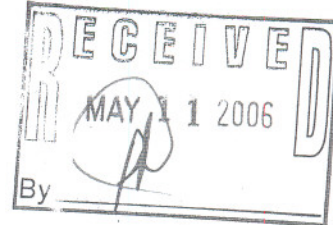




SECRETARY OF THE
DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE
OFFICE OF THE SECRETARY
OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001



April 19, 2006

The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Suite 504
Washington, DC 20004

The Honorable Vincent B. Orange, Sr.
Chairman, Committee on Government Operations
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Suite 108
Washington, DC 20004

Re: FY 2005 District of Columbia Freedom of Information Act Report

Dear Chairman Cropp and Chairman Orange:

Pursuant to the District of Columbia Freedom of Information Act ("FOIA" or "Act"), D.C. Official Code §§ 2-531 *et seq.* (2001 and 2005 Supp.), enclosed is the report of public information disclosure activities of District of Columbia public bodies. To the extent that a public body does not report to the Mayor, information pertaining to that body may not be reflected in this report.

The report covers the period October 1, 2004 through September 30, 2005 and contains data responsive to the annual reporting requirements mandated by the FOIA, including the following:

- (1) The number of requests for records received by the public body;
- (2) The number of requests for records pending before the public body as of September 30, 2004, and the median number of days that the requests had been pending before the public body on that date;
- (3) The dispositions of requests for records made by each public body;
- (4) The reasons provided by the public body to deny requests for records;
- (5) 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;

- (6) The median number of days taken by the public body to process requests, and the average (mean) number of days taken by the public body to process requests;¹
- (7) The number of hours that staff devoted to processing requests for records, and the total amount expended by the public body in processing these requests;
- (8) The total amount of fees collected by the public body for processing requests, and the total amount of fees waived by the public body;
- (9) The number of employees found guilty of a misdemeanor pursuant to section 207(d) of the Act (D.C. Official Code § 2-537(d)); and
- (10) A qualitative description or summary statement, and conclusions drawn from the data regarding compliance with this subchapter.

Please note that section 208(a)(6) (D.C. Official Code § 2-538(a)(6)) of the D.C. FOIA currently mandates that public bodies report on the number of requests processed within 10 days, the number of requests processed between 11 and 20 days, and the number of requests processed in 21 or more days. Prior to November 2004, the ten (10) day time period in section 208(a)(6) was consistent with the statutory time period for an initial response to a request for records. Thus, section 208 mandated that the annual report contain data for the number of requests that were processed within the statutory time periods of 10 days or less or, if an extension was taken, between 11 and 20 days. The D.C. FOIA was amended in FY 2005 to extend the time period for providing an initial response to a D.C. FOIA request from 10 to 15 days. *See* Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2004, D.C. Act 15-591, effective November 1, 2004; Freedom of Information Legislative Records Clarification Congressional Review Emergency Amendment Act of 2005, D.C. Act 16-23, effective February 17, 2005; Freedom of Information Legislative Records Clarification Amendment Act of 2004, D.C. Law 15-256, effective March 17, 2005. Section 208 of the Act was not amended to reflect the change in the time period and continues to require reporting based on the ten (10) day time period. However, in order to demonstrate whether a public body has complied with the amended statutory time periods, the enclosed report contains data based on the new time period of fifteen (15) days. The Office of the General Counsel, Council of the District of Columbia, has indicated that it will propose an appropriate amendment to section 208 in the next annual technical amendments bill so that the provisions of the section governing the annual report will coincide with the statutory time periods prescribed by the statute.

In addition, please note that the amendment increasing the time period to fifteen (15) days was effective November 1, 2004. For requests received and processed exclusively during October 2004, the statutory time period was ten (10) days for an initial response. We have not separated the October 2004 requests from the requests processed during the period November 2004 through September 2005.

The enclosed report also includes details concerning the number of appeals received pursuant to section 207 of the Act (D.C. Official Code § 2-537(a)), the results of the appeals, and the reason(s) for the action upon each appeal that resulted in a denial of information.

¹ Please note that the average number of days taken by the public body to process requests for records is a statistic that is not required by the FOIA but has been included in the report with the median number of days to give more statistical data concerning public bodies' compliance with the statutory time period.

If you have any questions or concerns regarding the report, please contact Arnold R. Finlayson, Director, Office of Documents and Administrative Issuances, One Judiciary Square, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001. Mr. Finlayson's direct dial telephone number is (202) 727-7882, and his electronic mail address is arnold.finlayson@dc.gov.

Sincerely,



Patricia Elwood

Enclosures

cc: The Honorable Sharon Ambrose
The Honorable Marion Barry
The Honorable Kwame R. Brown
The Honorable David Catania
The Honorable Jack Evans
The Honorable Adrian Fenty
The Honorable Jim Graham
The Honorable Vincent C. Gray
The Honorable Phil Mendelson
The Honorable Kathleen Patterson
The Honorable Carol Schwartz
Alfreda Davis, Chief of Staff, Executive Office of the Mayor
Leonard Becker, General Counsel, Executive Office of the Mayor

**FISCAL YEAR 2005
DISTRICT OF COLUMBIA
FREEDOM OF INFORMATION ACT REPORT**



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
FREEDOM OF INFORMATION ACT REPORT
FOR FISCAL YEAR 2005
(October 1, 2004 through September 30, 2005)**

**Report Submitted By: Patricia Elwood
Title: Interim Secretary of the District of Columbia
Telephone Number: 727-6306**

BASIC INFORMATION REGARDING REPORT

Number of Public Bodies Reporting FOIA Disclosure Activities 63

PROCESSING OF FOIA REQUESTS

Number of FOIA Requests Received During Reporting Period 5795

Number of FOIA Requests Pending on September 30 of the
Preceding Reporting Period 387

Median Number of Days FOIA Requests Pending at the end
of the Preceding Fiscal Year 1

DISPOSITION OF FOIA REQUESTS

Number of Requests Granted, in whole 3450

Number of Requests Granted, in Part, Denied, in Part 849

Number of Requests Denied, in whole 169

Number of Requests Withdrawn 78

Number of Requests Referred or Forwarded to Other
Public Bodies¹ 164

Other Disposition 74

¹ This number only reflects the number of requests referred for forwarded to another public body as the only and final disposition of that request. The requests that are processed within the public body and resulted in a grant, denial or partial grant/denial as well as a referral are not included in this number.

NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION
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1. Exemption 1 - D.C. Official Code § 2-534(a)(1)	45
2. Exemption 2 - D.C. Official Code § 2-534(a)(2)	912
3. Exemption 3 - D.C. Official Code § 2-534(a)(3)	
a. Subcategory (A)	226
b. Subcategory (B)	188
c. Subcategory (C)	277
d. Subcategory (D)	2
e. Subcategory (E)	14
f. Subcategory (F)	3
4. Exemption 4 - D.C. Official Code § 2-534(a)(4)	66
5. Exemption 5 - D.C. Official Code § 2-534(a)(5)	2
6. Exemption 6 - D.C. Official Code § 2-534(a)(6)	
a. Subcategory (A)	84
b. Subcategory (B)	28
7. Exemption 7 - D.C. Official Code § 2-534(a)(7)	0
8. Exemption 8 - D.C. Official Code § 2-534(a)(8)	0
9. Exemption 9 - D.C. Official Code § 2-534(a)(9)	0
10. Exemption 10 - D.C. Official Code § 2-534(a)(10)	3
11. Exemption 11 - D.C. Official Code § 2-534(a)(11)	0
12. Exemption 12 - D.C. Official Code § 2-534(a)(12)	0

TIME-FRAMES FOR PROCESSING FOIA REQUESTS

Number of FOIA Requests Processed Within 15 days	3504
Number of FOIA Requests Processed Between 16 and 25 days	542
Number of FOIA Requests Processed in 26 days or more	706
Median Number of Days to Process FOIA Requests	10
Average (mean) Number of Days to Process FOIA Requests	10

RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS
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Number of Hours Staff Devoted to Processing FOIA Requests	12219
Total Dollar Amount Expended by Public Body for Processing FOIA Requests	381970

FEES FOR PROCESSING FOIA REQUESTS
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Total Amount of Fees Collected by Public Body	52940
Total Amount of Fees Waived by Public Body	24802

ADMINISTRATIVE APPEALS/PETITIONS FOR REVIEW
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Number of Appeals/Petitions for Review Processed		33
<u>Results of Appeals/Petitions to the Mayor</u>		
Number of Appeals Sustained or Petitions Granted		4
Number of Appeals Affirmed		2
Number of Appeals Reversed		0
Number of Appeals/Petitions Denied		4
Number of Appeals Affirmed in part, Reversed in part		3
Number of Appeals Dismissed as Moot		12
Number of Appeals Withdrawn		5
Number of Appeals Remanded to Agency		6
Other Disposition (Referred to Public Body for Initial Processing)		4
<u>Reason for the action upon each appeal that results in a denial of information</u>		
D.C. Official Code § 2-534(a)(1)	(D.C. FOIA Exemption 1)	0
D.C. Official Code § 2-534(a)(2)	(D.C. FOIA Exemption 2)	3
D.C. Official Code § 2-534(a)(3)(A)	(D.C. FOIA Exemption 3(A))	0
D.C. Official Code § 2-534(a)(3)(B)	(D.C. FOIA Exemption 3(B))	0
D.C. Official Code § 2-534(a)(3)(C)	(D.C. FOIA Exemption 3(C))	0
D.C. Official Code § 2-534(a)(3)(D)	(D.C. FOIA Exemption 3(D))	0
D.C. Official Code § 2-534(a)(3)(E)	(D.C. FOIA Exemption 3(E))	0
D.C. Official Code § 2-534(a)(3)(F)	(D.C. FOIA Exemption 3(F))	0
D.C. Official Code § 2-534(a)(4)	(D.C. FOIA Exemption 4)	1
D.C. Official Code § 2-534(a)(5)	(D.C. FOIA Exemption 5)	0
D.C. Official Code § 2-534(a)(6)(A)	(D.C. FOIA Exemption 6(A))	0
D.C. Official Code § 2-534(a)(6)(B)	(D.C. FOIA Exemption 6(B))	2
D.C. Official Code § 2-534(a)(7)	(D.C. FOIA Exemption 7)	0
D.C. Official Code § 2-534(a)(8)	(D.C. FOIA Exemption 8)	0
D.C. Official Code § 2-534(a)(9)	(D.C. FOIA Exemption 9)	0
D.C. Official Code § 2-534(a)(10)	(D.C. FOIA Exemption 10)	0
D.C. Official Code § 2-534(a)(11)	(D.C. FOIA Exemption 11)	0
D.C. Official Code § 2-534(a)(12)	(D.C. FOIA Exemption 12)	0

PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA

Number of Employees Found Guilty of a Misdemeanor for Arbitrarily or Capriciously Violating Any Provision of the District of Columbia Freedom of Information Act		0
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QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT

See Attached FOIA Reports From Public Bodies

PROCESSING FOIA REQUESTS

DISPOSITION OF FOIA REQUESTS

Public Body	Number of			Number of Requests Granted	Number of					Other Disposition of Requests
	Number of Requests FY05	Requests Pending at End of FY05	Median Number of Requests Pending at End of FY05		Requests Partially Granted	Requests Denied	Requests Withdrawn	Requests Referred		
OAH	3	0	0	3	0	0	0	0	0	
OA	0	0	0	0	0	0	0	0	0	
ABRA	165	3		164	1	0	0	0	0	
DCANG	2	0	6	0	0	0	0	0	0	
DCARTS	0	0	0	0	0	0	0	0	0	
OAG	39	2	32.5	23	9	2	3	2	2	
ODCA	3	0	0	0	0	0	3	0	0	
OCTT	1	0	0	1	0	0	0	0	0	
OCFO	69	11	0	25	21	2	3	5	13	
OCME	88	0	0	36	9	25	11	3	4	
OCTO	14	1	14	12	0	0	0	21	0	
CFSA	20	7	76	9	10	1	0	0	0	
DCRA	724	24	25	197	21	1	2	0	3	
CAB	0	0	0	0	0	0	0	0	0	
OCP	111	1	2	85	9	17	4	3	0	
DOC	255	0	0	233	2	10	4	9	1	
COUNCIL	12	2	1	13	0	0	0	1	0	
CJCC	0	0	0	0	0	0	0	0	0	
DCBOEE	5	0	0	5	0	0	0	0	0	
DCEMA	4	0	0	2	0	0	1	1	0	
DOES	22	3	5	3	18	0	1	0	0	
DCENERGY	1	0	0	0	0	0	0	0	0	
EOM	65	2	23	25	18	3	0	19	0	
FEMS	1184	17	10	850	359	0	0	18	0	
DOH	666	57	14	633	0	6	0	8	0	
DHCD	28	3		22	1	0	2	3		
OHR	63	1	1	42	7	7	0	7	0	
DHS	38	4	4	13	3	3	0	15		
OIG	48	3	8	2	28	18	0	0	0	
DISB	157	4	18	106	24	3	4	3	17	
CJDT	0	0	0	0	0	0	0	0	0	
DCLOTTERY	54	0	0	46	3	0	2	3	0	
DMH	15	2	12	10	3	0	2	0	0	
MPD	753	193		127	47	21	20	0		
DMV	58	0		26	15	9	1	7	0	
DPR	9		5	4	0	0	0	1	0	
OPC	0	0	0	0	0	0	0	0	0	
DCOP	25	0	0	6	7	7	0	4	0	
OP	8	0	0	8	0	0	0	1	0	
OPC	358	27	8	102	212	9	5	0	3	
PFRRB	4	0	0	1	0	1	1	1	0	
OPM	8	0	0	6	1	0	1	0	0	
DCLIBRARY	1	0	0	1	0	0	0	0	0	
DCPS	117	5	8	105	4	5	1	2	0	
PSC	2	0	0	1	1	0	0	0	0	
DPW	16	1	9	11	2	0	1	1	0	
DCRB	5	0		1	1	1	0	0	3	
ORM	4	0	0	0	0	0	0	0	0	
DCSC	5	0		1	0	0	0	4	0	
SLBD	28	0	0	28	0	0	0	0		
DCSEC	3	0	10	0	0	0	0	0	2	
SEO	11	0	0	7	3	0	0	1	0	
OTR	120	1	0	120	1	3	2	3	1	
DCTAXI	270	2	5	244	5	11	1	9		
DDOT	8	1	30	7	1	1	1	1	1	
OUC	42	0	0	31	0	1	0	8		
UDC	7	1	10	5	1	1	0	0	0	
WCCA	5	0	0	2	1	0	0	0	2	
WASA	69	9	40	43	1	1	2	0	22	
DYRS	0	0	0	0	0	0	0	0	0	
OZ	3	0	0	3	0	0	0	0	0	
Totals	5795	387	1	3450	849	169	78	164	74	

