Virginia Freedom of Information Act

The <u>Virginia Freedom of Information Act</u> (VFOIA) is the state law governing access by citizens of Virginia, and representatives of the media, to public records and to meetings of public bodies, as defined in the Act. VFOIA provides that, with some specific exemptions and exceptions, all meetings of public bodies shall be open to the public and all public records open for public inspection. All public meetings and records are presumed open unless an exemption is properly invoked.

Dinwiddie County complies with the state's Freedom of Information Act. There is no separate county policy that addresses VFOIA.

Your Rights Under VFOIA

The Virginia Freedom of Information Act guarantees access by citizens of Virginia and members of the media to the meetings of public bodies such as the Board of Supervisors, and to public records.

The law says that, in general, these meetings and records should be open to citizen inspection, with some specific exceptions, and requires that those exceptions be narrowly construed.

Making a VFOIA Request

It is recommended, though not required, that VFOIA requests be made in writing. Requests can be made in person, by phone, by mail, or electronically. It is not necessary to specify the reason for your request. However, **you must provide your name and legal address.**

It is recommended that prior to submitting a VFOIA request for records the requestor should review the remainder of the County's website, in particular the pages dealing with the County's departments and agencies, and to use the site's search function. Doing so should assist the requestor in identifying the County department or agency that has the type(s) of records he or she is looking for, and identifying the types of records that he or she will want to ask for. In many instances, the requestor may find the information or records that he or she is looking for online.

- Members of the public or media making a request under VFOIA should contact the Dinwiddie County Administration Office, Tyler C. Southall, County Attorney, at P.O. Drawer 70, (14016 Boydton Plank Road) Dinwiddie, VA 23841, or email tsouthall@dinwiddieva.us, or call 804-469-4500 x2144;
- Requests regarding Fire & EMS can be directed to Dennis Hale, Division Chief, at 804-469-4588, or email dhale@dinwiddieva.us.
- Requests regarding Planning & Zoning, Parks & Recreation, or Economic Development can be directed to Tammie J. Collins, Division Chief of Planning & Community Development at 804-469-4500 x2110, or email tcollins@dinwiddieva.us.
- Requests regarding Finance, Procurement, or General Services can be directed to Anne Howerton, Division Chief at 804-469-4500 x2106, or email ahowerton@dinwiddieva.us.

VFOIA requires that a request for public records must identify the requested records with "reasonable specificity."

A VFOIA request may be made for any existing documents or reports; however, public bodies are not required under VFOIA to create a new document that does not exist to satisfy a request. In the event that that the number of records required to respond to the request is very large, the public body may abstract or summarize the requested information being sought.

Fulfilling VFOIA Requests

Within 5 working days after a request is received, a public body must:

Provide the requested record(s);

- Advise the requester that the record(s) are being withheld pursuant to VFOIA or other applicable statute. This
 response must describe the subject matter of the records and identify the specific section of VFOIA or the Code
 of Virginia that exempts the record from disclosure;
- In the case that only part of a record or only some of the records requested are exempt from disclosure, remove
 the portion of the record that is not public and provide the rest of the record, or remove the exempted record(s)
 and provide the rest of the records, along with an explanation of the subject matter of the information removed,
 and the specific portion of the Code of Virginia that exempts the portion of the record or the record(s) withheld;
- Inform the requestor that the requested records could not be found or do not exist. If the records are known to be held by another public body, the response must also include contact information for the other public body;
- Inform the requestor that the record(s) cannot be practically provided within five working days; an additional seven days is then provided, within which the public body must make the record(s) available.

The act does not require electronic delivery of requested documents, though they may be provided electronically if available.

Costs Associated with VFOIA Requests

A public body is permitted to make reasonable charges not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. Public bodies are permitted to make **reasonable charges only for the costs to access, search for, duplicate and supply requested records**. Extraneous or surplus fees, such as the cost of benefits paid to an employee conducting the search, cannot be included in the charge.

If asked for by the requestor, the public body must make an advance estimate of the charges. In any case where the public body determines in advance that the charges for producing the requested records will exceed \$200, the public body may, before continuing to process the request, require the requestor to agree to the payment of a deposit not to exceed the amount of the advance determination. The deposit will be credited toward the final cost of supplying the requested records. The time period for producing the records or making a response under VFOIA is tolled for the amount of time that elapses between the notice of the advance determination and the response of the requestor.

Before processing a request for records, a public body may require the requestor to pay for any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

VFOIA and Public Meetings

All meetings of all public bodies, as defined in VFOIA, as well as any meetings of their committees or subcommittees, are generally required to be open meetings, subject to certain exceptions spelled out in the Act. An open meeting is a meeting open to the members of the public.

Under VFOIA, for there to be a "meeting" subject to the Act, there must be at least three members of the body, or a quorum of the public body if less than three, present for the purpose of discussing or transacting public business. A gathering of public employees is not a meeting under the Act.

During the course of a public meeting, a public body may go into a closed meeting to discuss certain specific types of matters set forth in VFOIA. In order to do so, the public body must follow the specific procedures set forth in VFOIA to go into and come out of closed session.

VFOIA permits members of the public to photograph or record (audio, visual, or audio-visual) public meetings. It also permits public bodies to adopt reasonable rules concerning the use of cameras and recorders, designed to prevent disruption.

Learn More About VFOIA

More information about the Virginia FOIA can be found through the Virginia Freedom of Information Advisory Council.