

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi [signature]
Chief Financial Officer

DATE: February 3, 2004

SUBJECT: Fiscal Impact Statement: "Freedom of Information Emergency
Amendment Act of 2004"

REFERENCE: Draft Legislation - Bill Number Not Available

Conclusion

The proposed legislation has no impact on the budget and financial plan. The proposed legislation impacts government procedures and requires no additional staff or resources to implement.

Background

The proposed legislation increases the required response time for a Freedom of Information Act (FOIA) Request from 10 business days to 20 business days. The proposed legislation requires that a lack of response from a public body for a FOIA request is to be deemed a denial of the request and provides that the head of the public body can be petitioned to review the denial and the subject materials. The proposed legislation requires that within 30 days of a denial by the head of a public body the person seeking disclosure may institute procedures for injunctive or declarative relief in the Superior Court. However, if the head of the public body determines that the public record is not to be withheld, then disclosure is to commence immediately.

In addition, the proposed legislation requires that each public body subject to these provisions designate a FOIA officer. The bill requires disclosure of the contact information for each of the designated officers and this information is to be disclosed on the agency website. The proposed legislation requires that the public body appropriate sufficient resources to staff the FOIA Officer position and provide sufficient resources to

conduct FOIA operations. The Mayor is required to provide 8 professional hours of training for each FOIA officer.

Financial Plan Impact

The proposed legislation has no impact on the FY 2004 through FY 2007 budget and financial plan because no additional staff or resources will be required. To a certain extent the District is in compliance with most of the proposed bill provisions; however agency and other heads of public bodies will need to make decisions concerning FOIA activities and delegations of authority at each home base of operations.

All District public bodies will be required to fully implement the bill's provisions with existing resources. If agency operational pressures are discovered, District agency heads will need to appropriate resources to offset pressures caused by implementation of the bill's provisions. The bill does not provide any additional staff or resources for FOIA purposes.