

FOIA Requests

- FOIA requests and all questions regarding FOIA should be directed to the FOIA Officer:
 - By mail:
ATTN: Santina Thelen
FOIA Officer
PO Box 3300
Stafford, VA 22555
 - Phone: (540) 288-5268
 - E-mail: sthelen@rrj.state.va.us
- You may request records by mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA. Nevertheless, the Jail would prefer requests to be submitted in writing via email or through the USPS.
- Your request must identify the records you are seeking with "reasonable specificity." It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that the Jail can identify and locate the records that you are seeking.
- You may only request existing records or documents. FOIA gives you a right to inspect or copy records; it does not apply to general questions about the work of the Jail and its employees, nor does it require the Jail to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Jail in the regular course of business.
- If the Jail has questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request.
- In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@leg.state.va.us, or by phone at (804) 225-3056 or [toll free] 1-866-4484100.

Responding to Your Request

- The Jail must respond to your request within five (5) working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.
- The reason behind your request for public records from the Jail is irrelevant, and you do not have to state why you want the records before the Jail responds to your request. FOIA allows the Jail to ask you to provide your name and legal address.
- FOIA requires that the Jail make one of the following responses to your request within the five-day period:
 - 1) Provide you with the records that you have requested in their entirety.

- 2) Withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, the Jail will send you a response in writing. That writing will identify the volume and subject matter of the records being withheld, and state the specific section of the Virginia Code that allows the Jail to withhold the records.
 - 3) Provide some of the records that you have requested, but withhold other records. The Jail cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, the Jail may redact the portion of the record that may be withheld, and will provide you with the remainder of the record. The Jail will provide you with a written response stating the specific section of the Virginia Code that allows portions of the requested records to be withheld.
 - 4) Inform you in writing that the requested records cannot be found or do not exist. However, if the Jail knows that another public body has the requested records, the Jail will include contact information for the other public body in their response to you.
- If the Jail is unable to respond to your request within the five-day period, the Jail will state this in writing, explaining the conditions that make the response impossible. This will allow the Jail seven (7) additional working days, for a total of twelve (12) days, to respond to your request.
 - If you make a request for a very large number of records, and the Jail feels that it cannot provide the records to you within twelve (12) working days without disrupting its other organizational responsibilities, FOIA requires that the Jail make a reasonable effort to reach an agreement with you concerning the time for producing the records before pursuing other avenues.

Costs

- You may have to pay for the records that you request from the Jail. FOIA allows the Jail to charge for the actual costs of responding to FOIA requests.*
- The Jail must notify you that a reasonable charge may apply for accessing, copying, supplying, or searching for the requested record, and ask if you would like a cost estimate for the request prior to providing the records. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.
 - Once a cost estimate is provided, the statutory time limits provided do not continue to run until you give the Jail permission to proceed by approving the estimate.
 - Within 30 days, if the Jail does not receive a response to the cost estimate, the records request will be deemed withdrawn.
- **The following costs will apply:**
 - Fees charged for supplies and mailing shall be as follows:
 - Copies: \$.02 per page
 - Compact Disc: \$.50 per C.D.
 - Mail: Actual cost to mail the request
 - No supply fee if records are able to be sent electronically
 - Fees charge with staff time spent shall be as follow:
 - FOIA response fee = (Time to respond in hours) X (\$20 hourly pay rate)
 - Responses to FOIA requests that require 30 minutes or less of staff member time will not be charged to you.
 - All FOIA requests may be charged a time fee, even if the file is sent electronically.

* *Required policy statement pursuant to Virginia Code § 2.2-3704.1(A)(6):*

“A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.”

Commonly used Exemptions

The Virginia Code allows any public body to withhold certain records from public disclosure. The Jail commonly withholds records subject to the following exemptions:

- Records subject to attorney-client privilege (Virginia Code § 2.2-3705.1(2)) or attorney work product (Virginia Code § 2.2-3705.1(3))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (Virginia Code § 2.2-3705.1(12))
- Personnel records (Virginia Code § 2.2-3705.1(1))
- For a full list of exemptions, see Virginia Code § 2.2-3705.1 *et seq.*
- It is the Jail's general policy to exempt any and all records that are allowed to be exempted, redacted, or excluded from production by law.
- Any record exempt under the Virginia Code, which the custodian of the record has the option of disclosing, shall not be disclosed.