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") 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.\(^2\) Section 13(i)(1) of the Advisory Neighborhood Commission Act of 1975 ("ANC Act")\(^3\) 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.\(^4\) Nothing in the ANC Act or other law grants Commissions or Commissioners the right to obtain public records outside the FOIA process.\(^5\) Accordingly, while a Commission or Commissioner is free to ask for documents outside that process, an agency is not required to provide them.\(^6\)

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\(^2\) 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.).

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


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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
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