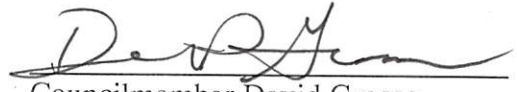


1 

2 Councilmember Mary M. Cheh



Councilmember David Grosso

3 A BILL

4 _____
5 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
6 _____

7
8 To amend the Freedom of Information Act to clarify procedures for public bodies to make
9 information available to the public, to extend the time a public body has to respond to a
10 Freedom of Information Act request, to clarify certain exemptions from Freedom of
11 Information Act requirements, to establish the Open Government Office as the body to
12 resolve appeals regarding Freedom of Information Act requests, to clarify reporting
13 requirements on public body Freedom of Information Act activities, to clarify the public
14 bodies covered by the Freedom of Information Act; to amend the Open Meetings Act to
15 include Advisory Neighborhood Commissions and other bodies, to require that a public
16 body's meeting is considered open only if members of the public are permitted to attend,
17 to create a complaint process for instances of alleged non-compliance, to create a private
18 right of action for an individual alleging non-compliance; to amend the Open
19 Government Office Act to change the name to the Office of Open Government, to clarify
20 the Office's roles and responsibilities, to require boards, commission, and task forces to
21 make available certain information in a central location online, and to create uniform
22 procedures for processing and tracking requests for public records.
23

24 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this
25 act may be cited as the "Strengthening Government Transparency Amendment Act of 2017".

26 Sec. 2. The Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-
27 96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

28 (a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

29 (1) Subsection (a-2) is amended by adding a new sentence at the end to read as
30 follows: "In its reasonable effort, the public body shall not limit its search to only one or more
31 places if there are additional sources that are likely to reveal the records requested and shall

32 follow through on obvious leads to discover requested records.”.

33 (2) Subsection (a-3) is amended as follows:

34 (A) Strike the phrase “or collected” and insert the phrase “, utilized, or
35 collected” in its place.

36 (3) A new subsection (a-4) is added to read as follows:

37 “(a-4) A public body shall make datasets available in machine readable format to the
38 public through a common web portal that shall be maintained by the Office of the Chief
39 Technology Officer. Each public body shall be responsible for ensuring that the information
40 required to be published in the web portal is accessible from the public body’s webpage.”

41 (4) Subsection (b) is amended as follows:

42 (A) Strike the phrase “A public body may establish and collect” in the first
43 sentence and insert “The Office may establish, and a public body may collect,” in its place.

44 (B) New sentences are added at the end to read as follows: “Public records
45 shall be furnished without charge if the costs of routine collection and processing of the fee are
46 likely to equal or exceed the amount of the fee. A denial of fee waiver or reduction may be
47 appealed under § 2-537 in the same manner as a denial of access to records.”.

48 (5) Subsection (b-1) is amended as follows:

49 (A) The lead-in language is amended by striking the phrase “the Mayor, an
50 agency or public body” and inserting the phrase “the Office” in its place.

51 (B) Paragraph (3) is amended by striking the phrase “; and” at the end and
52 inserting a semicolon in its place.

53 (C) Paragraph (4) is amended by striking the period at the end and inserting
54 a semicolon in its place.

55 (D) New paragraphs (5) and (6) are added to read as follows:

56 “(5) For the purposes of this paragraph the term ‘a representative of the news
57 media’ means a person that gathers information about current events or of potential interest to a
58 segment of the public, and uses editorial skills to turn the raw materials into a distinct work,
59 which is, in turn, distributed to an audience. A freelance journalist shall be regarded as ‘a
60 representative of the news media’ if the journalist can demonstrate a solid basis for expecting
61 publication through an entity, whether or not the journalist is actually employed by the entity. A
62 publication contract would present a solid basis for such an expectation; the public body may
63 also consider the past publication record of the requester in making such a determination; and

64 “(6) A public body may recover the direct costs incurred in conducting a search;
65 provided, that no fee may be collected by the public body if it fails to timely respond to a request
66 in accordance with subsections (c) of this section.”.

67 (6) Subsection (b-3) is amended by striking the phrase “agency or” wherever it
68 appears.

69 (7) Subsection (c) is amended as follows:

70 (A) Strike the number “15” and insert the number “20” in its place.

71 (B) New sentences are added at the end to read as follows: “The 20-day
72 period shall commence on the date on which the request is first received by the appropriate
73 component of the public body, but in any event not later than 3 days after the request is first
74 received by any other component of the public body. All determinations and records supplied
75 shall be published to the District of Columbia online FOIA public access library.”.

76 (8) A new subsection (c-1) is added to read as follows:

77 “(c-1) A person may request to inspect and copy a public record from any public body by

written request, whether made in person, by mail, by e-mail, by online FOIA portal, or by facsimile.”.

(9) Subsection (d) is amended as follows:

(A) The lead-in language is amended as follows:

(i) Strike the word “extension” and insert the phrase “extension, the actions already taken by the public body to comply with the request,” in its place.

(ii) Strike the number “10” and insert the number “15” in its place.

(B) Strike the phrase “; or” at the end of paragraph (1) and insert a semicolon in its place.

(D) Strike the period at the end of paragraph (2) and insert the phrase “; or” in its place.

(E) A new paragraph (3) is added to read as follows:

“(3) The need to obtain a public record from a private contractor pursuant to subsection (a-3).”.

(b) Section 203 (D.C. Official Code § 2-533) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the word “Denial” and inserting the phrase “Denial, whether in whole or in part,” in its place.

(B) Paragraph (2) is amended by striking the phrase “; and” at the end and inserting a semicolon in its place.

(C) Paragraph (3) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(D) A new paragraph (4) is added to read as follows:

101 “(4) A listing of each public record, including the number of pages in that public
102 record, which is denied in whole.”.

103 (2) Subsection (b) is amended by striking the phrase “This file shall be made
104 available to any person on request for purposes of inspection and/or copying” and inserting the
105 phrase “This file, including all information required by subsection (a) of this section, shall be
106 made available in the FOIA public access library” in its place.

107 (c) Section 204 (D.C. Official Code § 2-534) is amended as follows:

108 (1) Subsection (a) is amended as follows:

109 (A) The lead-in language is amended to read as follows: “Public bodies
110 shall narrowly construe the exemptions in this section. The following matters may be exempt
111 from disclosure under the provisions of this title if the public body reasonably foresees that
112 disclosure would harm an interest the exemption is intended to protect.”.

113 (B) Paragraph (3)(C) is amended by striking the word “unwarranted” and
114 inserting the phrase “clearly unwarranted” in its place.

115 (C) Paragraph (10) is amended to read as follows:

116 “(10)(A) Critical infrastructure information including:

117 “(i) Any critical infrastructure information as that term is defined in
118 42 U.S.C. §5195c(e) and 6 U.S.C. §131(3);

119 “(ii) Any building or facility plans, diagrams, schematics,
120 specifications or related information; or

121 “(iii) Any specific response plan, including any District of
122 Columbia response plan, as that term is defined in §7-2301(1A), and any specific vulnerability

assessment which is intended to prevent or to mitigate an act of terrorism, as that term is defined in 18 U.S.C. §2332b.

“(B) A public body may deny inspection of a part of a public record under paragraph (A) of this subsection only to the extent that the inspection would:

“(i) jeopardize the security of any building, structure, or facility;

“(ii) facilitate the planning of a terrorist attack; or

“(iii) endanger the life or physical safety of an individual.

“(C) A public body may not deny inspection of a public record under paragraph (A)(ii) or (B) of this subsection that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, explosion, or natural disaster.

“(D) Subject to paragraphs (A)(ii) and (B) of this subsection, a public body may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the United States or the District of Columbia;”.

(D) Paragraph (15) is repealed.

(2) Subsection (e) is amended by striking the word “inter-agency” and inserting the phrase “inter-agency and intra-agency” in its place.

(d) Section 206(a) (D.C. Official Code § 2-536(a)) is amended as follows:

(1) Paragraph (9) is amended to read as follows:

“(9) Copies of all public records, regardless of form or format, which have been released to any person under this chapter, except if the public record would be exempt from release to another person pursuant to section 204;”.

(2) Paragraph (10) is amended by striking the period at the end and inserting “; and” in its place.

(3) A new paragraph (11) is added to read as follows:

“(11) High-value data sets.”

(e) Section 207 (D.C. Official Code § 2-537) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the word “Mayor” wherever it appears and insert the word “Office” in its place.

(B) A new sentence is added at the end to read as follows: “Such petitions must be received by the Office within 60 business days of the receipt of notice of denial of a right to inspect a public record.”.

(C) Paragraph (2) is amended as follows:

(i) Strike the word “he” and insert the phrase “the Office” in its place.

(ii) Strike the phrase “the person seeking disclosure” and insert the phrase “the Office” in its place.

(D) A new paragraph (3) is added to read as follows:

“(3) This subsection shall not limit the ability of a person to seek relief in the Superior Court of the District of Columbia.”.

(2) Subsection (b) is amended by adding new paragraphs (1) and (2) to read as follows:

“(1) Within 30 days after service of a complaint under this subsection, and notwithstanding the public body’s responsibility to provide any other litigation documents or

pleadings, the District, on behalf of the public body, shall file with the Court and serve on the plaintiff an affidavit identifying each record withheld, the exemption claimed, and the reason that the disclosure would harm the interests protected by the claimed exemption.

“(A) If the plaintiff alleges that the public body conducted an inadequate search, this affidavit shall describe in detail what records were searched, by whom, and through what process. This affidavit shall set forth the search terms and the type of search performed and shall identify the actual records searched.

“(2) Except for good cause shown, if the public body fails timely to submit the affidavit described in paragraph (1) of this subsection, the Court shall order the public body to conduct a new search for the records sought or to produce such an affidavit within 15 days and the plaintiff shall be deemed to have substantially prevailed under subsection (c) of this section.”.

(3) Subsection (c) is amended as follows:

(A) Strike the word “prevails” and insert the phrase “substantially prevails” in its place.

(B) Strike the phrase “such suit” and insert the phrase “an action under subsections (a) or (a-1) of this section” in its place.

(C) Add a new sentence to read as follows: “For the purposes of this section, a person has substantially prevailed if the person has obtained relief through:

(D) Add new paragraphs (1) and (2) to read as follows:

“(1) A judicial order or an enforceable written agreement or consent decree; or

“(2) A voluntary or unilateral change in position by the public body, if the complainant’s claim results in disclosure of records previously withheld or in a reduction or waiver of fees.”.

191 (4) Subsection (d) is amended as follows:

192 (A) Strike the phrase “who commits an arbitrary or capricious” and insert
193 the phrase “who, in bad faith, commits a willful” in its place.

194 (B) Strike the number “100” and insert the number “1000” in its place.

195 (5) Subsection (e) is amended to read as follows:

196 “(e) All employees of a public body are responsible for compliance with the provisions of
197 this subchapter, and this requirement shall be incorporated in Title 6 of the District of Columbia
198 Municipal Regulations.”.

199 (f) Section 208 (D.C. Official Code § 2-538) is amended as follows:

200 (1) Subsection (a) is amended as follows:

201 (A) The first sentence is amended to read as follows: “On or before
202 February 1 of each year, the Mayor shall submit to the Council a report covering the public
203 record disclosure activities of each public body during the preceding fiscal year. The report shall
204 be administered by the Office of Open Government and include:”.

205 (B) Paragraph (2) is amended to read as follows: “The number of
206 determinations made by each public body not to comply with requests for records made to the
207 public body pursuant to this title and the reasons for each determination, and, where a denial is
208 based upon section 204(a)(6), a complete list of all statutes that the public body relied upon to
209 withhold information under section 204(a)(6), the number of occasions on which each statute
210 was relied upon, a description of whether a court has upheld the decision of the public body to
211 withhold information under each such statute, and a concise description of the scope of any
212 information withheld;”.

213 (C) Paragraph (6) is amended to read as follows:

214 “(6)(A) The median number of days taken by the public body to process requests,
215 and the number of requests processed within 20 days, the number of requests processed between
216 21 and 35 days, and the number of requests processed in 36 days or more;

217 “(B) The average number of days for the public body to respond to a
218 request beginning on the date on which the request was received by the public body, the median
219 number of days for the public body to respond to such requests, and the range in number of days
220 for the public body to respond to such requests;

221 “(C) The average number of days for the public body to provide the
222 granted information beginning on the date on which the request was originally received, the
223 median number of days for the public body to provide the granted information, and the range in
224 number of days for that public body to provide the granted information;

225 “(D) The median and average number of days for the public body to
226 respond to administrative appeals based on the date on which the appeals originally were
227 received by the public body, the highest number of business days taken by the public body to
228 respond to an administrative appeal, and the lowest number of business days taken by the public
229 body to respond to an administrative appeal;

230 “(E) Data on the 10 active requests with the earliest filing dates pending at
231 each public body, including the amount of time that has elapsed since each request was originally
232 received by the public body;

233 “(F) Data on the 10 active administrative appeals with the earliest filing
234 dates pending before the public body as of September 30 of the preceding year, including the
235 number of business days that have elapsed since the requests were originally received by the
236 public body; and

237 “(G) The number of fee waiver requests that were granted and denied, and
238 the average and median number of days for adjudicating fee waiver determinations;”.

239 (2) Section (b) is amended by adding a sentence at the end to read as follows: “In
240 addition, each public body shall make the raw statistical data used in its reports available to the
241 public electronically in machine readable format.”.

242 (3) Section (c) is amended to read as follows:

243 “(c) The Office of Attorney General shall submit an annual report on or before February
244 1 of each calendar year, which shall include for the prior fiscal year:

245 “(1) A listing of the number of cases arising under this section, the exemption
246 involved in each case, the disposition of the case, and the costs assessed pursuant to section
247 207(c); and

248 “(2) A listing of prosecutions initiated and the disposition of any prosecutions
249 previously initiated pursuant to section 207(d).”.

250 (4) A new subsection (c-1) is added to read as follows:

251 “(c-1) On or before February 1 of each year, the Council shall publish a report covering
252 its public record disclosure activities during the preceding fiscal year. The report shall be made
253 available online and the raw statistical data made available electronically in machine readable
254 format. The report shall include:

255 “(1) The number of requests for records received by the Council and the number
256 of requests processed;

257 “(2) The number of determinations made by the Council not to comply with
258 requests for records made pursuant to this subchapter and the reasons for each determination;

259 “(3) The number of requests for records pending before the Council as of

260 September 30 of the preceding year, and the median number of days that the requests had been
261 pending as of that date;

262 “(4) The median number of days taken by the Council to process different types
263 of requests, and the number of requests processed within 20 days, the number of requests
264 processed between 21 and 35 days, and the number of requests processed in 36 days or more;

265 “(5) The total amount of fees collected by the Council for processing requests;

266 “(6) The number of hours that staff devoted to processing requests for records
267 pursuant to this section, and the total amount expended by the Council for processing these
268 requests; and

269 “(7) A qualitative description or summary statement, and conclusions drawn from
270 the data regarding compliance with this subchapter.”.

271 (g) Section 209 (D.C. Official Code § 2-539) is amended as follows:

272 (1) Subsection (a) is amended by repealing paragraph (10).

273 (2) Subsection (b) is amended as follows:

274 (A) Paragraphs (1) and (2) are repealed.

275 (B) New paragraphs are added to read as follows:

276 “(3) “Chief Data Officer” means the individual designated by the Chief
277 Technology Officer to oversee the creation of a comprehensive inventory of datasets held by
278 each public body to be published in the Data Portal and establish protocols for regularly
279 scheduled updates to the Data Portal.

280 “(4) “Data” means final versions of statistical or factual information that:

281 “(A) Is in alphanumeric form reflected in a list, table, graph, chart or other
282 non-narrative form, that can be digitally transmitted or processed;

283 “(B) Is regularly created or maintained by or on behalf of public body;

284 “(C) Records a measurement, transaction or determination related to the
285 mission of the public body; and

286 “(D) Is not image files, such as designs, drawings, photos or scanned
287 copies of original documents; provided, that the term “data” shall include statistical or factual
288 information about image files and geographic information system information.

289 “(5) “Data catalogue” means a repository of data maintained by or on behalf of a
290 public body.

291 “(6) “Data Portal” means a single web portal established and maintained by the
292 Office of the Chief Technology Officer on behalf of the District of Columbia, in compliance with
293 all mandatory and proactive disclosure requirements of this subchapter.

294 “(7) “Datasets” means a named collection of related records maintained on a
295 storage device, with the collection containing data organized or formatted in a specific or
296 prescribed way, often in tabular form.

297 “(8) “High Value Datasets” means datasets that are frequently the subject of
298 requests for public records of the type that a public body is required to make available under this
299 subchapter; would increase government accountability, efficiency, responsiveness or delivery of
300 services; improve public knowledge of a public body and its operations; further the mission of
301 the public body.

302 “(9) “Machine readable” means data that are reasonably structured to allow for
303 automated processing and bulk download.

304 “(10) “Office” means the District of Columbia Office of Open Government.

305 “(11) “Open Government Coordinator” means personnel designated by a public

body in coordination with the Office of the Chief Technology Officer to ensure that information and data required are published as required under § 2-536.

“(12) “Public body” means any elected official and any governmental council, including the Council of the District of Columbia, agency, board, commission, task force, committee or similar entity, including an instrumentality and its board, a board which supervises or controls an agency, or an advisory body.

“(13) “Public record” has the meaning found in § 2-502; provided that this includes information maintained by a public body in any format, including an electronic format, and information maintained for a public body by an entity under government contract.

“(14) “Publishable Data” means data that are collected by a public body that is required to be made available to the public pursuant to this subchapter; provided, that data may be exempt from publication if:

“(A) A public body may deny access to the data pursuant to § 2-534 or any other law or rule or regulation; or

“(B) Publication would raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.

“(15) “Reasonable efforts” means that a public body shall not be required to expend more than 8 hours of personnel time to reprogram or reformat records.

“(16) “Request” means a single demand for any number of documents made at one time to an individual public body.

“(17) “Search” means to review, manually or by automated means, public records for the purpose of locating those records that are responsive to a request.”.

329 (h) A new section 202a is added to read as follows:

330 “Sec. 202a. Technical standards for accessibility of data.

331 “(a) Data released under this subchapter must be made available in user-friendly,
332 modifiable, and open formats that can be retrieved, downloaded, indexed, and searched. Formats
333 shall be machine readable and available free of licensing restriction.

334 “(b) The Office of the Chief Technology Officer, through the Chief Data Officer shall
335 develop technical standards and best practices governing the means by which public bodies are
336 to identify, maintain and publish datasets to the Data Portal, no later than 90 days after the
337 enactment of this measure. Those standards shall ensure that data are published in formats that
338 are machine readable and fully accessible to the public, and shall identify criteria for public
339 engagement to encourage the use of public body data.”

340 (i) A new section 206a is added to read as follows:

341 “Sec. 206a. Public body submissions to the data portal.

342 “(a) Each public body shall, in collaboration with the Chief Data Officer and the Office
343 of the Chief Technology Officer, make available through the Data Portal all publishable data,
344 including associated extensible metadata, and associated documented public body business
345 processes under the control of the public body. Each Open Government Coordinator, in
346 collaboration with the Chief Data Officer shall determine the frequency for updates to a dataset,
347 and the mechanism to be utilized. To the extent possible, datasets shall be updated through an
348 automated process to limit the additional burden on public body resources.

349 “(b) No later than 90 days after the enactment of this measure, in consultation with public
350 body Open Government Coordinators, the Chief Data Officer shall publish a set of guidelines for
351 use by each public body. The guidelines shall include definitions and assessments of security,

privacy, and legal concerns related to the creation of an inventory and publication of data and shall establish an internal data management and review process to ensure data integrity and regular updates of all data published in the Data Portal.”.

Sec. 3. The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 404 (D.C. Official Code § 2-574) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “Open Government Office” and inserting the phrase “Office of Open Government” in its place.

(2) Paragraph (3) is amended as follows:

(A) Strike the phrase “or similar entity,” and insert the phrase “Advisory Neighborhood Commission, task force, committee or similar entity” in its place.

(B) Strike the phrase “bodies; or” and insert the phrase “bodies.” in its place.

(C) Subparagraph (F) is repealed.

(b) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “open to the public if:” and inserting the phrase “open to the public if the public is permitted to be physically present.”

(2) Paragraphs (1), (2), and (3) are repealed.

(c) Section 406 (D.C. Official Code § 2-576) is amended as follows:

(1) Paragraph (2)(A) is amended by striking the phrase “; and” at the end and inserting a semicolon in its place.

(2) Paragraph (2)(B) is amended by striking the period at the end and inserting the phrase “; and” in its place.

375 (3) A new subparagraph (C) is added to read as follows:

376 “(C) On the website of the Office of Open Government.”.

377 (4) A new paragraph (6) is added to read as follows:

378 “(6) Any person who does not receive proper notice of any meeting or any records
379 of any meetings of a public body in accordance with the provisions of this subchapter, may
380 submit a complaint pursuant to Chapter 104 of Title 3 of the District of Columbia Municipal
381 Regulations.”.

382 (d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended as follows:

383 (1) The lead-in language is amended by striking the phrase “Copies of records
384 shall be made available for public inspection,” and inserting the phrase “Copies of records shall
385 be made available for public inspection, including by posting such records on the website of the
386 public body and on the central calendar of public body meeting dates on the Office of Open
387 Government website,”.

388 (2) Paragraph (1) is amended to read as follows:

389 “(1) A draft copy of the minutes of a meeting shall be made available for public
390 inspection, including by posting such records on the website of the public body, and on the
391 central calendar of public body meeting dates on the Office of Open Government website, as
392 soon as practicable, but no later than 3 business days after the conclusion of the meeting.”.

393 (3) Paragraph (2) is amended to read as follows:

394 “(2) A copy of the full and final record, including any recording or transcript,
395 shall be made available for public inspection, including by posting such records on the website of
396 the public body, and on the central calendar of public body meeting dates on the Office of Open

397 Government website, as soon as practicable, but no later than 30 business days after the
398 meeting.”.

399 (e) Section 409 (D.C. Official Code § 2-579) is amended as follows:

400 (1) Subsection (a) is amended as follows:

401 (A) Strike the phrase “Open Government Office” and insert the phrase
402 “Office of Open Government or any individual aggrieved by a violation of this subchapter” in its
403 place.

404 (B) Strike the phrase “. Nothing in this subchapter shall:” and replace it
405 with a period.

406 (C) Paragraphs (1) and (2) are repealed.

407 (2) Subsection (c) is amended as follows:

408 (A) Paragraph (2) is amended by striking the phrase “; or” and inserting a
409 semicolon in its place.

410 (B) Paragraph (3) is amended by striking the word “public.” and inserting
411 the phrase “public; or” in its place.

412 (C) A new paragraph (4) is added to read as follows:

413 “(4) Award reasonable attorney fees and other costs of litigation to a person who
414 brings a lawsuit under this section and substantially prevails, as that phrase is defined in § 2-
415 537.”.

416 (3) A new subsection (h) is added to read as follows:

417 “(h) Any person denied the right to attend any meeting of a public body or any other right
418 conferred by § 2-571, *et seq.*, may file a complaint with the Office of Open Government
419 regarding the public body’s compliance with this subchapter. Such petitions must be received by

420 the Office within 30 business days of the denial of the right. Appeal determinations shall be
421 made in writing, with a statement of reasons therefor, within 10 business days of the receipt of
422 the petition. If the Office finds that the public body's response does not comply with this
423 subchapter, the Office shall order the public body to amend its practices to comply with this
424 subchapter.

425 “(1) If the public body refuses to comply with the Office's order, the Office may
426 petition the Superior Court of the District of Columbia for injunctive or declaratory relief.

427 “(2) This subsection shall not limit the ability of a person to seek relief in the
428 Superior Court of the District of Columbia.”.

429 (f) Section 410 (D.C. Official Code § 2-580) is amended as follows:

430 (1) Strike the phrase “Office of Boards and Commissions, established December
431 19, 2001 (Mayor's Order 2001-189)” and insert the phrase “Office of Talent and Appointments,
432 established February 13, 2015 (Mayor's Order 2015-063)” in its place.

433 (2) Strike the phrase “Open Government Office” and insert the phrase “Office of
434 Open Government” in its place.

435 Sec. 4. The Open Government Office Act, effective March 31, 2011 (D.C. Law 18-350;
436 D.C. Official Code § 2-591 *et seq.*), is amended as follows:

437 (a) Strike “Open Government Office” wherever it appears and insert the phrase “Office of
438 Open Government” in its place.

439 (b) A new section 502a is added to read as follows:

440 “502(a) Office of Open Government Fund.

441 “(a) There is established as a nonlapsing fund the Office of Open Government Fund
442 (“Fund”), which shall be administered by the Ethics Board. The funds in the Fund shall be used

exclusively by the Ethics Board for the purposes of the Office of Open Government. All fines collected under section 409 shall be deposited into the Fund.

“(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in this title and Title IV without regard to fiscal year limitation, subject to authorization by Congress.”.

(c) Section 503 (D.C. Official Code § 2-593) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the semicolon and inserting the phrase “and a review of the fees charged by public bodies for searching and copying costs, to the Mayor and the Council;” in its place.

(B) New paragraphs (1a) and (1b) are added to read as follows:

“(1a) Establish uniform procedures for public bodies’ handling of requests under subchapter II of this chapter; provided, that the procedures include:

“(A) An intake procedure by which the public body assigns each request:

“(i) An individualized tracking number; and

“(ii) A designated Freedom of Information Act Officer within the public body;

“(B) A screening procedure by which the public body evaluates whether the requested records are already publicly available;

464 “(C) A review procedure under which the designated Freedom of
465 Information Act Officer within the public body is to review records that have not previously
466 been made public; and

467 “(i) Evaluation criteria determining whether, in whole or in part:

468 “(I) The record falls within one of the specific exemptions
469 set forth in § 2-534;

470 “(II) Despite the fact that the record may fall within one of
471 the specific exemptions; it should be disclosed; and

472 “(III) Whether the record contains segregable, non-exempt
473 information which must be disclosed;

474 “(1b) Develop, in coordination with the Office of Chief Technology Officer, a
475 tracking system that will store all requests, allow for searches of requests, allow for assignment
476 of requests, and allow for tracking of requests as they move through the review process;”

477 (C) Paragraph (2) is amended by striking the phrase “public bodies” and
478 inserting the phrase “public bodies, as defined by § 2-574,” in its place.

479 (D) Paragraph (3) is amended by striking the phrase “on compliance with
480 subchapter IV” and inserting the phrase “on compliance with subchapters II and IV” in its place.

481 (E) Paragraph (4) is amended by striking the period and inserting the
482 phrase “, including rules setting forth a schedule of penalties consistent with subchapters II and
483 IV of this chapter.”

484 (2) New subsections (d), (e), (f), (g), (h) and (i) are added to read as follows:

485 “(d) The Office of Open Government may, pursuant to its rules:

486 “(1) Issue such orders as necessary for the execution of its duties set forth in this
487 chapter;

488 “(2) Require, by subpoena, the attendance and testimony of witnesses and the
489 production of documents relating to the execution of the Office’s duties; and

490 “(3) Petition the Superior Court of the District of Columbia to enforce the
491 subpoena or order in the case of a refusal to obey a subpoena or order of the Office issued
492 pursuant to this subsection.

493 “(e) The Office shall have a right of access to all records, including original electronic
494 records and server copies, back-up tapes, and other records, which are not otherwise prohibited
495 from disclosure between agencies by law, subject to rules and procedures issued by the Office.

496 “(f) The Office shall, pursuant to its rules, have the power to bring a civil action in the
497 Superior Court of the District of Columbia for declaratory or injunctive relief with respect to any
498 violation of the Freedom of Information Act or Open Meetings Act.

499 “(g) Any party aggrieved by the decision of the Office may appeal therefrom, in
500 accordance with the provisions of section 2-510. The Office shall have standing to defend,
501 prosecute or otherwise participate in any appeal of any of its decisions and to take an appeal
502 from any judicial decision overturning or modifying a decision of the Office. If aggrievement is a
503 jurisdictional prerequisite to the Office taking any such appeal, the Office shall be deemed to be
504 aggrieved. If the court finds that any appeal taken pursuant to this section or section 2-510 is
505 frivolous or taken solely for the purpose of delay, it shall order the party responsible therefor to
506 pay to the party injured by such frivolous or dilatory appeal costs or attorney's fees. Such order
507 shall be in addition to any other remedy or disciplinary action required or permitted by statute or
508 by rules of court.

509 “(h) The Mayor shall provide to the Office of Open Government, for the purposes of
510 publishing on the Office’s website, the following information:

511 “(1) For each board, commission, or task force appointee approved by the
512 Council, or appointed by Mayors Order:

513 “(A) Full name;

514 “(B) Ward or place of residency;

515 “(C) Term dates; and

516 “(D) Biography provided by the appointee that lists relevant qualifications
517 and licenses or certifications held.

518 “(2) For each board, commission, task force, committee, advisory body or similar
519 entity, the following information:

520 “(A) Meeting dates;

521 “(B) Meeting location;

522 “(C) Approved minutes and records;

523 “(D) Approvals, recommendations, and opinions made; and

524 “(E) Mayor’s Orders, Regulations, Bylaws and Enabling Statutes which
525 govern the creation and operation of each board, commission, task force, committee, advisory
526 body or similar entity.

527 “(i) The Mayor shall collect data about the gender, race and ethnicity, sexual orientation,
528 disability status and veteran status of appointees for boards, commissions, task forces,
529 committees, advisory bodies or similar entities. The Mayor shall request that appointees
530 voluntarily identify on their application their gender (including transgender identity if
531 applicable); race or ethnicity; sexual orientation; disability status; and veteran status. The data

collected shall be included in the Office of Talent and Appointments' annual comprehensive review reports to the Council pursuant to D.C. Official Code § 1-315.”.

(d) Section 504 (D.C. Official Code § 2-594) is amended by adding new subsections (a-1) and (a-2) to read as follows:

“(a-1) The Director shall be an attorney licensed to practice law in the District of Columbia.

“(a-2) The Director shall be a District resident and failure to maintain District residency shall result in forfeiture of the position.”.

(e) A new section 505 is added to read as follows:

“Sec. 505. Procedure.

“(a) Any person wrongfully denied the right to attend any meeting of a public body, as defined by § 2-574, or denied any other right conferred by § 2-571, *et seq.*, may file a Complaint with the Office of Open Government under § 2-579.

“(b) Any person denied the right to inspect or copy records under section 2-531, *et seq.*, or denied any other right conferred by the Freedom of Information Act (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*) may file an administrative appeal with the Office of Open Government under § 2-537.”

Sec. 5. Conforming Amendments:

(a) Section 101(39) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(39)), is amended by striking the phrase “Open Government Office” and inserting the phrase “Office of Open Government” in its place.

(b) Section 5(a)(2) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §4-752.03(a)(2)), is amended by striking the phrase “open meeting provisions of § 1-207.42” and inserting the phrase “provisions of § 2-571, *et. seq.*” in its place.

(c) Title IIIB, Section 353(b)(3) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code §4-1303.53(b)(3)), is amended by striking the phrase “open meeting provisions of § 1-207.42” and inserting the phrase “provisions of § 2-571, *et. seq.*” in its place.

(d) Section 204(i) of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code §8-1774-04(i)), is amended by striking the phrase “open meeting provisions of § 1-207.42” and inserting the phrase “provisions of § 2-571, *et. seq.*” in its place.

(e) Section 3(b) of section 25-204.01 of the District of Columbia Official Code is amended to read as follows: “The Board shall operate in compliance with § 2-571, *et. seq.*”.

(f) Section 4(e) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code §38-1304(e)), is amended by striking the phrase “an open meeting” and inserting the phrase “an open meeting pursuant to provisions of § 2-571, *et. seq.*” in its place.

(g) Section 5116(d) of the Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-21 D.C. Official Code §44-951.05(d)), is amended by striking the phrase “open meeting provisions of §1-207.42” and inserting the phrase “provisions of § 2-571, *et. seq.*” in its place.

576 (h) Section 14(g) of the Advisory Neighborhood Commissions Act of 1975, effective
577 October 10, 1975 (D.C. Law 1-21; D.C. Official Code §1-309.11(g)), is amended by striking the
578 phrase “open meeting provisions of §1-207.42” and inserting the phrase “provisions of § 2-571,
579 *et. seq.*” in its place.

580 (i) Section 609(b) of the Merit Personnel Act of 1979, effective March 3, 1979 (D.C. Law
581 2-139; D.C. Official Code §1-606.10(b)), is amended by striking the phrase “to §1-207.42” and
582 inserting the phrase “to § 2-571, *et. seq.*” in its place.

583 (j) Section 205(i) of the Water and Sewer Authority Establishment and Department of
584 Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C.
585 Official Code § 34-2202.04 (i)), is amended by striking the phrase “provisions of §1-207.42” and
586 inserting the phrase “provisions of § 2-571, *et. seq.*” in its place.

587 (k) Section 204(i) of the Washington Convention Center Authority Act of 1994, effective
588 September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(i)), is amended by
589 striking the phrase “provisions of §1-207.42” and inserting the phrase “provisions of § 2-571, *et.*
590 *seq.*” in its place.

591 (l) Section 12(w) of the District of Columbia Housing Authority Act of 1999, effective
592 May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211(w)), is amended to read as follows:

593 “(w) The Board shall meet regularly at least 10 times each calendar year. All meetings of
594 the Board shall comply with D.C. Official Code § 2-571 *et. seq.* Each meeting shall provide for a
595 period for public comments, which shall not be limited in time, except that the time allowed each
596 individual speaker may be reasonably limited. To allow the Board to meet and entertain any
597 proposed action, there must be a quorum present, which shall consist of 5 Commissioners.”.

598 Sec. 6. Fiscal Impact.

599 The Council adopts the fiscal impact statement in the committee report as the fiscal
600 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
601 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

602 Sec. 7. Effective date.

603 This act shall take effect following approval by the Mayor (or in the event of veto by the
604 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
605 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
606 24, 1973 (87 Stat. 813; D.C. Official Code § 1-8.02(c)(1)), and publication in the District of
607 Columbia Register.