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Know Your Rights

Accessing Government Information in the District of Columbia Under the D.C. Freedom of Information Act



Your Right to Government Information

The District of Columbia Freedom of Information Act (D.C. FOIA) allows you to get copies of public records. It is a powerful tool that allows the public to learn about the government's activities and can increase participation in government decision-making as a result.

Who can use D.C. FOIA

Anyone can request records. Most of the time, you do not have to say why you want the information.

What you can get

You can use the D.C. FOIA to get information from the mayor, D.C. agencies, the Council of the District of Columbia and any other "public body" of the District of Columbia. However, the court system is not covered under the D.C. FOIA.

The D.C. FOIA covers books, papers, maps, photographs, cards, tapes, recordings and other documents, including information saved on a computer.

What to do

First, think about what you are looking for and where you think you'll find it. You might find it on an agency's Web site, without having to make an official FOIA request.

If you can't find your information on the Web, you should write, fax, call or e-mail the FOIA office that has the records you want. There are different FOIA offices for D.C.'s various agencies, and you can find contact information for dozens of offices at <http://grc.dc.gov/grc/cwp/view.a.1175.q.456256.asp>. If you are sending a letter, label both the letter and the envelope as a "FOIA Request."

Ask for documents rather than for an answer to a question. For example, ask for "all records containing or reflecting statistics on the number or parking tickets issued in the District of Columbia," rather than "the number of parking tickets issued in the District of Columbia." Use names, places, events, subjects, dates, files, titles or any other useful information to describe the records you are seeking. Be sure to say how you want the information to be given to you – photocopies, CD-ROM or some other format.

Fees

Public bodies are allowed to charge you reasonable fees, depending on how you are going to use the records.

Use	Charges
Commercial	Search, duplication, review
News media, or scholarly/ scientific research	Duplication
Other uses	Search, duplication

In your letter, say which category you are in and tell the maximum amount you are willing to pay, or ask how much they think it will cost beforehand. If you believe releasing the information is in the public interest, you can explain why and ask the FOIA office to waive the fees and give you the records for free. You will never have to pay fees in advance unless the amount will be more than \$250 or you have previously failed to pay fees on time.

The response

Within 15 business days, the public body must either give you the requested records or tell you why it has decided not to. You must be given a specific reason for a denial, based on one of the exemptions under the D.C. FOIA.

Exemptions

Here are a few of the most common exemptions:

- ❖ Records that might disclose *trade secrets or confidential business information*.
- ❖ Information that is federally *classified*.
- ❖ *Vital records*, including birth, death, marriage, divorce or annulment certificates.
- ❖ Records that are part of *decision-making processes*.
- ❖ Information compiled for law-enforcement *investigations*.
- ❖ Sealed *criminal records*.

The public body cannot deny your entire request just because an exemption applies to some of the records you've requested.

The rest of the records responsive to your request should still be provided. For example, if a record contains personal information that would invade the privacy of an individual, identifying information can be blacked out in the copy given to you.

Appeals

If the public body denies or doesn't respond to all or part of your request, you can appeal. Here are some issues you might want to raise in your appeal:

Adequacy of search. The public body must show that its search was "reasonably calculated" to find the documents you wanted.

Exemptions. The public body has to prove that a claimed exemption applies.

Availability. You can challenge a claim that the information you requested is not a public record or that the entity you contacted is not a public body.

Fees. If you were denied a fee waiver, you can challenge that decision.

There are two ways to appeal: administrative appeal or lawsuit.

For an administrative appeal, write a letter explaining why you are entitled to the records, and enclose a copy of the original request and response. Address your appeal to: Mayor's Correspondence Unit, FOIA Appeal, 1350 Pennsylvania Ave., NW, Suite 221, Washington, DC 20004. The letter and envelope should be marked "FOIA Appeal," and you must also provide a copy to the public body with which you originally filed the request. If you are denied records from the D.C. Council, no administrative appeal is available so your only option to obtain the records is to file a lawsuit.

If you decide to sue the public body to get the records, your lawsuit must be filed in the Superior Court of the District of Columbia.