

A RESOLUTION

25-230

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2023

To declare the existence of an emergency with respect to the need to amend the Freedom of Information Act of 1976 to exempt from disclosure critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of the District of Columbia Water and Sewer Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Water Critical Infrastructure Freedom of Information Clarification Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Section 204(a)(15) of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)(15)) (“Act”), exempts from disclosure critical infrastructure information or plans that contain critical infrastructure information of companies that are regulated by the Public Service Commission of the District of Columbia (“PSC”).

(b) The District of Columbia Water and Sewer Authority (“DC Water”) is not regulated by the PSC and therefore is not covered by the exemption in the Act or any similar exemption. As a result, under current law, DC Water could be required to disclose information that could jeopardize the security of the District’s critical water and sewer infrastructure.

(c) The emergency legislation clarifies that the critical infrastructure exemption applies to DC Water, as well as entities regulated by the PSC. Like other utilities, DC Water is party to information related to critical infrastructure that should not be widely available to the public upon a Freedom of Information Act request. The emergency legislation is necessary to limit access to that information and protect the security of the District’s water and sewer infrastructure.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the DC Water Critical Infrastructure Freedom of Information Clarification Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.