

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman

DATE: November 12, 2020 *P.M.*

RE: **Request to Place Emergency Measures on the Agenda for the November 17, 2020 Legislative Meeting**

The following measures are placed on the agenda for the November 17, 2020 additional legislative meeting:

- **FOIA Tolling Emergency Declaration Resolution of 2020**
- **FOIA Tolling Emergency Amendment Act of 2020**
- **FOIA Tolling Temporary Amendment Act of 2020**

Earlier this year, the Council adopted several emergency and temporary measures related to the COVID-19 Pandemic. One provision included in Coronavirus Support Temporary Amendment Act of 2020 (D.C. Law 23-130) allowed for the tolling of any Freedom of Information Act (FOIA) requests during a time in which the Mayor has declared a Public Health Emergency. At the time, the provision was necessary because government staff had limited access to documents and records that may be responsive to a FOIA request. However, many agencies have continued to receive and process FOIA requests, despite the pandemic. Advocates have asked that the Council revisit this provision in light of agencies having the ability to fulfill these requests now that the government has adjusted to working during the pandemic.

These measures would amend the current blanket tolling provision to restart the FOIA response clock as of December 1, 2020. This will ensure that any requests received since March 11, 2020 (the first day of the declared Public Health Emergency) do not immediately come due. This will ensure that agencies have sufficient time to fulfill requests that would otherwise be outstanding.

The draft measures are attached. Please call me or Mr. Evan Cash if you have any questions at (202) 724-7002.

cc: All Councilmembers
Council Officers
