

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, with respect to amending the tolling time for FOIA requests.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “FOIA Tolling Emergency Declaration Resolution of 2020.”

Sec. 2. (a) 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.

(b) At the time of initial adoption, the Council believed that the provision was necessary because government staff had limited access to documents and records that may be responsive to a FOIA request.

35 (c) Despite limitations, many agencies have continued to receive and process FOIA
36 requests and advocates have asked that the Council revisit this provision in light of agencies
37 having the ability to fulfill these requests now that the government has adjusted to working
38 during the pandemic.

39 Sec. 3. The Council of the District of Columbia determines that the circumstances in
40 section 2 constitute emergency circumstances, making it necessary that the FOIA Tolling
41 Emergency Amendment Act of 2020 be adopted after a single reading.

42 Sec. 4. This resolution shall take effect immediately.