

FROM: Office of Open Government

TO: Freedom of Information Officers

RE: Attachment to “GUIDANCE FOR D.C. FOIA COMPLIANCE: EXPIRATION OF TEMPORARY AND EMERGENCY COVID-19 AMENDMENTS”

DATE: October 14, 2021

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The Office of Open Government is providing the below template for use in corresponding with D.C. FOIA requesters, and to summarize for them the history and status of COVID-related extensions to time-limits for responses.

This template is a general model from which you should formulate an agency-specific template.

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IN REPLY REFER TO:

[Reference number]

[Date]

[Address]

Dear [Requester]:

The [Public Body] received your request under the District of Columbia Freedom of Information Act of 1976 (“D.C. FOIA”), dated [Date], on [Date] and assigned it reference number [Number]. Please cite this number in any future communications with our office regarding your request.

While the District of Columbia was formerly under a blanket government-wide suspension of D.C. FOIA deadlines due to the COVID–19 pandemic, the public health emergency ended on July 25, 2021 and, in most instances, the *pre*-pandemic time-limits once again apply. **[UNTIL OCT. 27, 2021, YOU MAY INSERT THE ITALICIZED LANGUAGE IF APPLICABLE:]** *However, (1) because our public body remains closed, and (2) your request requires us to conduct an on-site review of records that could present a significant risk to health or safety, we are exercising an extension under section 202(d)(2)(D) of D.C. FOIA (D.C. Official Code § 2-532(d)(2)(D)).*

We therefore expect that we will send you our final response by [Date<sup>1</sup>].

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<sup>1</sup> [FOR INTERNAL REFERENCE:

[Complimentary close]

[Signature block, including name(s) of the individual(s) responding on the agency's behalf]

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If your public body is *not* asserting the on-site-review exception, you must finally dispose of the D.C. FOIA request according to standard pre-pandemic limits (including any of the standard extensions (10 days in most cases) for pre-pandemic “unusual circumstances” listed in D.C. Official Code § 2-532(d)(2)(A)–(C)). See the accompanying guidance memorandum for full details and citations.

If your public body *is* asserting the on-site-review exception, you must respond within 45 business days after the earliest of: (1) the end of your public body’s COVID-19 closure; (2) the end of the possibility of “significant risk to health and safety”; or (3) October 26. See the accompanying guidance memorandum for full details and citations.]