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Coalition Files Lawsuit to Access Data About Public Records Requests

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It should have been an easy records request for the D.C. government to fulfill: provide data about public records requests, including those stalled during the pandemic.

Instead, the D.C. Open Government Coalition was rebuffed three times by D.C.'s Office of the Chief Technology Officer (OCTO). Now, the non-profit, all volunteer Coalition is suing to get the city government to provide the information.

In a lawsuit filed on Wednesday, Nov. 29, 2023, in D.C. Superior Court by the Public Justice Advocacy Clinic at George Washington University Law School, the Coalition asserts that the D.C. government is violating the city's open records law, the D.C. Freedom of Information Act (FOIA), D.C. Code §§ 2-531-539, by withholding the data.

The Coalition repeatedly sought to assess the backlog of D.C. FOIA requests as part of its work to advocate for agency compliance with the open records law.

“The Coalition made three straightforward D.C. FOIA requests to OCTO for records it certainly maintains reflecting the number of D.C. FOIA requests not marked as closed in the [D.C FOIA] Portal. Each time, OCTO unlawfully denied these requests, relying on varying rationales unsupported by the purpose and text of the D.C. Freedom of Information Act,” the Coalition’s complaint said.

Most recently, OCTO ignored a June 2, 2023, order from the Mayor's Office of Legal Counsel that OCTO search its database and/or run a report for the count of requests in all request statuses except closed, the lawsuit said.

The Coalition is asking the court to order OCTO to do what it has refused to do for two years: disclose the number of open FOIA requests at three points of time.

The case is *DC Open Government Coalition v. District of Columbia*, No. 2023-CAB-007251. D.C. has 60 days to respond to the complaint, which is available here:

<https://dcogc.org/wp-content/uploads/2023/11/OCTO-case-complaint.pdf>.

Judge Robert Rigsby has set a scheduling conference for March 1, 2024.