



GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF POLICE COMPLAINTS

Fritz Mulhauser
DC Open Government Coalition
300 8th St NE
Unit 405
Washington, DC 20002

**RE: Response to Freedom of Information Act Request
OPC FOIA No. 20-08182**

Dear Mr. Mulhauser:

I am writing in response to the above-referenced Freedom of Information Act Request for "any record substantiating, showing, defining the second limitation referred to -- "MPD collective bargaining agreement." In reference to a Washington City Paper article published on September 3, 2020 which stated "'OPC Director Michael Tobin says FOIA and MPD's collective bargaining agreement limit the kind of information the office can release."

While OPC cannot make statements on whether or not a specific FOIA request would or would not be granted, as each FOIA request needs to be evaluated in its own right, OPC can state that exemptions that are used with some regularity are D.C. Official Code §§ 2-534 (a)(2) and (a)(3)(C). The MPD collective bargaining agreement is publicly available here: <https://oca.dc.gov/publication/collective-bargaining-agreement-between-district-columbia-government-department-general>. In that document, Article 16, Section 2 states "The contents of Official Personnel Folders shall be maintained as prescribed by governing District regulations." D.C. Official Code §§ 2-534 (a)(2) and (a)(3)(C) are governing District regulations.

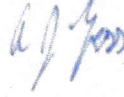
Please note that under D.C. Official Code § 2-537 and 1 DCMR § 412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain "Freedom of Information Act Appeal" or "FOIA Appeal" in the subject line of the letter as well on the outside of the envelope. The appeal must include (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure; and (4) a daytime telephone number, and e-mail and/or U.S. Mail address at which you can be reached. The appeal must be mailed to: The Mayor's Correspondence Unit, FOIA Appeal, 1350 Pennsylvania Avenue, N.W., Suite 316, Washington, D.C. 20004. Electronic versions of the same information can instead be e-mailed to The Mayor's Correspondence Unit at foia.appeals@dc.gov.

Further, a copy of all appeal materials must be forward to the Freedom of Information Officer of the involved agency, or to the agency head of that agency if there is no designated Freedom of Information Officer there. Failure to follow these administrative steps will result in delay in the processing and commencement of a response to your appeal to the Mayor.

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If you have any questions regarding this response, or if I can be of any further assistance, please contact me at (202) 727-3838.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alicia J. Yass'.

Alicia J. Yass
Legal Counsel