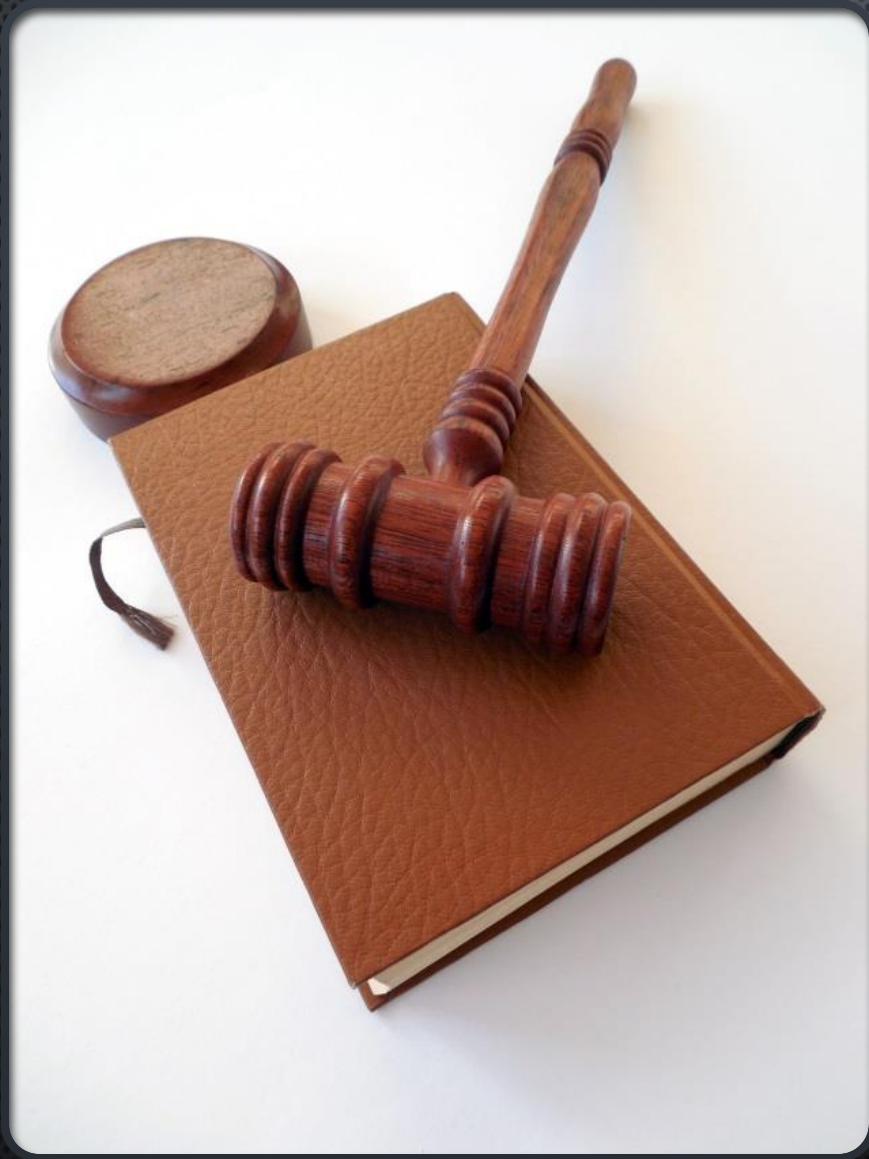
THREE TYPES OF FEES:

- SEARCH;
- REVIEW; AND
- DUPLICATION.



FEES

- AN AGENCY MAY CHARGE COMMERCIAL REQUESTERS FOR SEARCH, REVIEW AND DUPLICATION COSTS.
- EDUCATIONAL, NONCOMMERCIAL SCIENTIFIC AND NEWS MEDIA MAY ONLY BE CHARGED DUPLICATION COSTS.
- ALL OTHERS MAY BE CHARGED SEARCH AND DUPLICATION COSTS.



APPEALS

APPEALS

- A REQUESTOR WHO RECEIVES A LETTER OF DENIAL OR WHERE AN AGENCY FAILS TO SUPPLY THE RECORD WITHIN THE STATUTORY TIME FRAME, THE REQUESTOR MAY FILE AN ADMINISTRATIVE APPEAL WITH THE MAYOR'S OFFICE D.C. OFFICIAL CODE § 2-537(A) ; OR INSTITUTE PROCEEDINGS IN THE D.C. SUPERIOR COURT (D.C. OFFICIAL CODE § 2-537(A)(1)).

APPEALS

A DENIAL BY A PUBLIC BODY OF A REQUEST FOR ANY PUBLIC RECORD MUST CONTAIN:

- (1) THE SPECIFIC REASONS FOR THE DENIAL, INCLUDING CITATIONS TO THE PARTICULAR EXEMPTION(S) UNDER § 2-534 RELIED ON AS AUTHORITY FOR THE DENIAL;
- (2) THE NAME(S) OF THE PUBLIC OFFICIAL(S) OR EMPLOYEE(S) RESPONSIBLE FOR THE DECISION TO DENY THE REQUEST; AND
- (3) NOTIFICATION TO THE REQUESTER OF ANY ADMINISTRATIVE OR JUDICIAL RIGHT TO APPEAL UNDER § 2-537.

APPEALS

- WITHIN 5 DAYS, EXCLUDING SATURDAYS, SUNDAYS, OR LEGAL HOLIDAYS OF RECEIPT OF AN ADMINISTRATIVE FOIA APPEAL, THE AGENCY MUST FILE A RESPONSE.

APPEALS

- AN AGENCY MAY REQUEST ADDITIONAL TIME TO FILE THE RESPONSE TO THE FOIA APPEAL BY FILING A WRITTEN OR EMAILED REQUEST WITH A COPY TO THE REQUESTER, WITHIN 5 DAYS EXCLUDING SATURDAYS, SUNDAYS, OR LEGAL HOLIDAYS OF RECEIPT OF AN ADMINISTRATIVE FOIA.

APPEALS

- FAILURE OF AN AGENCY TO RESPOND TO AN ADMINISTRATIVE APPEAL DURING THE 5-DAY PERIOD OR AN EXTENSION GRANTED CONSTITUTES A WAIVER OF ITS RIGHT TO RESPOND TO THE APPEAL.



COOPERATION

COOPERATION

- THE GOAL OF FOIA IS BEST ACCOMPLISHED WHERE THE REQUESTOR AND THE AGENCY COMMUNICATE AND COOPERATE TO REACH THIS GOAL.

COOPERATION

- IN A RECENT DECISION THE COURT STATED: “FOIA REQUESTER AND THE DISTRICT ENTITY RECEIVING A REQUEST ARE NOT—OR SHOULD NOT BE—IN AN INHERENTLY ADVERSARIAL RELATIONSHIP. LITIGATION IS AUTHORIZED AS AN ENFORCEMENT MECHANISM, BUT IT IS NOT MEANT TO BE THE INEVITABLE PATH.”

COOPERATION

- “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 OBJECTIVES ANIMATING FOIA. BOTH PARTIES SEEM TO HAVE FORGOTTEN WHAT FOIA IS ALL ABOUT.” *FOP V. DISTRICT OF COLUMBIA*, 139 A.3D 853 (2016).

ANNUAL REPORTING REQUIREMENTS

- ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE MAYOR SHALL REQUEST FROM EACH PUBLIC BODY AND SUBMIT TO THE COUNCIL, A REPORT COVERING THE PUBLIC-RECORD-DISCLOSURE ACTIVITIES OF EACH PUBLIC BODY DURING THE PRECEDING FISCAL YEAR.



ANNUAL REPORTING REQUIREMENTS

- THE CORPORATION COUNSEL SHALL SUBMIT AN ANNUAL REPORT ON OR BEFORE FEBRUARY 1 OF EACH CALENDAR YEAR, WHICH SHALL INCLUDE FOR THE PRIOR FISCAL YEAR, A LISTING OF THE NUMBER OF CASES ARISING UNDER THIS SECTION, THE EXEMPTION INVOLVED IN EACH CASE, THE DISPOSITION OF THE CASE, AND THE COSTS ASSESSED PURSUANT TO § 2-538(C).

OOG CONTACT INFORMATION

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IMAGE CREDITS

- CREATED WITH IMAGES BY SANWAL DEEN - "UNTITLED IMAGE" • 3DMAN_EU - "QUESTION QUESTION MARK HELP" • GERALT/PIXABAY - "ASK SIGN DESIGN" • THEDIGITALARTIST - "HORSES STAMPEDE NATURE" • RAWPIXEL - "UNTITLED IMAGE" • TRISTAN GASSERT - "I MUT GOVERN TIME, NOT BE GOVERNED BY IT." • M – "CONFIDENTIAL FILE" • ESLFUNTAIWAN - "QUIZ TEST EXAM QUESTIONNAIRE MULTIPLE CHOICE TESTING" • IWANNA - "HAND HANDS SMUDGING CREATE CHILDREN PRESCHOOL CLAY" • GERALT - "DOLLAR CURRENCY MONEY US-DOLLAR FRANKLIN SEEM BANK" • MICROSOFT – "CALCULATOR" AND "MONEY BAG" • SUCCO - "HAMMER BOOKS LAW COURT LAWYER PARAGRAPHS RULE" • RAWPIXEL - "PEOPLE HANDS ACHIEVEMENT" • CAMMERAYDAVE – "ABSTRACT-CALENDAR-TIME-BACKGROUND" • GERALT - "END-139848_1280"



*The
End*

THANK YOU!