

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

April 10, 2019

Commissioner Kathryn Denise Rucker Krepp  
ANC 6B  
1837 A Street, S.E.  
Washington, D.C. 20003

**Re: Commissioner Requests for Documents from District Agencies**

Dear Commissioner Krepp:

Related to your earlier request for guidance on whether Advisory Neighborhood Commissioners may access body-worn camera footage, you asked for general guidance on whether Commissioners may request documents from District agencies outside the normal Freedom of Information Act (“FOIA”)<sup>1</sup> process. They may, but agencies are not required to grant such requests.

Under District law, FOIA requests are the main way Commissions and Commissioners obtain public documents.<sup>2</sup> Section 13(i)(1) of the Advisory Neighborhood Commission Act of 1975 (“ANC Act”)<sup>3</sup> grants each Commission access to “all District government official documents and public data pursuant to [FOIA] that are material to the exercise of its development of recommendations to the District government.” Moreover, because “any person” may request public records under FOIA, individual Commissioners are free to file their own FOIA requests.<sup>4</sup> Nothing in the ANC Act or other law grants Commissions or Commissioners the right to obtain public records outside the FOIA process.<sup>5</sup> Accordingly, while a Commission or Commissioner is free to ask for documents outside that process, an agency is not required to provide them.<sup>6</sup>

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<sup>1</sup> See Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

<sup>2</sup> We note, of course, that agencies are required to submit some documents to ANCs by operation of law, such as notices of certain proposed actions that may significantly affect neighborhood planning and development. See D.C. Official Code § 1-309.10 (2016 Repl. and 2018 Supp.).

<sup>3</sup> Effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(i)(1) (2016 Repl. and 2018 Supp.)).


<sup>4</sup> See D.C. Official Code § 2-532(a) (2016 Repl. and 2018 Supp.) (permitting “any person” to seek public records under FOIA).

<sup>5</sup> See Letter from Robert J. Spagnoletti, Attorney General, to Commissioner Absalom Jordan, Aug. 16, 2004, at 5-6, available at <https://oag.dc.gov/sites/default/files/2018-02/ANC-8-D-August-16-2004-Notice-Requirements->

If you have any questions, please contact Josh Turner, Assistant Attorney General, at 442-9834, or Arthur J. Parker, Acting Deputy Attorney General, Legal Counsel Division, at 724-5565.

Sincerely,

KARL A. RACINE  
Attorney General for the District of Columbia

By:   
JOSHUA TURNER  
Assistant Attorney General  
Legal Counsel Division

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[Interpretation-of-Statutory-Definitions.pdf](#) (last visited Apr. 2, 2019) (identifying FOIA as the means by which Commissions obtain documents and data material to their development of recommendations).

<sup>6</sup> We also note that, when a Commissioner seeks documents through FOIA or otherwise, an agency must abide by any applicable confidentiality restrictions imposed by law.