



**FREEDOM OF INFORMATION ACT
POLICY and PROCEDURES**

OF

SPOTSYLVANIA COUNTY

VIRGINIA

I. PURPOSE

The purpose of this policy and related procedures is to provide guidance for Spotsylvania County, Virginia (County) to process requests for public records in accordance with the Virginia Freedom of Information Act (FOIA), Virginia Code §§ 2.2-3700 *et seq.*

A. This policy shall:

1. Assist County departments in meeting statutory FOIA disclosure mandates by requiring the designation of specific personnel to handle FOIA requests. This policy shall apply only to County employees and the Board of Supervisors. This policy shall not apply to Constitutional Officers or other separate legal entities;
2. Encourage County employees to provide information to the public at no cost when the information is readily available and there are *de minimis* actual costs for the County to provide such information. *De minimis* costs are defined in Section IV (B) below;
3. Ensure the availability of information to the public by providing a procedural framework within which County departments shall provide responsive documents;
4. Meet the needs of the public and the media by developing designated personnel who have a heightened ability to manage FOIA requests; and
5. Establish systems to determine the costs to the County of responding to FOIA requests and to reasonably charge requesters for the costs incurred, as permitted by law.

B. This policy does not apply to any request for public records from one person acting within the scope of County employment to another person acting within the scope of County employment, also known as interdepartmental requests. This policy shall apply to any person who, though a County employee, acts in his or her capacity as a private citizen to request records of a County agency. No records requests from a County employee shall be considered a FOIA request unless the employee specifies that he or she is making the request as a private citizen. County employees shall specify when they are acting as a private citizen in making a request for public records pursuant to FOIA so as to allow the County to comply with FOIA and this policy. This policy shall not be interpreted or implemented in any way so as to discourage any employee from exercising their rights as a private citizen under FOIA.

II. POLICY

- A. To further the purpose set forth above, County employees shall follow the requirements of FOIA, Virginia Code §§ 2.2-3700 *et seq.* pursuant to the procedures set forth herein. FOIA requires the release to members of the public, upon request, of all non-exempt public records as defined in the Act. Although FOIA does not prohibit the release of any public record, the Act permits the County to redact or withhold public records in certain limited circumstances.
- B. Using the procedures outlined below in Section IV, costs to the County in “accessing, duplicating, supplying, or searching for the requested records” to the extent allowed by Virginia Code § 2.2-3704(F) shall be determined and charged to the requester.

III. PROCEDURES

A. General

1. Records Retention – The Virginia Public Records Act, Virginia Code § 42.1-76 *et seq.*, requires County employees to preserve records that document “a transaction or activity by or with any public officer, agency or employee.” The County has adopted a comprehensive Records Management Policy to comply with the requirements of this Act.
2. County Administrator – The County Administrator shall appoint a County FOIA Officer (FOIA Officer) to oversee and assist with the processing of public records requests. Also, the County Administrator shall appoint an alternate FOIA Officer to carry out the duties of the regular FOIA Officer when such person is unavailable.
3. FOIA Officer – The FOIA Officer’s responsibilities include, but are not limited to, coordinating and ensuring proper response to requests made to the County and its employees for public records. The FOIA Officer shall annually attend training provided by the Virginia Freedom of Information Advisory Council and obtain certification of such attendance, as required by law.
4. County Department Directors – Each County Department Director shall appoint a designated intradepartmental Records Custodian (Records Custodian) to coordinate FOIA responses for the department. The Records Custodian shall receive training to ensure compliance with all FOIA regulations and to become familiar with exemptions from FOIA disclosure. The FOIA Officer shall annually

advise and train, or ensure the training of the appointed department Records Custodians regarding their responsibilities pursuant to this policy and FOIA.

5. Electronic Mail – Records preserved in electronic media, including but not limited to electronic mail, are subject both to records retention requirements and FOIA. Consultation with the County’s Information Services Department is recommended to comply properly with FOIA requests involving electronic mail.
6. Disclosure Required – Unless a specific exclusion applies, FOIA requires the disclosure, to citizens of the Commonwealth of Virginia, as well as representatives of newspapers and magazines with circulation in the Commonwealth and representatives of radio and television stations broadcasting in or into the Commonwealth¹, of records “prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.”² FOIA shall not be interpreted as requiring the production of any information that is not embodied in a public record.³
7. FOIA Cost Inquiry Notice - Prior to conducting a search for records, the County must notify the requester in writing that the County 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 or she would like to request a cost estimate in advance of the supplying of the requested records.⁴ This notification is referred to herein as the “FOIA Cost Inquiry Notice.”

B. Point of Receipt for FOIA Records Requests

1. The County encourages requests for public records to be directed to the FOIA Officer, or the individual or department that is the custodian of the relevant records. The County’s policy to provide direct access to those departments or individuals with responsive records allows for improved customer service and reduces the time needed to respond to requests.⁵

¹ Virginia Code § 2.2-3704.

² Virginia Code § 2.2-3701.

³ *Id.*

⁴ Virginia Code § 2.2-3704

⁵ It should be noted that FOIA requests do not have to be in writing or specifically refer to FOIA; however, only requests made to employees while they are on duty, on County property at the time of the request, during regular working hours or during a time the employees are engaging in any activity directly related to regular County business, shall be regarded as FOIA requests. If any employee receives requests outside these parameters, the employee should politely ask the requester to send the request to his/her County email address or telephone

2. When a records request is received by any County employee, whether made verbally or in writing, that employee in accordance with the procedures set forth in Section II (G) below, shall:
 - a. First determine whether the request is for information that is readily available to the public at no cost to the requester, such as by answering questions or directing the requester to the appropriate information available on the County's or other public website;
 - b. If the requester wishes to have copies of documents related to the request, whether in hardcopy or electronic form, the employee shall then provide an intake form for the requester to complete or shall complete a form on behalf of the requester. The form shall include the requester's full name and address⁶, as well as a specific description of the records being requested. An intake form shall not be required of a written request containing all relevant information; however, the request received shall be attached to the intake form to give the employee all relevant information necessary to fulfill the request. The requester's email address and phone number are helpful, if available, but by law cannot be required. The employee shall then determine whether an immediate *de minimis* response, subject to the requirements set forth in Section III (G) below, is available;
 - c. If an immediate *de minimis* response is not possible, the employee shall immediately forward the request to the Records Custodian of his or her department. Upon receipt, the Records Custodian immediately shall initially forward a copy of the records request to the FOIA Officer for tracking purposes, make an initial determination of the scope of the request, provide the FOIA Cost Inquiry Notice and, if requested, provide the cost estimate, then begin gathering the responsive records. In the event the receiving department has no responsive records, the Records Custodian shall notify the FOIA Officer of that fact immediately and forward a copy of the request to any other relevant County departments that may have responsive records. However, if the Records Custodian determines that his or her department has no responsive records and that another public body has the

number, or provide the proper telephone number or contact information for the FOIA Officer or relevant Records Custodian, in order for the request to receive a proper response in accordance with established policy.

⁶ Virginia Code § 2.2-3704(A).

requested records, the response to the requester shall include contact information for the other public body.⁷

3. When a records request is received directly by the FOIA Officer, the FOIA Officer shall immediately make an initial review of the request to determine its scope. The FOIA Officer shall provide an intake form for the requester to complete or shall complete a form on behalf of the requester. The form shall include the requester's full name and address⁸, as well as a specific description of the records being requested. An intake form shall not be required of a written request containing all relevant information; however, the request received shall be attached to the intake form to give the employee all relevant information necessary to fulfill the request. The requester's email address and phone number are helpful, if available, but by law cannot be required. The FOIA Officer shall provide the FOIA Cost Inquiry Notice and, if requested, then provide an estimate and answer the request or immediately forward a copy of the request to the Records Custodian of each department that may have records responsive to the request.

C. FOIA Officer Responsibilities

The FOIA Officer shall be responsible for coordinating and ensuring proper response to requests for public records issued to the County and its employees. The FOIA Officer shall attend training from the Virginia Freedom of Information Advisory County and obtain certification of such attendance as required by law. In addition, the FOIA Officer shall:

1. Read and be familiar with FOIA requirements set forth in Virginia Code § 2.2-3700 *et seq.*;
2. Be familiar with the Virginia statutes applicable to the County that may expressly forbid the release of, or allow the withholding of, certain records including, but not limited to, certain criminal or tax records;
3. Develop and update procedures for responding to FOIA requests to meet the County's needs and to ensure compliance with this policy;
4. Train, or ensure the training of, Records Custodians and other County employees annually to recognize FOIA requests and to properly respond or refer them to the County's FOIA Officer or department's Records Custodian to fulfill requests received;

⁷ Virginia Code § 2.2-3704(B)(3).

⁸ Virginia Code § 2.2-3704(A).

5. Train, or ensure the training of, an alternate FOIA Officer to handle FOIA requests when the regular FOIA Officer is unavailable to do so;
6. Act as the point of contact within the County for FOIA requests;
7. Receive all FOIA requests directed to the County including requests directed to the Board of Supervisors or any member of the Board of Supervisors;
8. Respond, or ensure the issuance of a response, in a timely fashion to FOIA requests in accordance with this policy and any other established procedures. All responses shall be provided pursuant to FOIA deadlines set forth in Virginia Code § 2.2-3704;
9. Maintain appropriate records concerning each FOIA request in accordance with the County's Records Management Policy and the Virginia Public Records Act, Virginia Code § 42.1-76 *et seq.*; and
10. Consult with the appropriate member of the Office of the County Attorney, as necessary, when a question arises regarding FOIA requests, procedures, redactions or exemptions.
11. In addition to the FOIA Officer's other required responses set out herein, the FOIA Officer shall be responsible for providing any response on behalf of the County which indicates that the County is not in possession of documents responsive to a request.
The FOIA Officer shall provide the Records Custodians with a listing of individuals and entities which owe amounts to the County for previously fulfilled requests.

D. Department Director's Responsibilities

This policy intends to promote increased and uniform responsiveness to FOIA requests. Consequently, each Department Director shall read and familiarize himself or herself with FOIA requirements set forth in Virginia Code § 2.2-3700 *et seq.* Each Department Director shall designate a Records Custodian whose responsibilities are set forth below. Further, each Department Director shall appoint an alternate Records Custodian to carry out the duties of the regular Records Custodian when such person is unavailable. Each Department Director shall recognize that FOIA requests are time-sensitive and shall assist, or ensure assistance is provided to, his or her department's Records Custodian in providing a timely, appropriate response to every FOIA request. Each Department Director shall ensure that his or her department complies with this policy and the procedures set forth herein.

E. Records Custodian's Responsibilities

When a FOIA request is received by an employee, and is not already responded to by an employee as an immediate *de minimis* response as allowed by, and subject to the requirements of, Section III G (2), whether directly from the requester or forwarded from any other County department, it shall be the Records Custodian's responsibility to respond to or process the request, as applicable, in an appropriate and timely manner in accordance with law and this policy. To fulfill such responsibility, the Records Custodian shall:

1. Read and be familiar with FOIA requirements set forth in Virginia Code § 2.2-3700 *et seq.*;
2. Be familiar with the Virginia statutes applicable to the County that may expressly forbid the release of, or allow the withholding of, certain records including, but not limited to, certain criminal or tax records;
3. Develop and update procedures for responding to FOIA requests to meet the department's needs and ensure compliance with this policy;
4. Train, or ensure the training of, department employees annually to recognize FOIA requests and to properly refer them to the County's FOIA Officer or other department's Records Custodian's to fulfill requests received;
5. Train, or ensure the training of, an alternate Records Custodian to handle time-sensitive FOIA requests when the regular Records Custodian is unavailable to do so;
6. Records Custodians shall ensure that they are trained pursuant to this policy and shall inform the FOIA Officer if they have not been trained as required herein.
7. Receive all FOIA requests directed to the department;
8. Respond, or ensure the issuance of a response, in a timely fashion to FOIA requests in accordance with this policy and any other established procedures. All responses shall be provided pursuant to FOIA deadlines set forth in Virginia Code § 2.2-3704;
9. Maintain appropriate records concerning each FOIA request in accordance with the County's Records Management Policy and the Virginia Public Records Act, Virginia Code § 42.1-76 *et seq.*; and
10. Consult with the appropriate member of the Office of the County Attorney, as set forth in the department's policy required herein, as necessary, when a question arises regarding FOIA requests, procedures, redactions or exemptions.
11. Records Custodians are encouraged to refer to the FOIA Response Flowchart for Records Custodians attached to the Appendix. The

Flowchart is intended to be a visual guide and is not intended to replace or act as a substitute for this Policy.

12. Records Custodians shall maintain a listing of individuals and entities which owe amounts to the County for previously fulfilled requests provided by the FOIA Officer and make it available to the employees in their department.

F. County Employee's Responsibilities

When a FOIA request is received by an employee, in any form, the employee shall provide an intake form for the requester to complete or shall complete a form on behalf of the requester. The form shall include the requester's full name and address⁹, as well as a specific description of the records being requested. An intake form shall not be required of a written request containing all relevant information; however, the request received shall be attached to the intake form to give the employee fulfilling the request all relevant information. The requester's email address and phone number are helpful, if available, but by law cannot be required. The employee shall, unless providing an immediate *de minimis* response as allowed by, and subject to the requirements of, Section III G (2), immediately forward the request to the Records Custodian of his or her department, who shall make the initial determination of the scope of the request. All employees are responsible for familiarizing themselves with FOIA requirements set forth in Virginia Code § 2.2-3700 *et seq.* All employees are responsible for ensuring they are trained pursuant to this policy and shall inform their department's Records Custodian if they have not been trained as required herein. Employees are encouraged to refer to the FOIA Response Flowchart for Employees attached to the Appendix. The Flowchart is intended to be a visual guide and is not intended to replace or act as a substitute for this Policy.

G. County Department's Procedures

Each department shall develop and follow procedures for responding to FOIA requests directed or referred to that department. Although each department should develop procedures that work best internally, in the event that any department procedure conflicts with any provision of this policy, this policy shall control. The department's procedures shall, at a minimum, include the following elements:

⁹ Virginia Code § 2.2-3704(A).

1. Intake Forms – Departments shall maintain a form approved by the FOIA Officer on which the relevant details of a request may be recorded, whether the request is made in person and the form completed by the requester or the receiving employee, or the request is made over the telephone or through email and recorded by the receiving employee;
2. Immediate *De Minimis* Response – County employees may, subject to the applicable limitations herein specifically including but not limited to, Sections III (G) (6) and III (G) (7) below, provide an immediate *de minimis* response if they are able. Should the employee believe that records must, or may be, redacted or withheld pursuant to Section III (G) (7), the employee shall immediately forward the response to their department's Records Custodian. County employees shall regularly, but not less than once a month, provide their department's Records Custodian information documenting all their immediate *de minimis* responses as set forth in Section V (E);
3. Referral – County employees shall immediately refer each request which is not an immediate *de minimis* response to their department's Records Custodian due to the fact such requests are time-sensitive, County employees may not respond that the County is not in possession of documents which are responsive to a request; such a determination must be provided by the FOIA Officer;
4. Statutory Requirements – County employees, the Records Custodian and FOIA Officer shall follow all statutory FOIA requirements in handling the request, particularly those found in Virginia Code § 2.2-3704;
5. Response Time – County employees, the Records Custodian, and the FOIA Officer shall, as applicable, respond to the request within five (5) business days of the department's receipt of the request in the manner specified by Virginia Code § 2.2-3704(B) unless another response as provided by the statute applies;
6. Department Review of Responsive Records – Once the Records Custodian has provided an estimate, if requested, pursuant to Section IV (C), and the department has collected all the records that respond to the request, the Records Custodian shall immediately review those records (i) to make a record of what the department is providing the requester; (ii) to identify any records that the Records Custodian believes are excluded from the FOIA's disclosure requirement, and (iii) to calculate the County's cost in responding as set out in Section IV. If the cost is *de minimis*, and not subject to any necessary review required by Section III (G) (7), the Records Custodian shall provide the response and retain the documentation

related to the response as required herein. If the cost is not *de minimis*, the Records Custodian shall forward the records and the calculated cost to the FOIA Officer who shall then respond on behalf of the County. If there is any necessary review required by Section III (G) (7), the Records Custodian shall forward the records to the FOIA Officer who shall then respond on behalf of the County and the Office of the County Attorney as set forth herein. If the Records Custodian determines that the department is not in possession of documents which are responsive to a request, the Records Custodian shall immediately forward a copy of the request to any department which the Records Custodian believes has records responsive to the request and shall immediately provide a copy of the request and the determination to the FOIA Officer who shall then respond on behalf of the County.

7. Consultation with County Attorney – In general, when a citizen of Virginia or media outlet with circulation or viewership in Virginia requests a record, FOIA requires the County to provide the requester with the record. However, the County occasionally receives requests for records that may be redacted or are exempt from FOIA’s disclosure requirements. Should an employee, the Records Custodian or FOIA Officer, as applicable, believe that records must, or may be, redacted or withheld, the Records Custodian or FOIA Officer, as applicable, shall adhere to the following guidelines in bringing such records to the attention of the Office of the County Attorney:
 - a. The Records Custodian or FOIA Officer shall not send a Request for Legal Opinion to the Office of the County Attorney before gathering the records that respond to the FOIA request unless the Records Custodian or FOIA Officer confirms the volume of such records requiring the review of an attorney as set forth in subsection 7(c) herein exceeds 200 pages thereby making an immediate consultation appropriate.
 - b. Upon identifying records which may be exempt from disclosure, the Records Custodian or the FOIA Officer shall immediately submit a Request for Legal Opinion with the identified records to the Office of the County Attorney and contact the attorney immediately when requested to do so, in order to review the Request for Legal Opinion. A Request for Legal Opinion issued hereunder shall not require the signature of the Department Director.
 - c. The Records Custodian or FOIA Officer shall promptly provide the attorney with a copy of (i) the FOIA request and (ii) the record or records that the Records Custodian or FOIA Officer

determine may need redaction or may be exempt from FOIA's disclosure requirements. The Records Custodian or FOIA Officer shall not send all the records generated in response to a voluminous request to the attorney. Rather the Records Custodian or FOIA Officer shall send the attorney only those records that the person actually has reason to believe may need redaction or may be exempt from FOIA's disclosure requirements.

- d. The Records Custodian or FOIA Officer shall transmit the request and the identified records to the attorney at least two business days before the response is due to the requester.

H. Board of Supervisors' Procedures

Members of the Board of Supervisors shall immediately forward all FOIA requests to the FOIA Officer and shall respond immediately to the FOIA Officer's request for any responsive documents in the member's possession.

IV. COSTS, *DE MINIMIS*, AND OTHER RESPONSES

In general, FOIA allows the County to "make reasonable charges to its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records." Virginia Code § 2.2-3704(F). Because the County may incur significant costs in responding to FOIA requests, Records Custodians or the FOIA Officer, in responding to the request, shall charge the requester for the response pursuant to the following guidelines:

A. Records Available via Internet or Public Library

Upon receiving a request, County employees and the Records Custodian shall determine if the information is already available to the public on the Internet or at a public library. If so, the employee, the Records Custodian or FOIA Officer, as applicable, shall contact the requester by the fastest means possible and inform him or her that the information is available free of charge on the Internet or at a public library. Should the requester decide to seek the responsive records on the Internet or at a public library, the Records Custodian or FOIA Officer shall send a letter to the requester confirming the requester's decision or, if the response is given in person, document the response. In this event, no costs shall be assessed to the requester for any time or effort spent by County employees determining the information is otherwise publicly available.

B. De Minimis Response

“Immediate *De Minimis* Response” is defined as any response which can be completed immediately in less than five minutes and does not exceed 31 hardcopy pages.

“*De Minimis* Response” is a response which is not an immediate *de minimis* response, but which has a cost to the County of less than five dollars (\$5.00) as calculated herein.

C. Cost Estimate

If the requested records are not publicly available on the Internet or at a public library and if the response is not completed immediately while the customer waits, then the Records Custodian or FOIA Officer shall give the FOIA Cost Inquiry Notice, and if the requester makes such a request for an estimate, the Records Custodian or FOIA Officer shall estimate the cost of complying with the request. Such estimate shall include the following elements where implicated in the response to the request:

1. The actual cost of time spent by County employees in searching for, gathering, or redacting records in response to a request. For each employee, this cost shall be the hourly rate of the employee (not including benefits or other overhead costs for that employee) multiplied by the number of hours that employee spends performing tasks in response to that FOIA request. The Records Custodian or FOIA Officer shall use the lowest-paid employee capable of performing these tasks.
2. The actual cost of duplication of the record. Based upon estimates calculated for paper and use of a copying machine or printer, including toner costs as well as equipment cost averages, Spotsylvania County shall charge \$0.16 per page for duplication. This amount will be updated from time to time, but at least annually, by the Director of Finance, and the amount will be clearly set forth and based upon quantitative criteria stated above.
3. The actual cost of mailing or delivering. This cost shall be the amount expended by the County in mailing or otherwise delivering the records to the requester. There shall be no charge assessed for mailing if the requester personally picks up the responsive records from a County office.

D. Communication of Cost Estimate to Requester

The Records Custodian or FOIA Officer shall communicate the cost estimate to the requester by the fastest means possible as follows:

1. If the estimated cost of fulfilling the request is less than or equal to two hundred dollars (\$200.00), the Records Custodian or FOIA Officer shall inform the requester that payment is due upon delivery of the response to the request.
2. If the estimated cost of fulfilling the request is greater than two hundred dollars (\$200.00), the Records Custodian or FOIA Officer shall inform the requester in writing that, as authorized in Virginia Code § 2.2-3704(H), (i) the County will not continue to process the request until it has received a deposit in the amount of the estimate from the requester, (ii) the County will credit the deposit towards the final cost of supplying the requested records, and (iii) the statutory period within which the County must respond will be delayed or tolled until the County receives the deposit.

E. Invoice of Costs

Upon the completion of the work and duplication necessary to fulfill a request, the FOIA Officer shall prepare an invoice and provide it along with the records responding to the request unless the response is an immediate *de minimis* response or a *de minimis* response previously provided.

F. Intergovernmental Waiver of Costs

The costs associated with responding to FOIA requests from governmental entities shall be waived for entities that extend the County reciprocity regarding cost waiver. Costs associated with FOIA requests from all other governmental entities may be waived at the discretion of the Department Director. In all cases where costs are waived, an invoice shall be prepared for the purposes of record keeping.

G. Collection of Charges from Requester

1. If the requester made a deposit pursuant to Section IV (D) (2) above, such deposit shall be credited against the final actual costs of fulfilling the request. If the deposit is insufficient to cover the costs, the Records Custodian or FOIA Officer shall collect the remainder as

set for below. If any portion of the deposit remains after the deposit is credited against the actual costs, the Records Custodian or FOIA Officer shall return such remaining portion to the requester with the response to the request.

2. If the requester appears in person either to inspect the responsive records or to pick up copies thereof, the Records Custodian or FOIA Officer shall if convenient, collect the charge for the request or provide an invoice for the requester to pay the costs associated with the fulfillment of the request.
3. If the requester requests delivery by mail or electronic mail, the response letter accompanying the responsive records shall state (i) the amount of the costs, (ii) the requester has ten (10) calendar days to pay the County the stated amount, and (iii) the County reserves the right to impose an Six Percent (6%) per annum and to pursue its standard collection procedures for delinquent accounts after thirty (30) calendar days.
4. Pursuant to Virginia Code § 2.2-3704(I), before processing any new requests for records, the County shall require the requester to pay any amounts owed from previous requests for records that remain unpaid thirty (30) days or more after billing.
5. The FOIA Officer shall provide the Records Custodians with a listing of requesters who owe amounts to the County and the Records Custodian shall maintain this listing for their department's employees.

H. Charging Under Special Circumstances

When a requester requests the reproduction of topographical maps or the production of records from the County's Geographic Information System, the Records Custodian or FOIA Officer, in responding to the request, shall follow the special guidelines set forth in Virginia Code § 2.2-3704(F) in charging for those types of records.

V. RECORD KEEPING

Each department shall track its responses to FOIA requests. The Records Custodian or FOIA Officer shall keep a file containing a copy of the following for each FOIA request in order to facilitate uniform data collection:

- A. Intake Form – The department shall maintain copies of each intake form described in Sections III (B) (2), III (B) (3), III (F), and III (G) (1).

- B. Estimate – The Records Custodian’s or FOIA Officer’s calculated estimate of the anticipated cost of responding to a FOIA request shall be maintained on a form approved by the County Administrator or his designee, which may include the intake form.
- C. Communication with Requester – All communication with the requester concerning a request shall be in writing wherever possible. Should a County employee communicate orally with a requester, the County employee shall make a written record of the communication together with the date and time thereof.
- D. Response to the Request – Whenever possible, responses to a request shall be in writing and should be in the form of a letter.
- E. *De Minimis* Reporting – All *de minimis* responses shall be tracked by recording the information set forth in an intake form, the time spent in responding, the documents provided, and the number of documents provided. Records Custodians shall report their department’s *de minimis* response to the FOIA Office at least every quarter of the fiscal year,
- F. Invoice – If an invoice is created, it shall be included with the response.
- G. Payment Record – Payment records should include any invoices issued, the amount due, date payment received, and the amount paid.
- H. FOIA Officer Report – No later than December 31 of each year, the FOIA Officer shall provide the Department of Finance with an annual report indicating the total cost in time and money incurred by each department in responding to FOIA requests including immediate *de minimis* responses and *de minimis* responses. The Finance Department shall conduct an annual audit of the FOIA Officer’s files in order to gather countywide data on the costs in time and money incurred by the County in responding to requests and shall present a report on such costs to the County Administrator.

VI. AUTHORITY

Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*

VII. POLICY AND PROCEDURES UPDATES

In addition to the authority of the Board of Supervisors to amend this FOIA Policy and Procedures, the County Administrator, after consulting with the Office of the County Attorney, is authorized to make any modifications or updates to this FOIA Policy and Procedures as deemed necessary. The County Administrator shall inform the Board of Supervisors of any modifications or updates which have been made to this FOIA Policy and Procedures by the County Administrator.

APPENDIX