**DISTRICT OF COLUMBIA**
**DEPARTMENT OF CORRECTIONS**

**PROGRAM MANUAL**

**EFFECTIVE DATE:** April 23, 2019

**SUPERSEDES:** 1300.1H
March 2, 2018

**OPI:** OGC

**REVIEW DATE:** April 23, 2020

**Subject:** FREEDOM OF INFORMATION ACT (FOIA)

**NUMBER:** 1300.11

**Attachments:**
- Attachment 1 – FOIA Search Form
- Attachment 2 – Inmate Request to Review and/or Copy Records
- Attachment 3 – Authorization To Disclose Protected Health Information (Phi)
- Attachment 4 – Consent to Release Information
- Attachment 5 – Adult Inmate Authorization for the Release of Education Records Form

**SUMMARY OF CHANGES:**

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<th>Section</th>
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<td>Minor changes made throughout.</td>
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**APPROVED:**

Quincy L. Booth, Director  
4/23/2019  
Date Signed
1. **PURPOSE AND SCOPE.** These procedures are established to facilitate access to public records that are in the custody and control of the District of Columbia Department of Corrections (DOC).

2. **POLICY.** The public policy of the District of Columbia is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Accordingly, all persons are entitled to full and complete information regarding services and operations of the D.C. Department of Corrections and the official acts of its employees.

3. **APPLICABILITY.** For the purpose of this directive the DOC workforce shall include employees, contractors, volunteers, trainees, and other persons who are authorized to perform work for or on behalf of the DOC.

4. **COMPLIANCE**
   a. It is the responsibility of each employee of the DOC to comply with the provisions of FOIA.
   b. Any person who commits an arbitrary or capricious violation of the provisions of FOIA shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $100.00.

5. **NOTICE OF NON-DISCRIMINATION**
   a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
6. **PROGRAM OBJECTIVES.** The expected results of this program are:

   a. Clear guidelines to DOC employees on which records may be disclosed and which may not.

   b. Efficiency and timeliness in processing FOIA requests.

7. **DIRECTIVES AFFECTED**

   a. **Directives Rescinded**

      PM 1300.1H Freedom of Information Act (FOIA) (03/02/17)

   b. **Directives Referenced**

      1) PM 1300.3 Health Information Privacy

      2) PM 1340.4 Media Public Relations/Scheduling Department Events/Facility Tours

      3) PS 2000.2 Retention and Disposal of Department Records

      4) PP 1311.1 Research Activity

      5) PP 4030.1 Inmate Grievance Procedure (IGP)

      6) PP 4060.2 Inmate Record

8. **AUTHORITY**


   b. District of Columbia Municipal Regulations, Title 1 Chapter 4, Freedom of Information
c. D.C. Official Code §24-211.02 Powers; Promulgation of Rules

d. D.C. Code § 1-301.44c, Disclosure of Information to the Council; District of Columbia Auditor; Conditions on disclosure

e. D.C. Code §1-301.115a, Creation and duties of the Office of the Inspector General

f. D.C. Code §1-207.42, Open meetings

g. D.C. Official Code §1-615.51 et seq., Whistleblower Protection

h. DCMR Title 1, Chapter 10, Duncan Ordinance

i. 45 Code of Federal Regulations Parts 160 and 164 (Privacy Rules)

j. 45 C.F.R. 164.501 et seq., the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

k. 5 U.S.C. §552, Federal Freedom of Information Act

l. DC Code §16-801 et seq., Criminal Record Sealing

m. D.C. Code § 1-631.01, et seq., Records Management and Privacy of Records


o. D.C. Code §2-1707, Confidentiality Safeguarded

p. 5 U.S.C. §552a, Federal Privacy Act

q. D.C. Code §7-242, Use and disclosure of health and human service information
DISTRICT OF COLUMBIA  
DEPARTMENT OF CORRECTIONS  
PROGRAM MANUAL  

SUPERSEDES: 1300.1H  
March 2, 2017  

REVIEW DATE: April 23, 2020  

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA)  
NUMBER: 1300.1I  

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Attachment 5 – Adult Inmate Authorization to Release Education Records  

r. D.C. Code §7-1605, Confidentiality of medical records and information  
s. D.C. Code §14-307, Physicians and mental health professionals  
t. 42 U.S.C. §290dd-2, Confidentiality of records (Substance Abuse Treatment)  
v. Individuals with Disabilities Education Act, 34 C.F.R. § 300.1 et. seq.  
w. Prison Rape Elimination Act, 28 C.F.R. § 115.5 et seq.  
x. D.C. Code §16-925, Privacy Protection for Victims of domestic violence  
y. D.C. Code §4-1303.06, Confidentiality of records and information (Child Abuse and Neglect Records)  
  § 7-231.24. Confidentiality and disclosure of information from vital records or vital reports.  
z. D.C. Code §28-4505, Civil investigative demand  

aa. D.C. Code §5-417, Arson reporting  

bb. D.C. Code §2-223.01 et seq., Employees of District Contractors and Instrumentality Whistleblower Protection  

cc. D.C. Code §7-2271.04, Confidentiality of proceedings (Homeland Security)  

dd. District Personnel Manual, Section 1619.1, General Discipline  

ee. District Personnel Manual, Section 1803.6, Gifts from Outside Sources
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<th>FREEDOM OF INFORMATION ACT (FOIA)</th>
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9. **STANDARDS REFERENCED.** American Correctional Association 4th Edition
   Performance Based Standards for Adult Local Detention Facilities: 4-ALDF-7D-04 – 7D-08.

ff. D.C. Code § 24-901-907 Youth Rehabilitation

gg. District of Columbia Superior Court Rules of Criminal Procedure Rule 32(b)(3)(A), Sentencing and Judgment, Disclosure
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CHAPTER 1
DEFINITIONS

1. FREEDOM OF INFORMATION (FOIA) OFFICER. A DOC staff member designated by the Director to administer the Department’s responsibilities under FOIA. This officer shall have the authority to grant or deny requests for information and records submitted under FOIA.

2. PUBLIC RECORDS. Public records are materials, such as books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics prepared, owned, used in the possession of, or retained by the DOC. Public records also include information relayed and/or stored in electronic communication systems, such as the internet, e-mail, talk-about, cell phone, telephone, and paging system. Disclosure of public records is subject to FOIA exemptions outlined in Chapter 6 of this policy.

3. PROTECTED HEALTH INFORMATION (PHI). Information regarding a person’s past, present, or future physical or mental condition, provision of health care or payment for health care. HIPAA regulations provide standards for the electronic transmission of PHI transactions, protect the privacy and security of an inmate’s PHI, offer inmates specific rights regarding their PHI and establish guidelines that enable the health care industry to process claims and transactions more efficiently (See PM 1300.3, Health Information Privacy). Information contained in the inmate’s medical record is PHI and shall only be disclosed in accordance with HIPAA guidelines.

4. OFFICIAL INMATE INSTITUTIONAL FILE. A file maintained on each inmate that contains records relating to the inmate, which contains some or all of the following:
   a. Separation Orders/Special Handling
   b. DCDC Sentence Computation (Face Sheet #2)
   c. DCDC Admission and Commitment Form (Face Sheet #1)
   d. Commitment Pending Disposition Order
SUBJECT: FREEDOM OF INFORMATION ACT (FOIA)
NUMBER: 1300.11
Attachments: Attachment 1 – FOIA Search Form
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- e. Judgment and Commitment Order (J&C)
- f. Court Orders
- g. U.S. Marshals Custody Record (USM-129)
- h. Correspondence relating to sentence or jail credit
- i. Detainers and related Interstate Agreement on Detainers correspondence
- j. ID Photo
- k. Release Authorization/Release Documents
- l. Award of Good Time Credit Records
- m. U.S. Parole Commission Notice of Actions
- n. Death Notice/Certificate
- o. Notice of Escaped Prisoner
- p. Revoking Good Time Credits/Restoration of Revoked Good Behavior Credit
- q. Writ
- r. FBI Fingerprint Card

5. **FOIA-EXEMPT ENVELOPE**: An envelope or a folder or any similar packaging device, holding records that are exempt from disclosure in accordance with this directive, and inserted in or otherwise kept with an inmate’s institutional file. Typical documents inserted in this envelope are: PHI, forms filled out by visitors, investigative reports, separation orders and related documents, PSI and grand jury indictments.

6. **PUBLIC BODY**: The term ‘public body’ means the Mayor, an agency, or the Council of the District of Columbia.
CHAPTER 2
RESPONSIBILITIES

1. DOC shall carefully maintain and process all records concerning individuals with information that is accurate, relevant, and timely, and shall not make improper disclosures of information.

2. Only authorized employees shall, in the performance of their official duties, disclose records and information, approved for disclosure, maintained by the DOC.

3. DIRECTOR. Execution of this directive is under the authority of the Director. The authority to grant or deny access to records and information is limited to the Director or his/her designee.

4. DEPUTY DIRECTOR(S). The Deputy Director(s) shall provide employees with initial and subsequent annual training on the provisions of this directive. The Deputy Director(s) shall also be responsible for providing designated employees with additional need-based training to fully comply with the directive in the performance of their specific duties.

5. FOIA/PRIVACY OFFICER shall:
   a. Provide oversight and technical assistance for adherence to FOIA and this directive.
   b. Provide a report of FOIA activities for the monthly District-wide Performance Measures.
   c. By December 31st, submit the required fiscal year report to the DC Office of the Secretary.

6. INMATES. Inmates shall use the easy access described in Chapter 8 to review records approved for disclosure under FOIA and as outlined in this directive.

7. EMPLOYEE TRAINING. The DOC FOIA Officer shall, in conjunction with the Training Administrator, develop lesson plans for Pre-Service, In-Service and specialized employee training concerning the FOIA and its implementing rules.
8. **CONTRACTS.** Contracts shall contain requirements, promulgated by the D.C. Office of Contracting and Procurement, to maintain compliance with the requirements imposed by FOIA. The Contractor shall comply with requirements relating to the release of information and records in accordance with the FOIA and this Program Manual.

9. **RECORDS AND REPORTS.** The FOIA requires the DOC to submit an annual report to the Council of the District of Columbia through the Mayor. The report shall cover FOIA compliance activities of the Department during each fiscal year. The report is due to the Office of the Secretary no later than December 31 of each year. The Secretary forwards the report to the Council of the District of Columbia no later than February 1 of each year.

10. **RETENTION AND DISPOSAL OF RECORDS.** The Program Statement on Retention and Disposition of Department’s Records, PS 2000.2, shall govern the retention and disposition of records generated in the implementation of this directive.
CHAPTER 3
REQUESTING DOC PUBLIC RECORDS

1. Any person may request access to, and/or obtain a copy of any public record maintained by the DOC, unless the records are determined to be exempt under the D.C. Official Code §2-534(a).

2. Everyone to whom this directive applies shall be aware of the following:

   a. All FOIA requests shall be forwarded to the FOIA Officer.

   b. A written FOIA request is one whose outside envelope or fax or e-mail subject line states: “Freedom of Information Act Request” or FOIA Request” and includes a daytime telephone number, email address or mailing address of the requester. Although oral requests may be honored a requester shall be asked to submit in writing a request for records.

   c. Request for the use or disclosure of protected health information maintained on inmates shall be processed in accordance with PM 1300.3, Health Information Privacy.

   d. DOC workforce persons who received requests for records contained in inmate’s medical files, and do not have an authorized HIPAA role, shall forward the request to the DOC FOIA/Privacy Officer. Those assigned a HIPAA role shall process the request in accordance with their assigned HIPAA role.

   e. Inmates housed in DOC facilities may submit FOIA requests to the FOIA Officer for records contained in their institutional file by requesting the assistance of their Case Manager.

   f. Records Requests on the basis of court orders and subpoenas shall be forwarded to the Office of the General Counsel.

   g. DOC workforce persons are not required to follow this directive when providing
information and records, which they customarily provide in the regular performance of their duties that are not protected from disclosure by law.

3. **RECORDS THAT SHALL BE READILY DISCLOSED**

The following records and information maintained by the DOC shall be published on the District Government and/or agency’s website, and readily available to a requester unless disclosure is protected by privilege or law.

a. The names, salaries, title and dates of employment of all DOC employees and officers;

b. Administrative staff manuals and instructions to staff that affect a member of the public;

c. Final opinions, including concurring and dissenting opinions as well as orders, made in the adjudication of cases.

d. Those statements of policy and interpretations of policy, acts, and rules which have been adopted by the DOC not related to sensitive security information;

e. Correspondence and materials referred to therein, by and with the DOC, relating to any regulatory, supervisory, or enforcement responsibilities of the DOC, whereby the DOC determines, or states an opinion upon, or is asked to determine or state an opinion upon, the rights of the District, the public or any private party;

f. Information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by the DOC;

g. Budget requests, submissions, and reports available electronically that the DOC transmits to the Office of Budget and Planning during the budget development process;

h. The minutes of all proceedings of the agency.
i. Copies of all records, regardless of form or format, which have been released to any person, under the D.C. Administrative Procedures Act, including FOIA, and which, because of the nature of their subject matter, the DOC determines have become or are likely to become the subject of subsequent requests for substantially the same records.

j. A general index of the DOC public records referred to in §2-536(a), unless the materials are promptly published and copies offered for sale.

As appropriate, a record requester may be asked to submit his or her request in writing.

4. All disclosable records, unless protected by privilege or law, identified in ¶ 3 (a – j) of this chapter, which were created since November 1, 2001, shall be made available on the agency's website.
CHAPTER 4
REQUESTING NON-DOC RECORDS

1. Copies of certain records, such as parole and probation records, police records, and personnel records are commonly associated with and/or attached to DOC’s records. Since these records originate in other agencies, requests for them shall be handled as follows:

   a. If a document originates in another D.C. or Federal agency, it shall be removed from the file and placed in the FOIA-Exempt envelope prior to file review by the inmate or an agent acting on the inmate’s behalf;

   b. When records responsive to a request include a document from another D.C., Federal or non-government agency, the FOIA Officer shall consult with the originating agency for a determination of release of the requested document;

   c. A requester seeking a document of this type may also submit a request directly to the FOIA Officer of the originating agency.

   d. The following are contacts for original copies of typical non-DOC records:

      1) **For Police Records:**
         The FOIA/Privacy Officer, Room 2052
         Metropolitan Police Department
         300 Indiana Avenue, N.W.
         Washington D.C. 20001

      2) **For Litigation Records:**
         The FOIA/Privacy Officer
         DC Office of the Attorney General
         441 4th Street, NW
         Washington, DC 20001
3) **For Personnel Records:**
The FOIA/Privacy Officer  
D.C. Office of Personnel  
1015 Half Street, SE, 9th Floor, Washington, D.C. 20003

4) **For FBI Records:**
FBI Criminal Justice Information Services Division  
ATTN: SCU, Mod. D-2  
1000 Custer Hollow Road  
Clarksburg, WV 26306

5) **For Parole and Probation Records and PSI Prepared by CSOSA:**
The FOIA/Privacy Officer, Room 1232  
Court Services and Offender Supervision Agency  
Of the District of Columbia  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004

6) **For Parole and Probation Records**
U.S. Parole Commission  
90 K Street, NE, #300  
Washington, D.C. 20002

7) **For Contract Records**
D.C. Office of Contracting & Procurement  
441 4th Street, NW, 700S  
Washington, D.C. 20001

8) **For Inmate Education Records:**
The FOIA/Privacy Officer  
D.C. Public Schools  
1200 First Street, NE, 10th Floor,  
Washington, DC 20002

9) **For BOP Records:**
Freedom of Information Act/Privacy Act Section
DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

PROGRAM MANUAL

EFFECTIVE DATE: April 23, 2019

SUPERSEDES: 1300.1H
March 2, 2017

REVIEW DATE: April 23, 2020

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA)
NUMBER: 1300.1I

Office of General Counsel, Room 841
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

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e. Pre-Sentence Investigation Reports (PSI)

PSI shall be maintained in the FOIA-exempt envelope. To the extent that the report contains diagnostic opinion which might seriously disrupt a program of rehabilitation, sources of information obtained upon a promise of confidentiality, or any other information which, if disclosed, might result in harm, physical or otherwise, to the defendant or other persons, the Department shall withhold and redact any such portions of the presentence investigation report.

f. Sealed or Expunged Records or Records of Set Aside Convictions including YRA convictions.

Expunged or set aside convictions shall not be disclosed.

g. Declassification

When an authorized DOC staff person reclassifies a document exempt from disclosure to a document that can be disclosed, the document shall be removed from the FOIA-Exempt Envelope. If the record contains notice of non-disclosure, the notice shall be marked with a signed and dated notation that the record has been reclassified for disclosure.
CHAPTER 5

GROUNDS FOR THE DISCLOSURE OF RECORDS

1. Records that are maintained by the DOC, which are not in the category of records identified in Chapter 3 ¶3 may be disclosed subject to applicable laws on the following grounds:

   a. The individual subject of the record has provided a duly executed disclosure authorization for otherwise non-disclosable information.

   b. The disclosure is authorized by a court order.

   c. The disclosure is made in response to a direct judicial request to the General Counsel.

   d. The disclosure is made to legal counsel for the District of Columbia related to civil litigation in which the District of Columbia, the Department of Corrections and/or its staff in their official capacity is a party for the purposes of representation or in response to a proper civil litigation discovery request. The disclosure shall be made subject to securing an appropriate protective order to address re-disclosures.

   e. The disclosure is made in response to a proper subpoena.

   f. The disclosure is made in response to a request submitted by federal, state, local, and/or foreign law enforcement officials for law enforcement purposes, in ongoing criminal investigations, emergency situations, or criminal activity discovered as part of routine supervision or monitoring (e.g., Office of the Attorney General for the District of Columbia, Metropolitan Police Department, Inspector General, U.S. Parole Commission, U.S. Attorney’s Office, Court Services and Offender Supervision Agency, U.S. Marshals Service, Federal Bureau of Prisons or other correctional institutions).
g. The requestor has statutory or regulatory authorization to receive disclosure of the records and disclosure is made in a manner and limited to the extent authorized by law.

h. The disclosure is a record of information that is not individually identifiable and disclosed for an approved research purpose when the recipient has provided DOC with adequate written assurance that the record shall be used solely as statistical research or reporting record.

i. The disclosure is made to the D.C. Office of Public Records and Archives who may receive a record deemed to have sufficient historical or other value to warrant its continued preservation by the D.C. Government or for evaluation by the Administrator of the D.C. Office of Contracting and Procurement or his or her designee to determine whether the record has such value.

j. Any disclosure made to members of Congress, the D.C. Council, or other legislative or elected official on behalf of constituents is limited to public information as set forth in Chapter 3 Section 3, unless the requestor provides the subject’s legally sufficient written disclosure authorization.

k. The disclosure is made consistent with applicable law for any legitimate penological purpose for the safety, security or order of the DOC operation and facilities as approved by the General Counsel.
CHAPTER 6

GROUNDS FOR REQUEST DENIAL

1. **FOIA EXEMPTIONS.** A request for records maintained by the DOC shall be denied in whole or in part, to the extent that any of the following exemptions stipulated under the D.C. Official Code §2-534(a) applies.

   a. Trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;

   b. Information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;

   c. Any body-worn camera recordings recorded by the Metropolitan Police Department inside a personal residence; or related to an incident involving domestic, stalking, or sexual assault. Investigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such record would:

      1) Interfere with enforcement proceedings, with Council investigation or with the Office of Police Complaints ongoing investigations;

      2) Deprive a person of a right to a fair trial or an impartial adjudication;

      3) Constitute an unwarranted invasion of personal privacy;

      4) Disclose the identity of a confidential source, and in the case of a record compiled by a law-enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, disclose confidential information furnished only by the confidential source;
5) Disclose investigative techniques and procedures not generally known outside the government; and

6) Endanger the life or physical safety of law-enforcement personnel.

d. Inter-agency or intra-agency memorandums and letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a party in litigation with the agency;

e. Test questions and answers to be used in future license, employment, or academic examinations, but not previously administered examinations, or answers to questions thereon;

f. Records or information specifically exempted from disclosure by a statute that:

1) Requires that the matters be withheld from the public in such a manner as to leave no discussion on the issue; or

2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.

g. Information specifically authorized by federal law under criteria established by presidential executive order to be kept secret in the interest of national defense or foreign policy which is in fact properly classified pursuant to such executive order;

h. Information exempted from disclosure by D.C. Official Code § 28-4505 [civil investigation demand]; and

i. Information disclosed pursuant to D.C. Official Code § 5-417 [arson reporting].

j. Any specific response plan, including any District of Columbia response plan, as that term is defined in D.C. Official Code §7-2301(1A), and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in §22-3152(1);
k. Information exempt from disclosure by §47-2851.06 [master business license];

l. Records or information, the disclosure of which would reveal the name of an employee who has provided information under the provisions of §§1-615.51 et seq. [Findings and Declaration of Purpose] and 2-223.01 et seq., [Whistleblower’s Protection] unless the name of the employee is already known to the public;

m. Information exempt from disclosure by § 7-2271.04 [Confidentiality of Homeland Security proceedings]; and

n. Information that is ordered sealed and restricted from public access pursuant to Chapter 8 of Title 16 of the D.C. Code [Criminal Record Sealing].

o. Any critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of companies that are regulated by the Public Service Commission of the District of Columbia;

p. Information exempt from disclosure pursuant to § 38-2615 [Educator Evaluations]

q. Information exempt from disclosure pursuant to D.C. Official Code § 50-301.29a(13)(C)(i) [General requirements for private vehicles-for-hire]; and

r. Information exempt from disclosure pursuant to D.C. Official Code § 24-481.07(a) [Confidentiality of information].

s. If a part of a requested document can be disclosed and other parts cannot, the portion that can be disclosed shall be separated and provided to the requester. The requester shall be notified of the partial disclosure and the justification for this determination.
CHAPTER 7
REQUEST AND DISCLOSURE PROCEDURE

1. **REQUESTS FOR RECORDS.** Although oral request may be honored, a requestor may be asked to submit a written request for records.

   All requests for records and information under the FOIA shall be addressed to the DOC FOIA Officer as follows:

   a. **The FOIA Officer**

      DC Department of Corrections
      2000 14th Street, NW 7th Floor
      Washington, DC 20009
      (202) 671-2055

      Requests may be mailed to the address above, Faxed to (202) 671-1705 or submitted online to [https://foia-dc.gov](https://foia-dc.gov) or through the DOC website.

   b. The requester shall clearly mark on the face of the letter and the envelope; cover sheet or subject line, **FREEDOM OF INFORMATION REQUEST** or **FOIA Request**.

   c. The request shall describe the record sought, including the approximate dates covered by the request.

   d. A disclosure authorization shall be attached to a request by a third party, where applicable. Current inmates shall provide consent in accordance with PS 1300.3, Health Information Privacy.

   e. The requester shall provide his or her full name, DOC number (if the requester is a former inmate) and current address or telephone number.

   f. If the request is for an inmate's record, the requester shall provide the full name and the DCDC number of the subject of the record requested.
g. The request and the accompanying disclosure authorization shall be dated within three (3) months of the date of the request, where applicable.

2. **RESPONDING TO REQUEST.** Once the FOIA Officer has received a FOIA request, the following procedure shall be followed:

   a. The FOIA Officer shall review the request, locate the DOC office unit with custody of the requested records, obtain and review the records and decide whether to deny or grant the request.

   b. The FOIA Officer’s decision to grant or deny an FOIA request is subject to the review of the General Counsel and the Director.

   c. Each custodian of DOC records shall timely make records in his or her custody available to the FOIA Officer upon the FOIA Officer’s request. Unless otherwise specified in the FOIA Officer’s request, the custodian shall make responsive records available to the FOIA Officer within 5 business days of receiving the request. If the custodian is unable to provide records within the stated time period, the custodian shall notify the FOIA Officer and seek an extension of time to provide responsive records.

   d. If the custodian is uncertain whether a particular record is responsive to a FOIA request, the custodian shall consult with the FOIA Officer who shall make the final determination.

   e. For each record request that the FOIA Officer submits to a custodian of DOC records, the custodian shall utilize the FOIA Search Form (Attachment 1) to provide the FOIA Officer with a calculation of the time spent: 1) searching for responsive records; 2) reviewing responsive records; and 3) copying responsive records. The calculation shall be expressed in hours and shall be rounded off to the next highest quarter hour. The calculation shall also include the name and pay grade of each employee, including the custodian, who performed any of the foregoing activities.

   f. Failure of any employee to comply with FOIA requirements may subject the employee to disciplinary action or criminal prosecution pursuant to D.C.
Official Code §2-537(d) and §1619.1 of the District of Columbia Personnel Regulations.

g. Within 15 business days of receiving a FOIA request, the FOIA Officer shall *either grant* the request (i.e., make the requested public record accessible to the requester and notify the requester accordingly), *or deny* the request (i.e., notify the requester of DOC’s decision not to disclose the records, and the reason for denial).

h. The FOIA Officer may give a written notice of no more than a 10-day extension of time to respond to a requester on the following 2 grounds:

1) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

2) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more offices of the DOC having substantial subject-matter interest therein.

i. A response stating that a request has been granted shall also advise the requester of how the records shall be available to the requester, the cost of searching, reviewing and/or copying (if applicable), or fee waiver (if applicable).

j. A response stating that a request has been denied shall identify the record or records withheld, the exemption in the D.C. Official Code §2-534(a) on which the denial is based, how the exemption applies to the withheld records, and notice of appeal rights.

k. The FOIA Officer shall keep a record of all FOIA requests and responses to them. All letters of denial shall be made available to any person on request, for inspection and/or copying.
3. **REVIEW OF DENIALS**

   a. When DOC denies a request for records in whole or in part, the requester may appeal the denial to the Mayor or may seek immediate judicial review of the denial in the D.C. Superior Court.

   b. An appeal to the Mayor shall be in writing. The appeal letter shall include Freedom of Information Act Appeal or FOIA Appeal in the subject line of the letter as well as marked on the outside of the envelope. The appeal shall be mailed to:

   **Mayor's Correspondence Unit**  
   FOIA Appeal  
   1350 Pennsylvania Avenue, NW  
   Suite 221Washington, D.C. 20004

   The appeal can also be submitted online at https://foia-dc.gov The appeal shall include:

   1) A statement of the circumstances, reasons or arguments in support of disclosure;

   2) A copy of the original request, if any; and

   3) Daytime telephone number, email address or mailing address for the requester.

   c. The requester shall immediately forward a copy of the appeal to the agency FOIA Officer.

4. **FEES**

   a. In accordance with the D.C. Official Code §2-532(b) and 1 DCMR 408, fees for searching and copying FOIA records shall be calculated as follows:

   1) Inmates in the custody of the DOC shall be charged $0.10 per page and no fee for search and review.
2) Other requester shall be charged as follows:
   a) Commercial requesters may be charged for search, review, and duplication costs.
   b) Requesters that are educational or non-commercial scientific institutions for scholarly or scientific research, or a representative of the news media may be charged duplication costs only.
   c) A requester other than those identified in a. or b. may be charged search and duplication costs.

3) Duplication cost for non-inmates is $0.25 per page.

4) Search and Review costs are assessed as follows:
   a) Searching for records, $4.00 per quarter hour, after 1st hour, by clerical personnel (DS1 through 8);
   b) Searching for records, $7.00 per quarter hour after the 1st hour, by professional personnel (DS 9 through 13);
   c) Searching for records, $10.00 per quarter hour after the 1st hour, by supervisory personnel (DS 14 and above);
   d) Copies made by photocopy machines… $.25 per page;
   e) Charges for the initial review of documents, as permitted by applicable law, shall be assessed at the rate provided in subsections (a), (b), and (c) above.

5) Copies of records for members of the general public shall be submitted to the FOIA Officer who shall calculate the fee that is due and notify the requester to remit a check, bank draft on a bank in the United States, or a postal money order, made payable to the D.C. Treasurer prior to release of the records.
6) When a response to a request requires services or materials for which no fee has been established, the direct cost of the services or materials to the government may be charged, but only if the requester has been notified of the cost before it is incurred.

7) Where an extensive number of documents is identified and collected in response to a request and the requester has not indicated in advance his or her willingness to pay fees as high as are anticipated for copies of the documents, the agency shall inform the requester that the documents are available for inspection and for subsequent copying at the established rate.

8) A charge of one dollar ($1) shall be made for each certification of true copies of agency records.

9) Search costs, not to exceed any dollar limitation prescribed by the Act for each request, may be imposed even if the requested record cannot be located. No fees shall be charged for examination and review by an agency to determine whether a record is subject to disclosure.

10) To the extent permitted by applicable law, an agency shall require that fees as prescribed by these rules shall be paid in full prior to issuance of requested copies.

11) Remittances shall be in the form either of a personal check or bank draft on a bank in the United States, or a postal money order. Remittance shall be made payable to the order of the D.C. Treasurer and mailed or otherwise delivered to the Freedom of Information Officer, or the head of the agency in the absence of a designated Freedom of Information Officer.

12) A receipt for fees paid shall be given only upon request. No refund shall be made for services rendered.
13) A requester seeking a waiver or reduction of fees shall provide a statement in his or her request letter explaining how the requested records will be used to benefit the general public.

b. The FOIA officer shall have the discretion to waive a fee, upon request made by a requester, and in accordance with the FOIA and regulations.
CHAPTER 8
PROCESSING REQUESTS FROM INMATES

1. REQUEST

a. An inmate may submit a FOIA request for his or her own records or the agency’s public records directly to the FOIA Officer or through his or her case manager to the FOIA Officer, and the request shall be processed as outlined in this policy and in accordance with the D.C. FOIA and regulations;

b. An inmate may submit a FOIA request through his case manager using the Inmate FOIA Request for His or Her Institutional Records (Attachment 2) or a plain sheet of 8 ½ X 11 paper. The request slip shall be scanned in PaperClip by the Case Manager;

c. The Case Manager shall immediately acknowledge receipt, by signature and date, of the request in the comments section of the Inmate Request Slip and send a copy to the inmate. The Case Manager shall, before the end of his or her shift, scan the inmate’s FOIA request slip into PaperClip and send it to the FOIA Officer via email for response;

d. The FOIA Officer shall make a records retrieval request of the institutional file including previous periods of incarceration if applicable.

2. Inmate Institutional File Records

a. All Inmate Institutional File records that may not be disclosed in response to a FOIA request are placed in the FOIA-Exempt Envelope, and/or scanned into the sealed portion of the electronic records database so that unauthorized requestors shall not have access to the confidential records.

b. Records Office staff shall identify on the “Inmate Request for a Copy of Records Form” (Attachment 2) items of records that have been removed from the institutional file as confidential records.
c. Discipline records, incident reports, notice of hearings, list of inmate rights, notice of placement in Administrative Segregation, and investigative memoranda, shall be maintained together in the FOIA-Exempt Envelope only if a portion of an investigation or other discipline record contains materials that may not be disclosed.

d. The FOIA-Exempt Envelope shall be secured in the Records Office.

3. REQUEST FOR COPIES

a. The FOIA Officer shall count the number of pages contained in the documents requested and multiply that number by 10 cents. The FOIA Officer shall then ask the Case Manager to advise the inmate of the cost for reproduction of the requested documents;

b. The Case Manager shall access JACCS to determine if the inmate has sufficient funds in his or her inmate account to cover the costs;

c. The Case Manager shall determine if the inmate is indigent based upon the following criteria:

1) The inmate has less than $5.00 in his or her inmate account, and

2) The inmate has not received more than $5.00 per month from work or outside deposits to his or her account for the previous three (3) months.

3) The Case Manager shall complete a waiver of fees request (Attachment 3) if the inmate meets the criteria for indigence.

d. If the inmate has sufficient funds, the Case Manager shall give the inmate an Inmate Request for Fund Release Form to complete (Attachment 3). The disbursement authorization recipient is the D.C. Treasurer;

e. The Case Manager shall deliver the Inmate Request for Fund Release Form, (Attachment 3), to the Inmate Finance Office before the close of business, The Inmate Finance Office staff shall immediately flag the account for the required amount; and
f. The Inmate Finance Office shall within two (2) business days prepare the debit and forward a copy of the debit approval, a copy of the inmate disbursement approval, and a copy of the Request for documents to the Records Office Administrator and the FOIA Officer.

4. INMATES ACCESS TO CERTAIN DOC POLICY AND PROCEDURES

a. Inmates are to use the easy access procedures described in this section to review certain DOC Program Statements;

b. For a current DOC Policy and Procedure containing rules (regulations published in the D.C. Register), easy access is available through the institution law library;

c. For a current DOC Policy and Procedure not containing rules (regulations published in the D.C Register), inmates may request that it be placed in the institution law library.

1) Placement of a requested Policy and Procedures in the law library is within the discretion of the FOIA Officer, in consultation with the Office of Policy and Procedure, and the Office of General Counsel.

2) Placement of local institution’s directives in the law library is at the discretion of the Warden in consultation with the FOIA Officer and the Office of the General Counsel.

d. Inmates are responsible for the costs of making personal copies of any Program Statements maintained in the institution law library. For copies of Program Statements obtained under the FOIA procedures described in this directive, fees shall be calculated in accordance with Chapter 7, Section 4.

5. INMATE CONSENT TO RELEASE RECORDS AND INFORMATION

To release an inmate’s records and information to a third party, other than as permitted or required by the D.C. FOIA (or HIPAA Privacy Rules in regard to protected health information or FERPA in regard to education information), consent
or release authorization of the inmate shall be obtained and the following shall apply:

a. A copy of the signed, dated, and witnessed Consent to Release Information Form (Attachment 4) Adult Inmate Authorization for the Release of Education Records Form (Attachment 5), shall be maintained in the inmate’s institutional file.

b. Consent to release the records of inmates with severe mental illness, or inmates with severe intellectual disability, can only be granted by the individual’s legal representative/guardian or parent, using Authorization for the Release of Education Records Form (Attachment 5), or by court order.

c. In the absence of a durable power of attorney, consent to provide any healthcare service, treatment or procedure to an inmate whose incapacity has been certified shall be granted, refused or withdrawn by the following (in descending order of priority):

   1) A court-appointed guardian or conservator, if the consent is within the scope of the guardianship or conservatorship,

   2) The spouse or domestic partner,

   3) A parent,

   4) An adult sibling,

   5) A religious superior if the inmate is a member of a religious order or a diocesan priest,

   6) A close friend, or

   7) The nearest living relative.
| SUBJECT: | FREEDOM OF INFORMATION ACT (FOIA) |
| NUMBER:  | 1300.11 |
| Attachments: | Attachment 1 – FOIA Search Form  
Attachment 2 – Inmate Request to Review and/or Copy Records  
Attachment 3 – Authorization To Disclose Protected Health Information (Phi)  
Attachment 4 – Consent to Release Information  
Attachment 5 – Adult Inmate Authorization to Release Education Records |

DOC/PM1300.11/4/23/19
To facilitate the processing of requests for records submitted to the agency under the D.C. Freedom of Information Act, and, in accord with the fee implementation provision of the D.C. Municipal Regulations, 1 DCMR 408, response column of the below table shall be filled out by each employee that conducted a search for records, and the completed form shall be forwarded to the FOIA Officer, along with search result.

<table>
<thead>
<tr>
<th>1 DCMR 408</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Who conducted the search</strong></td>
<td>Name:</td>
</tr>
<tr>
<td><strong>Grade</strong></td>
<td>DS:</td>
</tr>
<tr>
<td><strong>Search time</strong></td>
<td>Number of hours or minutes:</td>
</tr>
<tr>
<td><strong>Copy made</strong></td>
<td>Number of pages:</td>
</tr>
</tbody>
</table>

Form Completed by: __________________________

Date: __________________________
## Inmate FOIA Request for His or Her Institutional Records

<table>
<thead>
<tr>
<th>TO: (Name &amp; Title of Staff Member)</th>
<th>DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM (Inmate Name and Signature):</td>
<td>DCDC #:</td>
</tr>
<tr>
<td>FACILITY:</td>
<td>HOUSING UNIT:</td>
</tr>
</tbody>
</table>

**SUBJECT:** (Please identify the record(s) you request. You may continue on back page if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

(Do not write below this line.)

---

**DISPOSITION:**

<table>
<thead>
<tr>
<th>Signature Staff Member</th>
<th>Date</th>
</tr>
</thead>
</table>

(Maintain a copy in the Inmate’s Institutional File and in Paperclip.)
District of Columbia Government
DEPARTMENT OF CORRECTIONS

AUTHORIZATION TO DISCLOSE
PROTECTED HEALTH INFORMATION (PHI)

Purpose: This form is used by current or former DOC inmate to authorize DOC and its business associates to disclose PHI described and for the purpose stated herein.

Name: 

DCDC if inmate __________________ SSN if other __________________

Facility: __________________

PHI to Be Use or Disclosed: Specifically and meaningfully describe the protected health information you are authorizing be used and/or disclosed:

________________________

Entities Authorized to Use or Disclose PHI: Name or specifically describe the persons and/or organizations (or the classes of persons and/or organizations), including DOC, who you are authorizing to make use of and/or to disclose the protected health information described above:

________________________  (Name)  (Organization)

________________________  (Name)  (Organization)

________________________  (Name)  (Organization)

Entities Authorized to Receive PHI: Name of specifically describe the persons and/or organizations (or the classes of persons and/or organizations), including DOC, to whom you are authorizing the disclosure and subsequent use of protected health information described above:

________________________  (Name)  (Organization)

________________________  (Name)  (Organization)

________________________  (Name)  (Organization)

Purpose of this Authorization:

☐ At request of individual

☐ For the following purposes

________________________

Effect of Granting this Authorization: The PHI described above may be disclosed to, received by, and further disclosed by persons or organizations that are not health plans, covered health care providers or health care cleaning houses subject to federal health information privacy laws.

Expiration and Revocation:

Authority: 45 C.F.R. §164.508
YOU ARE ENTITLED TO A COPY OF THIS AUTHORIZATION AFTER YOU SIGN IT

Include this authorization in the individual’s records.

Send copy to the Privacy Official

Authority: 45 C.F.R. §164.508
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

Consent to Disclose Non-Medical,* Non-Educational Records** of a Current or Former DOC Inmate

This Consent covers any and all records relating to me (Individual) that are created, received and maintained by the D.C. Department of Corrections (DOC).

1. Individual’s Information:
   Name: ___________________________ DCDC#: _______ DOB: __________
   Address: ____________________________________________________________
   Phone #: ______________________

2. To whom disclosure is granted:
   Name: ___________________________ Phone #: ______________________
   Address: ____________________________________________________________

3. Records or Information for which disclosure is granted:
   • All records in the Institutional File: ______
   • Only the following records or information: _______________________________

I have had full opportunity to read and consider the contents of this Authorization for the disclosure of my information, as described in this form and I consent herein. This form expires in 1 year from the date of this consent unless revoked sooner:

________________________________________
Printed Name of Consenting Individual

________________________________________Date

If this authorization submitted by a guardian, power of attorney, or personal representative on behalf of the individual, complete the following and provide a copy of your legal authorization and i.d.

Name: ___________________________ Phone: ______________________
Address: ________________________________ Phone: ______________________

Note: *For Medical Records use DOC Authorization to Disclose Protected Health Information found at FOIA Policy 1300, Attachment 4.
**For Educational Records, use the Adult or Juvenile Inmate Authorization for the Release of Education Records Form found at FOIA Policy, 1300, Attachment 5 or 6, respectively.
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

Adult Inmate Authorization to Release Education Records

I, ___________________________ DCDC # ________ DOB: __________
(Inmate’s Name)

Hereby give consent to the D.C. Department of Corrections (DOC) to release the education records identified below to:

(Name of representative, agency, physician, or attorney)

(Address and phone number of representative, agency, physician, or attorney)

The purpose of the disclosure is:

(Describe the specific purpose for the records disclosure)

By signing below, I authorize the release of the following education records:

(Specifically describe the records to be released, including any applicable date range)

By signing below, I acknowledge and understand that I have the opportunity to review the records to be shared and the right to challenge the contents of such records.

NOTE: This release is valid only for the purposes stated above. DOC must obtain my written authorization before sharing education records in a manner that differs from any of the information provided in this consent form. This authorization will expire one year from the date of signature.

(Date) ____________________________ (Inmate’s Signature)