Government of the District of Columbia

Policy on FOIA Requests by Commissioners to their ANC

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1. Purpose

Advisory Neighborhood Commissions (ANCs) and Advisory Neighborhood Commissioners (Commissioners) are required to produce records under the Freedom of Information ACT (FOIA) of the District of Columbia.[1] The OANC, as a courtesy, has served as FOIA officer for ANCs when an ANC has received a FOIA request and they request the services of the OANC. There has been a steady increase in FOIA requests to ANCs. There has also been an increase in Commissioners filing FOIA requests for records from the Commission on which they serve.

D.C. Official Code § 1-309.13(p) provides that " [a]ny Commissioner within an individual Commission shall have equal access to the Commission office and its records in order to carry out Commission duties and responsibilities." It further provides that "any person has a right to inspect, and at his or her discretion, to copy any public record of the Commission…"

In most cases where a Commissioner is filing a FOIA request for records upon the Commission on which they are seated, they are being denied records they are entitled to have as a Commissioner and also those they would be entitled to view as a member of the public.

A FOIA request completed by the OANC requires a large amount of staff time. In the case of a Commissioner requesting documents of their own Commission, the OANC is devoting staff time because a Commission has not complied with the law requiring it to give a Commissioner access to records. In essence, by serving as FOIA officer the OANC is aiding a Commission in the dereliction of its duty. Due to the overall increase in FOIA requests of Commissions, the OANC will no longer serve as FOIA officer when a Commissioner makes a FOIA request of the Commission on which they serve or of a Commissioner who serves on the same Commission without a written justification

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[1] D.C. Official Code § 2-531 *et. seq.*

that this is absolutely necessary and unrelated to a Commission's refusal to provide records. One such example could be a need for information or documents that predate the current Commission.

The OANC will continue to submit Electronic Search Requests (ESRs) to the Office of the Chief Technology Officer (OCTO) because Commissions are unable to access this service. The results will be sent to the Commission and it will be incumbent upon the Commission to review the records for release or withhold should a privilege apply.

2. Authority

DC Official Code § 1–309.15 provides the Executive Director of the Office of Advisory Neighborhood Commissions with the authority to provide technical, administrative, and financial reporting assistance to the Advisory Neighborhood Commissions, including the implementation of rules that guide the review of Quarterly Financial Reports. The text of the applicable Code can be found at: https://code.dccouncil.gov/us/dc/council/code/sections/1-309.15

3. Applicability

This policy applies to all FOIA requests where an ANC Commissioner has submitted a FOIA request to the Commission where they serve. The policy is prospective from the date it is signed below.

OFFICE OF ADVISORY NEIGHBORHOOD COMMISSIONS

July 9, 2026

Date

By: Kent C. Boese, Executive Director