

DIVISION I. GOVERNMENT OF DISTRICT
TITLE 2. GOVERNMENT ADMINISTRATION
CHAPTER 5. ADMINISTRATIVE PROCEDURE
SUBCHAPTER II. FREEDOM OF INFORMATION

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 2-531 (2012)

§ 2-531. Public policy [Formerly § 1-1521]

The public policy of the District of Columbia is 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. To that end, provisions of this subchapter shall be construed with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 201; 1973 Ed., § 1-1521; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1521; Apr. 27, 2001, D.C. Law 13-283, § 3(a), 48 DCR 1917.

NOTES: SECTION REFERENCES. --This section is referenced in § 1-309.10, § 1-1061.15, § 2-354.17, § 2-1208.04, § 7-2271.05, § 28-4505, § 31-5031.17, § 38-1802.14, and § 47-391.08.

EFFECT OF AMENDMENTS. --Section 3(a) of D.C. Law 13-283 deleted "Generally" from the beginning.

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

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D.C. Code § 2-532 (2012)

§ 2-532. Right of access to public records; allowable costs; time limits [Formerly § 1-1522]

(a) Any person has a right to inspect, and at his or her discretion, to copy any public record of a public body, except as otherwise expressly provided by § 2-534, in accordance with reasonable rules that shall be issued by a public body after notice and comment, concerning the time and place of access.

(a-1) In making any record available to a person pursuant to this section, a public body shall provide the record in any form or format requested by the person, provided that the person shall pay the costs of reproducing the record in that form or format.

(a-2) In responding to a request for records pursuant to this section, a public body shall make reasonable efforts to search for the records in electronic form or format, except when the efforts would significantly interfere with the operation of the public body's automated information system.

(a-3) A public body shall make available for inspection and copying any record produced or collected pursuant to a contract with a private contractor to perform a public function, and the public body with programmatic responsibility for the contractor shall be responsible for making such records available to the same extent as if the record were maintained by the public body.

(b) A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records. 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.

(b-1) Any fee schedules adopted by the Mayor, an agency or a public body shall provide that:

(1) Fees shall be limited to reasonable standard charges for document search, duplication, and review when records are requested for commercial use;

(2) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or non-commercial scientific institution for scholarly or scientific research, or a representative of the news media;

(3) For any request for records not described in paragraphs (1) or (2) of this subsection, fees shall be limited to reasonable standard charges for document search and duplication; and

(4) Only the direct costs of search, duplication, or review may be recovered.

(b-2) Review costs shall include only the direct costs incurred during the initial examination of a document to determine whether the documents must be disclosed or withheld in part as exempt under this section. Review costs may not include costs incurred to determine issues of law or policy related to the request.

(b-3) No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has determined that the fee will exceed \$ 250.

(c) A public body, upon request reasonably describing any public record, shall within 15 days (except Saturdays, Sundays, and legal public holidays) of the receipt of any such request either make the requested public record accessible or notify the person making such request of its determination not to make the requested public record or any part thereof accessible and the reasons therefor.

(d) In unusual circumstances, the time limit prescribed in subsection (c) of this section may be extended by written notice to the person making such request setting forth the reasons for extension and expected date for determination. Such extension shall not exceed 10 days (except Saturdays, Sundays, and legal public holidays). For purposes of this subsection, and only to the extent necessary for processing of the particular request, "unusual circumstances" are limited to:

(1) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(2) 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 therein.

(e) Any failure on the part of a public body to comply with a request under subsection (a) of this section within the time provisions of subsections (c) and (d) of this section shall be deemed a denial of the request, and the person making such request shall be deemed to have exhausted his administrative remedies with respect to such request, unless such person chooses to petition the Mayor pursuant to § 2-537 to review the deemed denial of the request.

(f) For purposes of this section, the term:

(1) "Reasonable efforts" means that a public body shall not be required to expend more than 8 hours of personnel time to reprogram or reformat records.

(1A) "Request" means a single demand for any number of documents made at one time to an individual public body.

(2) "Search" means to review manually or by automated means, public records for the purpose of locating those records which are responsive to a request.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 202; 1973 Ed., § 1-1522; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1522; Apr. 27, 2001, D.C. Law 13-283, § 3(b), 48 DCR 1917; Mar. 17, 2005, D.C. Law 15-242, § 2, 51 DCR; Mar. 17, 2005, D.C. Law 15-256, § 2(a), 51 DCR 1158; Apr. 7, 2006, D.C. Law 16-91, § 132(a), 52 DCR 10637.

NOTES: SECTION REFERENCES. --This section is referenced in § 2-537, § 4-1301.52, § 7-2508.05, § 8-151.08, and § 22-4017.

EFFECT OF AMENDMENTS. --Section 3(b) of D.C. Law 13-283 substituted "a public body" for "the Mayor or an agency", "Mayor or agency", or "the agency" throughout the section; and added (a-1), (a-2), (a-3), and (f).

D.C. Law 15-242 rewrote the first sentence and deleted the former last sentence in (b); and added (b-1), (b-2), and (b-3).

D.C. Law 15-256 substituted "15 days" for "10 days" in (c).

D.C. Law 16-91 deleted the former second sentence in (b), which read: "For purposes of this subsection, 'request' means a single demand for any number of documents made at 1 time to an individual public body"; and added (f)(1A).

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

LEGISLATIVE HISTORY OF LAW 15-134. --Law 15-134, the "Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-631. The Bill was adopted on first and second readings on Dec. 16, 2003, and Jan. 6, 2004, respectively. Signed by the Mayor on Jan. 30, 2004, it was assigned Act No. 15-336 and transmitted to Congress for its review. D.C. Law 15-134 became effective on Mar. 30, 2004, and expires on Nov. 10, 2004.

LEGISLATIVE HISTORY OF LAW 15-242. --Law 15-242, the "Documents Administrative Cost Assessment Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-822. The Bill was adopted on first and second readings on Oct. 5, 2004, and Nov. 9, 2004, respectively. Signed by the Mayor on Nov. 30, 2004, it was assigned Act No. 15-599 and transmitted to Congress for its review. D.C. Law 15-242 became effective on Mar. 17, 2005.

LEGISLATIVE HISTORY OF LAW 15-256. --Law 15-256, the "Freedom of Information Legislative Records Clarification Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-483. The Bill was adopted on first and second readings on Oct. 5, 2004, and Nov. 9, 2004, respectively. Signed by the Mayor on Nov. 30, 2004, it was assigned Act No. 15-631 and transmitted to Congress for its review. D.C. Law 15-256 became effective on Mar. 17, 2005.

LEGISLATIVE HISTORY OF LAW 16-91. --Law 16-91, the "Technical Amendments Act of 2005," was introduced in Council and assigned Bill No. 16-477. The Bill was adopted on first and second readings on Nov. 1, 2005, and Nov. 15, 2005, respectively. Signed by the Mayor on Nov. 30, 2005, it was assigned Act No. 16-212 and transmitted to Congress for its review. D.C. Law 16-91 became effective on Apr. 7, 2006.

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D.C. Code § 2-533 (2012)

§ 2-533. Letters of denial [Formerly § 1-1523]

(a) Denial by a public body of a request for any public record shall contain at least the following:

(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.

(b) Each public body of the District of Columbia shall maintain a file of all letters of denial of requests for public records. This file shall be made available to any person on request for purposes of inspection and/or copying.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 203; 1973 Ed., § 1-1523; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1523; Apr. 27, 2001, D.C. Law 13-283, § 3(c), 48 DCR 1917.

NOTES: EFFECT OF AMENDMENTS. --Section 3(c) of D.C. Law 13-283 substituted "a public body" for "the Mayor or an agency" in (a); substituted "Each public body" for "The Mayor and each public agency in the District of Columbia" in (b).

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

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D.C. Code § 2-534 (2012)

§ 2-534. Exemptions from disclosure [Formerly § 1-1524]

(a) The following matters may be exempt from disclosure under the provisions of this subchapter:

(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;

(2) Information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;

(3) Investigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would:

(A) Interfere with:

(i) Enforcement proceedings;

(ii) Council investigations; or

(iii) Office of Police Complaints ongoing investigations;

(B) Deprive a person of a right to a fair trial or an impartial adjudication;

(C) Constitute an unwarranted invasion of personal privacy;

(D) 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;

(E) Disclose investigative techniques and procedures not generally known outside the government; or

(F) Endanger the life or physical safety of law-enforcement personnel;

(4) Inter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a public body in litigation with the public body.

(5) Test questions and answers to be used in future license, employment, or academic examinations, but not previously administered examinations or answers to questions thereon;

(6) Information specifically exempted from disclosure by statute (other than this section), provided that such statute:

(A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(7) Information specifically authorized by federal law under criteria established by a presidential executive order to be kept secret in the interest of national defense or foreign policy which is in fact properly classified pursuant to such executive order;

(8) Information exempted from disclosure by § 28-4505;

(9) Information disclosed pursuant to § 5-417;

(10) Any specific response plan, including any District of Columbia response plan, as that term is defined in § 7-2301(IA), and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in § 22-3152(1);

(11) Information exempt from disclosure by § 47-2851.06;

(12) Information, the disclosure of which would reveal the name of an employee providing information under the provisions of subchapter XV-A of Chapter 6 of Title 1 [§ 1-615.51 et seq.] and subchapter XII of Chapter 2 of this title [2-233.01 et seq.], unless the name of the employee is already known to the public;

(13) Information exempt from disclosure by § 7-2271.04; and

(14) Information that is ordered sealed and restricted from public access pursuant to Chapter 8 of Title 16 of the District of Columbia Code.

(a-1) (1) The Council may assert, on behalf of any public body from which it obtains records or information, any exemption listed in subsection (a) of this section that could be asserted by the public body pertaining to the records or information.

(2) Disclosure of any public record, document, or information from a District of Columbia government agency, official, or employee to the following persons or entities shall not constitute a waiver of any privilege or exemption that otherwise could be asserted by the District of Columbia to prevent disclosure to the general public or in a judicial or administrative proceeding:

(A) The Council;

(B) A Council committee;

(C) A member of the Council acting in an official capacity;

(D) The District of Columbia Auditor; or

(E) An employee of the Office of the District of Columbia Auditor.

(b) Any reasonably segregable portion of a public record shall be provided to any person requesting the record after deletion of those portions which may be withheld from disclosure pursuant to subsection (a) of this section. In each case, the justification for the deletion shall be explained fully in writing, and the extent of the deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (a) of this section under which the deletion is made. 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.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from the Council of the District of Columbia. This section shall not operate to permit nondisclosure of information of which disclosure is authorized or mandated by other law.

(d) The provisions of this subchapter shall not apply to the Vital Records Act of 1981.

(e) All exemptions available under this section shall apply to the Council as well as agencies of the District government. The deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege are incorporated under the inter-agency memoranda exemption listed in subsection (a)(4) of this section, and these privileges, among other privileges that may be found by the court, shall extend to any public body that is subject to this subchapter.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 204; 1973 Ed., § 1-1524; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Mar. 5, 1981, D.C. Law 3-169, § 3(c), 27 DCR 5368; Oct. 8, 1981, D.C. Law 4-34, § 29(i), 28 DCR 3271; 28 DCR 1981 Ed., § 1-1524; June 19, 1982, D.C. Law 4-119, § 2(f), 29 DCR 1952; Apr. 27, 2001, D.C. Law 13-283, § 3(d), 48 DCR 1917; Oct. 17, 2002, D.C. Law 14-194, § 302, 49 DCR 5306; Oct. 28, 2003, D.C. Law 15-38, § 3(b), 50 DCR 6913; Mar. 17, 2005, D.C. Law 15-256, § 2(b), 52 DCR 1158; Apr. 13, 2005, D.C. Law 15-354, § 83(a), 52 DCR 1158; Apr. 7, 2006, D.C. Law 16-91, § 132(b), 52 DCR 10637; Sept. 19, 2006, D.C. Law 16-152, § 2, 53 DCR 5371; Mar. 14, 2007, D.C. Law 16-262, § 231, 54 DCR 794; May 5, 2007, D.C. Law 16-307, § 3(a), 54 DCR 868; June 13, 2008, D.C. Law 17-176, § 5, 55 DCR 5390; Mar. 25, 2009, D.C. Law 17-353, § 174, 56 DCR 1117; Mar. 5, 2010, D.C. Law 18-119, § 3, 57 DCR 906.

NOTES: CROSS REFERENCES. --District of Columbia Auditor Compliance Unit, § *1-301.181* et seq.

SECTION REFERENCES. --This section is referenced in § *1-301.89a*, § *1-309.13*, § *1-610.64*, § *2-532*, § *2-533*, § *2-537*, § *8-105.09*, § *8-634.03*, and § *8-1321*.

EFFECT OF AMENDMENTS. --Section 3(d) of D.C. Law 13-283 rewrote (b).

D.C. Law 14-194 added (a)(10).

D.C. Law 15-38 added (a)(11) and made minor stylistic changes.

D.C. Law 15-256 rewrote (a)(3) and (a)(4); and added (a)(12), (a-1), and (e).

D.C. Law 15-354 made a technical correction to D.C. Law 15-38 which did not affect this section as codified.

D.C. Law 16-91 deleted "and" from the end of (a)(10); added "and" to the end of (a)(11); and substituted "this title" for "this act" in (e).

D.C. Law 16-152 substituted "investigations and investigations conducted by the Office of Police Complaints" for "investigations" in the introductory language of (a)(3); added the subdivision (a)(3)(A)(i) and (ii) designations; added (a)(3)(iii); added "or" to the end of (a)(3)(E); and substituted "as well as agencies" for "as well as executive branch agencies" in (e).

D.C. Law 16-262 added (a)(13) and made related changes.

D.C. Law 16-307 added (a)(14).

D.C. Law 17-176 added (a-1)(2).

The 2009 amendment by D.C. Law 17-353 validated a previously made technical correction in (a).

The 2010 amendment by D.C. Law 18-119 rewrote (a-1)(2), which formerly read: "Disclosure of documents from a District of Columbia government agency, official, or employee to the Council, including an employee of the Office of the District of Columbia Auditor, a Council committee, or a member of the Council acting in an official capacity, shall not constitute a waiver of any privilege that otherwise could be asserted by the District of Columbia to prevent disclosure of the documents in a judicial or administrative proceeding."

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § *2-501*.

LEGISLATIVE HISTORY OF LAW 3-169. --Law 3-169 was introduced in Council and assigned Bill No. 3-107. The Bill was adopted on first and second readings on Oct. 28, 1980 and Nov. 12, 1980, respectively. Signed by the Mayor on Nov. 25, 1980, it was assigned Act No. 3-300 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 4-34. --Law 4-34 was introduced in Council and assigned Bill No. 4-161. The Bill was adopted on first and second readings on June 16, 1981, and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-58 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 4-119. --Law 4-119 was introduced in Council and assigned Bill No. 4-135. The Bill was adopted on first and second readings on Mar. 23, 1982, and Apr. 6, 1982, respectively. Signed by the Mayor on May 4, 1982, it was assigned Act No. 4-182 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

LEGISLATIVE HISTORY OF LAW 14-194. --Law 14-194, the "Omnibus Anti-Terrorism Act of 2002," was introduced in Council and assigned Bill No. 14-373. The Bill was adopted on first and second readings on Apr. 9, 2002, and May 7, 2002, respectively. Signed by the Mayor on June 3, 2002, it was assigned Act No. 14-380 and transmitted to both Houses of Congress for its review. D.C. Law 14-194 became effective on Oct. 17, 2002.

LEGISLATIVE HISTORY OF LAW 14-302. --Law 14-302, the "Master Business Registration Delay Temporary Act of 2003," was introduced in Council and assigned Bill No. 14-984. The Bill was adopted on first and second readings on Dec. 17, 2002, and Jan. 7, 2003, respectively. Signed by the Mayor on Jan. 27, 2003, it was assigned Act No. 14-629 and transmitted to Congress for its review. D.C. Law 14-302 became effective on May 3, 2003, and expires on Dec. 14, 2003.

LEGISLATIVE HISTORY OF LAW 15-38. --Law 15-38, the "Streamlining Regulation Act of 2003," was introduced in Council and assigned Bill No. 15-19. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on Aug. 11, 2003, it was assigned Act No. 15-146 and transmitted to Congress for its review. D.C. Law 15-38 became effective on Oct. 28, 2003.

LEGISLATIVE HISTORY OF LAW 15-83. --Law 15-83, the "Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003," was introduced in Council and assigned Bill No. 15-485. The Bill was adopted on first and second readings on Oct. 7, 2003, and Nov. 4, 2003, respectively. Signed by the Mayor on Nov. 25, 2003, it was assigned Act No. 15-248 and transmitted to Congress for its review. D.C. Law 15-83 became effective on Mar. 10, 2004, and expires on Oct. 21, 2004.

LEGISLATIVE HISTORY OF LAW 15-256. --See note to § 2-532.

LEGISLATIVE HISTORY OF LAW 15-354. --Law 15-354, the "Technical Amendments Act of 2005," was introduced in Council and assigned Bill No. 15-1130. The Bill was adopted on first and second readings on Dec. 7, 2004, and Dec. 21, 2004, respectively. Signed by the Mayor on Feb. 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on Apr. 13, 2005.

LEGISLATIVE HISTORY OF LAW 16-91. --See note to § 2-532.

LEGISLATIVE HISTORY OF LAW 16-152. --Law 16-152, the "Office of Police Complaints Amendment Act of 2006," was introduced in Council and assigned Bill No. 16-587. The Bill was adopted on first and second readings on May 2, 2006, and June 6, 2006, respectively. Signed by the Mayor on June 26, 2006, it was assigned Act No. 16-393 and transmitted to Congress for its review. D.C. Law 16-152 became effective on Sept. 19, 2006.

LEGISLATIVE HISTORY OF LAW 16-262. --Law 16-262, the "Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006," was introduced in Council and assigned Bill No. 16-242. The Bill was adopted on first and second readings on Dec. 5, 2006, and Dec. 19, 2006, respectively. Signed by the Mayor on Dec. 28, 2006, it was assigned Act No. 16-618 and transmitted to Congress for its review. D.C. Law 16-262 became effective on Mar. 14, 2007.

LEGISLATIVE HISTORY OF LAW 16-307. --Law 16-307, the "Criminal Record Sealing Act of 2006," was introduced in Council and assigned Bill No. 16-746. The Bill was adopted on first and second readings on Dec. 5, 2006, and Dec. 19, 2006, respectively. Signed by the Mayor on Dec. 28, 2006, it was assigned Act No. 16-631 and transmitted to Congress for its review. D.C. Law 16-307 became effective on May 5, 2007.

LEGISLATIVE HISTORY OF LAW 17-176. --Law 17-176, the "Compliance Unit Establishment Act of 2008," was introduced in Council and assigned Bill No. 17-503. The Bill was adopted on first and second readings on Mar. 4, 2008, and Apr. 1, 2008, respectively. Signed by the Mayor on Apr. 22, 2008, it was assigned Act No. 17-360 and transmitted to Congress for its review. D.C. Law 17-176 became effective on June 13, 2008.

LEGISLATIVE HISTORY OF LAW 17-353. --See note to § 2-502.

LEGISLATIVE HISTORY OF LAW 18-119. --Law 18-119, the "Disclosure of Information to the Council Amendment Act of 2009," was introduced in Council and assigned Bill No. 18-491. The Bill was adopted on first and second readings on Dec. 1, 2009, and Dec. 15, 2009, respectively. Deemed approved without the signature of the Mayor on Jan. 14, 2010, it was assigned Act No. 18-267 and transmitted to Congress for its review. D.C. Law 18-119 became effective on Mar. 5, 2010.

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D.C. Code § 2-535 (2012)

§ 2-535. Recording of final votes [Formerly § 1-1525]

Each agency having more than 1 member shall maintain and make available for public inspection a record of the final votes of each member in each proceeding of that agency.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 205; 1973 Ed., § 1-1525; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1525.

NOTES: LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

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D.C. Code § 2-536 (2012)

§ 2-536. Information which must be made public [Formerly § 1-1526]

(a) Without limiting the meaning of other sections of this subchapter, the following categories of information are specifically made public information, and do not require a written request for information:

- (1) The names, salaries, title, and dates of employment of all employees and officers of a public body;
- (2) Administrative staff manuals and instructions to staff that affect a member of the public;
- (3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (4) Those statements of policy and interpretations of policy, acts, and rules which have been adopted by a public body;
- (5) Correspondence and materials referred to therein, by and with a public body, relating to any regulatory, supervisory, or enforcement responsibilities of the public body, whereby the public body determines, or states an opinion upon, or is asked to determine or state an opinion upon, the rights of the District, the public, or any private party;
- (6) Information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- (6A) Budget requests, submissions, and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process, as well as reports on budget implementation and execution prepared by the Office of the Chief Financial Officer, including baseline budget submissions and appeals, financial status reports, and strategic plans and performance-based budget submissions;
- (7) The minutes of all proceedings of all public bodies;
- (8) All names and mailing addresses of absentee real property owners and their agents;
- (8A) All pending applications for building permits and authorized building permits, including the permit file;
- (9) Copies of all records, regardless of form or format, which have been released to any person under this chapter and which, because of the nature of their subject matter, the public body determines have become or are likely to become the subject of subsequent requests for substantially the same records; and
- (10) A general index of the records referred to in this subsection, unless the materials are promptly published and copies offered for sale.

(b) For records created on or after November 1, 2001, each public body shall make records available on the Internet or, if a website has not been established by the public body, by other electronic means. This subsection is intended to apply only to information that must be made public pursuant to this subsection.

(c) For the purposes of this section "absentee real property owners" means owners of real property located in the District that do not reside at the real property.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 206; 1973 Ed., § 1-1526; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1526; Mar. 17, 1993, D.C. Law 9-241, § 9, 40 DCR 629; Apr. 27, 2001, D.C. Law 13-283, § 3(e), 48 DCR 1917; Dec. 7, 2004, D.C. Law 15-205, § 1222, 51 DCR 8441; Apr. 13, 2005, D.C. Law 15-354, § 7, 51 DCR 8441; Apr. 7, 2006, D.C. Law 16-91, § 133, 52 DCR 10637.

NOTES: SECTION REFERENCES. --This section is referenced in § 1-610.64 and § 8-151.08.

EFFECT OF AMENDMENTS. --Section 3(e) of D.C. Law 13-283 rewrote section.

D.C. Law 15-205 added (a)(6A) and (a)(8A).

D.C. Law 15-354 made technical corrections to Pub. L. 90-614, title II, § 206(a) and D.C. Law 15-205, § 1222, which did not affect this section as codified.

D.C. Law 16-91 substituted "Officer, including" for "Officer. This shall include" in (a)(6A).

EMERGENCY LEGISLATION. --For temporary amendment of (a), see § 1222 of the Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236), and § 1222 of the Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725), applicable as of November 1, 2004.

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

LEGISLATIVE HISTORY OF LAW 9-241. --Law 9-241, the "Real Property Tax Assessment Appeal Process Revision Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-199. The Bill was adopted on first and second readings on Dec. 1, 1992, and Dec. 15, 1992, respectively. Signed by the Mayor on Jan. 5, 1993, it was assigned Act No. 9-375 and transmitted to both Houses of Congress for its review. D.C. Law 9-241 became effective on Mar. 17, 1993.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

LEGISLATIVE HISTORY OF LAW 15-205. --Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004," was introduced in Council and assigned Bill No. 15-768. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on Aug. 2, 2004, it was assigned Act No. 15-487 and transmitted to Congress for its review. D.C. Law 15-205 became effective on Dec. 7, 2004.

LEGISLATIVE HISTORY OF LAW 15-354. --See note to § 2-534.

LEGISLATIVE HISTORY OF LAW 16-91. --See note to § 2-532.

CHAPTER 5. ADMINISTRATIVE PROCEDURE
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GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 2-537 (2012)

§ 2-537. Administrative appeals [Formerly § 1-1527]

(a) Except as provided in subsection (a-1) of this section, any person denied the right to inspect a public record of a public body may petition the Mayor to review the public record to determine whether it may be withheld from public inspection. Such determination shall be made in writing with a statement of reasons therefor in writing within 10 days (excluding Saturdays, Sundays, and legal holidays) of the submission of the petition.

(1) If the Mayor denies the petition or does not make a determination within the time limits provided in this subsection, or if a person is deemed to have exhausted his or her administrative remedies pursuant to subsection (e) of § 2-532, the person seeking disclosure may institute proceedings for injunctive or declaratory relief in the Superior Court for the District of Columbia.

(2) If the Mayor decides that the public record may not be withheld, he shall order the public body to disclose the record immediately. If the public body continues to withhold the record, the person seeking disclosure may bring suit in the Superior Court for the District of Columbia to enjoin the public body from withholding the record and to compel the production of the requested record.

(a-1) Any person denied the right to inspect a public record in the possession of the Council may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record.

(b) In any suit filed under subsection (a) or (a-1) of this section, the Superior Court for the District of Columbia may enjoin the public body from withholding records and order the production of any records improperly withheld from the person seeking disclosure. The burden is on the public body to sustain its action. In such cases the court shall determine the matter de novo, and may examine the contents of such records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in § 2-534.

(c) If a person seeking the right to inspect or to receive a copy of a public record prevails in whole or in part in such suit, he or she may be awarded reasonable attorney fees and other costs of litigation.

(d) Any person who commits an arbitrary or capricious violation of the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$ 100.00. A prosecution under this section may only be commenced by the issuance of a citation, which shall be personally served upon the defendant. The defendant shall not be arrested prior to the time of trial, except that a defendant who fails to appear for arraignment or trial may be arrested pursuant to a bench warrant and required to post a bond to secure his or her future appearance.

(e) All employees of the District government are responsible for compliance with the provisions of this subchapter, and this requirement shall be incorporated in section 1803 of Title 6 of the District of Columbia Municipal Regulations.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 207; 1973 Ed., § 1-1527; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1527; Apr. 27, 2001, D.C. Law 13-283, § 3(f), 48 DCR 1917; Oct. 26, 2001, D.C. Law 14-42, § 3(a), 48 DCR 7612; Mar. 13, 2004, D.C. Law 15-105, § 26(a), 51 DCR 881; Mar. 17, 2005, D.C. Law 15-256, § 2(c), 52 DCR 1158; Mar. 2, 2007, D.C. Law 16-191, § 120, 53 DCR 6794.

NOTES: SECTION REFERENCES. --This section is referenced in § 2-532, § 2-533, and § 2-538.

EFFECT OF AMENDMENTS. --D.C. Law 13-283 substituted "the public body" for "the Mayor or the agency" in the second sentence of (b); and added (d) and (e).

D.C. Law 14-42 substituted "section 1803 of Title 6 of the District of Columbia Municipal Regulations" for "section 1803 of the District of Columbia Personnel Regulations" in (e).

D.C. Law 15-105 made technical corrections to D.C. Law 14-42, § 3(a), which did not affect this section as codified.

D.C. Law 15-256 added "Except as provided in subsection (a-1)" in (a); added (a-1); and substituted "subsection (a) or (a-1)" for "subsection (a)" in (b).

D.C. Law 16-191 substituted "subsection (a-1) of this section" for "subsection (a-1)" in (a).

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

LEGISLATIVE HISTORY OF LAW 14-42. --Law 14-42, the "Technical Amendments Act of 2001," was introduced in Council and assigned Bill No. 14-216. The Bill was adopted on first and second readings on June 5, 2001 and June 26, 2001, respectively. Signed by the Mayor on July 24, 2001, it was assigned Act No. 14-107 and transmitted to both Houses of Congress for its review. D.C. Law 14-42 became effective on Oct. 26, 2001.

LEGISLATIVE HISTORY OF LAW 15-83. --See note to § 2-534.

LEGISLATIVE HISTORY OF LAW 15-105. --Law 15-105, the "Technical Amendments Act of 2003," was introduced in Council and assigned Bill No. 15-437. The Bill was adopted on first and second readings on Nov. 4, 2003, and Dec. 2, 2003, respectively. Signed by the Mayor on Jan. 6, 2004, it was assigned Act No. 15-291 and transmitted to Congress for its review. D.C. Law 15-105 became effective on Mar. 13, 2004.

LEGISLATIVE HISTORY OF LAW 15-256. --See note to § 2-532.

LEGISLATIVE HISTORY OF LAW 16-191. --Law 16-191, the "Technical Amendments Act of 2006," was introduced in Council and assigned Bill No. 16-760. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to Congress for its review. D.C. Law 16-191 became effective on Mar. 2, 2007.

TITLE 2. GOVERNMENT ADMINISTRATION
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GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 2-538 (2012)

§ 2-538. Oversight of disclosure activities [Formerly § 1-1528]

(a) 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. The report shall include:

- (1) The number of requests for records received by the public body and the number of requests processed;
- (2) The number of determinations made by each public body not to comply with requests for records made to the public body pursuant to this subchapter and the reasons for each determination;
- (3) The number of requests for records pending before the public body as of September 30 of the preceding year, and the median number of days that the requests had been pending before the public body as of that date;
- (4) The number of appeals made pursuant to § 2-537(a), the result of the appeals, and the reason for the action upon each appeal that results in a denial of information;
- (5) The number of employees found guilty of a misdemeanor pursuant to § 2-537(d);
- (6) The median number of days taken by the public body to process different types of requests, and the number of requests processed within 15 days, the number of requests processed between 16 and 25 days, and the number of requests processed in 26 days or more;
- (7) The total amount of fees collected by the public body for processing requests;
- (8) The number of hours that staff devoted to processing requests for records pursuant to this section, and the total amount expended by the public body for processing these requests; and
- (9) A qualitative description or summary statement, and conclusions drawn from the data regarding compliance with this subchapter.

(b) The Mayor shall make these reports available to the public on the Internet or by other electronic means.

(c) The Attorney General 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 § 2-537(c).

(d) Each public body subject to the provisions of this subchapter shall designate a Freedom of Information Officer. As of November 1, 2001, the Mayor shall provide to these officers on their appointment a minimum of 8 hours of training regarding implementation and compliance with this subchapter.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 208; 1973 Ed., § 1-1528; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1528; Apr. 27, 2001, D.C. Law 13-283, § 3(g), 48 DCR 1917; Oct. 26, 2001, D.C. Law 14-42, § 3(b), 48 DCR 7612; Mar. 2, 2007, D.C. Law 16-191, § 10(a), 53 DCR 6794.

NOTES: EFFECT OF AMENDMENTS. --Section 3(g) of D.C. Law 13-283 rewrote section.

D.C. Code § 2-538

D.C. Law 14-42 substituted "preceding fiscal year" for "proceeding fiscal year" in (a).

D.C. Law 16-191 substituted "within 15 days, the number of requests processed between 16 and 25 days, and the number of requests processed in 26 days or more" for "within 10 days, the number of requests processed between 11 and 20 days, and the number of requests processed in 21 days or more" in (a)(6).

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

LEGISLATIVE HISTORY OF LAW 13-283. --See note to § 2-502.

LEGISLATIVE HISTORY OF LAW 14-42. --See note to § 2-537.

LEGISLATIVE HISTORY OF LAW 16-191. --See note to § 2-537.

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D.C. Code § 2-539 (2012)

§ 2-539. Definitions [Formerly § 1-1529]

For purposes of this subchapter, the terms "Mayor," "Council," "District," "agency," "rule," "rulemaking," "person," "party," "order," "relief," "proceeding," "public record," and "adjudication" shall have the meaning as provided in § 2-502.

HISTORY: Oct. 21, 1968, Pub. L. 90-614, title II, § 209; 1973 Ed., § 1-1529; Mar. 29, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; 1981 Ed., § 1-1529.

NOTES: SECTION REFERENCES. --This section is referenced in § 4-1301.52.

LEGISLATIVE HISTORY OF LAW 1-96. --See note to § 2-501.

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D.C. Code § 2-540 (2012)

§ 2-540. Short title

This subchapter may be cited as the "Freedom of Information Act of 1976."

HISTORY: Pub. L. 90-614, title II, § 210, as added Mar. 13, 2004, D.C. Law 15-105, § 5, 51 DCR 881; Mar. 2, 2007, D.C. Law 16-191, § 10(b), 53 DCR 6794.

NOTES: EFFECT OF AMENDMENTS. --Public Law 90-614, as amended by D.C. Law 15-105, added this section. D.C. Law 16-191 added "of 1976."

LEGISLATIVE HISTORY OF LAW 15-105. --See note to § 2-537.

LEGISLATIVE HISTORY OF LAW 16-191. --See note to § 2-537.