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## Freedom of Information

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## FREEDOM OF INFORMATION

The District of Columbia Court of Appeals held, in *Dunhill v. Director, District of Columbia Department of Transportation*,<sup>1</sup> that the personal privacy exemption in the District of Columbia Freedom of Information Act<sup>2</sup> could not be invoked to prevent disclosure of information authorized to be disclosed under District of Columbia Department of Transportation regulations. Dunhill had requested a list of names, addresses, and other information about holders of drivers' permits who were born on or before June 1, 1918. The court stated that the District of Columbia Freedom of Information Act permitted disclosure of information authorized to be released by a specific law.<sup>3</sup> A regulation<sup>4</sup> implementing section 40-603(b) of the District of Columbia Code<sup>5</sup> authorized disclosure of this information.<sup>6</sup> In addition, the court noted that no properly authorized, reasonable, published criteria existed for restricting information available under the regulation promulgated under section 40-603(b).<sup>7</sup> Thus, the personal privacy exemption could not be invoked to prevent disclosure. Hence, the court removed Department of Transportation officials' power to deny or accept "such requests based on their individual perceptions of the legitimacy of the need for the information advanced by each requester."<sup>8</sup>

*William Ward*

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1. 416 A.2d 244 (D.C. 1980).

2. D.C. CODE § 1-1524(a)(2) (Supp. V 1978).

3. 416 A.2d at 247 (citing D.C. CODE § 1-1524(c) (Supp. V 1978)). Section 1-1524(c) states:

This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from the Council of the District of Columbia. This section shall not operate to permit non-disclosure of information of which disclosure is authorized or mandated by other law.

4. 32 D.C. R. Reg. § 1.104 (1980).

5. D.C. CODE § 40-603(b) (Supp. VII 1980).

6. 32 D.C. R. Reg. § 1.104 (1980) states: "The Director [of DOT] may furnish copies of records described in this section to persons requesting such records upon payment of the fees shown below."

7. 416 A.2d at 247-48.

8. *Id.*