



Advisory Neighborhood Commission Office, Record, & Password Access

OANC GENERAL GUIDANCE

NO. 2024-001

Recently the OANC has received inquiries from several ANCs about what access they are obligated to give all commissioners to the office, administrator passwords and records of the ANC.

Access to Commission offices and records by Commissioners is addressed in the D.C. Official Code at section 1-309.13(p) which provides:

"Any 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."

Keys/Access to the ANC Office

The Office of the Attorney General addressed the issuance of keys to Commissioners and restrictions on access in their January 14, 1994 opinion letter *ANC 1-C: Letter to Commissioner Coleman Re May an ANC Commissioner be denied a key to the ANC's office?* found at <https://oag.dc.gov/sites/default/files/2022-09/ANC-1-C-Letter-to-Commissioner-Coleman-Re-May-an-ANC-Commissioner-be-denied-a-key-to-the-ANC%27s-office-%3F-.pdf>

The opinion states that "the law requires that all Commissioners of an ANC, including the chairperson, be treated equally in regard to access to the ANC's office, and be given reasonable access to the office in order that they may carry out their ANC duties and responsibilities. One way to satisfy these requirements is for each Commissioner to have a key to the office."¹

While it is incumbent upon the ANC to set policies for office access, the policy must be reasonable and guarantee equal access to the office. The OAG has also determined that "A policy that permits access only during weekday, daytime "office hours, or when another Commissioner or the office manager is present is unreasonable vis-à-vis a

¹ See also, *ANC 2AOS: Request for keys to the rented office of the ANC-2A commission*, January 31, 1996, found at: <https://oag.dc.gov/sites/default/files/2018-02/ANC-2-A-January-31-1995-May-a-Commissioner-Be-Denied-a-Key.pdf>

Commissioner who works during the day and thus whose ANC office work must be done at night or on weekends.”²

Access to the office also allows equal access to ANC owned equipment within that office for use by the Commissioners and the records on them as outlined below.³

Access to Records

As stated in D.C. Official Code § 1-309.13(p) Commissioners shall have equal access to commission records to carry out their business. This would include minutes and resolutions.⁴ In the time of paper records, access to the office meant access to the records in the office.⁵ Most ANCs are now keeping their records in electronic format,⁶ and storing them on a One Drive provided by the Office of the Chief Technology Officer or in the case of meeting recordings on another format such as Zoom or Teams.

ANCs also have a duty to protect the integrity of the records under the D.C. Official Code § 2-1701 *et. seq.* and to ensure accurate records for audit or FOIA requirements. The ANC may set reasonable policies and procedures to ensure this. To this end, an ANC may establish a policy or procedure whereby copies are emailed to Commissioners, regularly or upon request, or are stored in a shared file accessible to all Commissioners while the master copy is kept in a password secured file accessible only to persons entitled to access. The OAG states that an ANC may establish reasonable guidelines such as sign-in/sign-out logs and to control access to records that only certain Commissioners should have, such as a checkbook.⁷ By extension master

² See, *Letter to Commissioner Coleman Re May an ANC Commissioner be denied a key to the ANC's office?* available at <https://oag.dc.gov/sites/default/files/2022-09/ANC-1-C-Letter-to-Commissioner-Coleman-Re-May-an-ANC-Commissioner-be-denied-a-key-to-the-ANC%27s-office-%3F-.pdf>

³ See, *Letter to Deborah K. Nichols item #6*, Feb. 26, 2001, at 3, available at <http://app.occ.dc.gov/documents/2001/feb/20010226.pdf>

⁴ See, *Appointment to ANC and Access to Records*, available at <https://oag.dc.gov/sites/default/files/2018-02/ANC-7-C-August-2-2001-Appointment-to-ANC-and-Access-to-Records.pdf>

⁵ See, *Follow-up Re: Access to Private Commissioner Emails Concerning Commission Business*, available at <https://oag.dc.gov/sites/default/files/2020-07/ANC-2B-Access-to-Private-Emails-Follow-Up.pdf>

⁶ See, *Letter to Commissioner Elkins re Use of Paper Records*, available at <https://oag.dc.gov/sites/default/files/2022-01/ANC-3D-Letter-to-Commissioner-Elkins-Re-Use-of-Paper-Records-%28AL-21-746%29-.pdf>

⁷ *ANC 1-C: Letter to Commissioner Coleman Re May an ANC Commissioner be denied a key to the ANC's office?* found at <https://oag.dc.gov/sites/default/files/2022-09/ANC-1-C-Letter-to-Commissioner-Coleman-Re-May-an-ANC-Commissioner-be-denied-a-key-to-the-ANC%27s-office-%3F-.pdf>

electronic records and the administrator passwords can be subject to the same controls and copies made available to Commissioners.

For example, ANC's have Teams or Zoom accounts on which they record meetings. A Commissioner may want to review a meeting recording. Access to the recordings is made by the person holding the administrator password. A copy of the recording may be supplied to the requestor rather than supplying the administrator password. Records are at risk of being altered or deleted either by accident or mischief when accessed by too many or inexperienced persons.

If an ANC's policies and subscription permit, a Commissioner may want to conduct SMD meeting via the ANC Zoom account. A sub-account for the Commissioner could be created with its own username and password and recording permitted or restricted dependent on storage capacity in the master account.