

Frederick County Policy
for
Responses to Requests for Public Records
as required by the
Virginia Freedom of Information Act
Prepared August, 2001
Revised April 8, 2003

General

- 1) The Freedom Of Information Act (FOIA) only covers *existing* public records. It does not require the county to create a new record or report that does not exist. Requests for information about a particular subject or lists of questions to be answered are not subject to the Act. We are not required to summarize information from existing records. Only requests for particular documents or other specific existing records are subject to the act.
- 2) Persons requesting public records need to identify the records they are seeking “with reasonable specificity.”
- 3) The individual does not need to cite that their request is a Freedom of Information Request nor the reason they want the information.
- 4) The FOIA does not speak to whether or not a locality may insist that requests be in writing, however, for efficiency and accuracy and in order to achieve a “reasonable specificity” in requests, departments should utilize the attached FOIA request form.
- 5) The initial response to a request must occur within five *working* days. The response may be in one of three forms.
 - providing the requested records;
 - inform the requestor that the records (or a portion thereof) are being withheld based on an exemption from the FOIA. If this is the response, it must also cite that section(s) of the code that exempt the record and the approximate volume and subject of the records being withheld; or
 - inform the requester that it is not practical to identify or collect the requested records within the five days and why. If this is the case, the county is given seven additional days to make one of the above responses.

(If needed, additional time beyond this seven day extension can be negotiated with the individual making the request, otherwise, to obtain more time a petition to the local circuit court is necessary.)

Charging for Time Spent

- 1) The act permits the locality to recoup only the actual costs incurred to locate, duplicate and supply records. The county does not charge for overhead.
- 2) If the charges for providing the records are expected to exceed \$200, payment may and should be required in advance.
- 3) An estimate for fulfilling a request will include an hourly rate for the staff person(s) retrieving, copying or otherwise preparing the records requested as well as copying charges at a rate of .20 cents per 8.5x11 page (.40 cents if the page is a 2 sided copy), .25 cents per legal sheet (.50 cents for 2 sided), and .50 cents for 11x17 (100 for 2 sided copies), \$1.60 for tapes, and \$2.00 for video tapes plus any fees associated with duplicating the video if sources other than staff are used.

**FREDERICK COUNTY PUBLIC RECORDS
REQUEST FORM**

REQUESTOR' S NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

PUBLIC RECORD(S) SOUGHT AND AMOUNT NEEDED (SEE BREAKDOWN ON PAGE 3 OF FOIA REQUEST FORM):

Please Note the Applicable FOIA Procedures

The Virginia Freedom of Information Act (Virginia Code Section 2.2-3700, et. seq.) provides for inspection and copying of the official public records of the County of Frederick by citizens of the Commonwealth and media representatives.

The procedures for inspecting or obtaining copies of County of Frederick public record(s) are as follows:

- 1) A request must be submitted to the County of Frederick identifying the public record(s) sought with reasonable specificity.
- 2) The County of Frederick will act diligently to locate and produce requested public records. **However, the Freedom of Information Act allows five (5) work days to respond**, and citizens should not expect the county's response to be instantaneous. If an extraordinary volume of records is requested, the county will advise the requestor in writing within the five (5) work day period which provides the county with an additional seven (7) work days to respond by statute.

- 3) The Freedom of Information Act allows the County of Frederick to assess a reasonable charge to access, search for, duplicate, and supply requested public records. **There is a fee for the county's services which must be paid before the records are received.** The County of Frederick will charge the hourly rate of pay for the time expended by its employees in searching for and reproducing the record. The County of Frederick will also charge for copying at the rate of \$0.20 per page for letter size duplication, \$0.25 per page for legal size duplication, \$0.50 per page for 11 x 17 duplication, \$0.40 per page to duplex letter size public records, \$0.50 to duplex legal size public records, and \$1.00 to duplex 11 x 17 public records. Prior to the search, the County of Frederick will estimate the cost of providing the public record(s) to the requestor. Where estimated costs exceed \$200, the County of Frederick will require payment of the estimated cost by the requestor in advance.

- 4) **The County of Frederick is not required to create or prepare a particular requested record if it does not already exist. The County of Frederick is not required to abstract or summarize information from official records, or to convert a record from one form to another. Only existing public records are subject to the Freedom of Information Act.**

Not all public records of the County of Frederick are obtainable under the Freedom of Information Act. Examples of exempt public records include, but are not limited to, police investigation records, personnel records, closed session memoranda, tax returns, opinions of the county attorney, litigation records, customer utility records (including the customer's name and service address, but excluding the amount and costs of service), appraisal and cost estimates, and trade secret information.

If it is determined that all or part of requested public records are exempt under the Freedom of Information Act, the county will respond with a written explanation.

SIGNATURE OF REQUESTOR: _____



Itemization Cost of FOIA Request

ESTIMATE OF COST:	COST:HOURLY RATE/ITEM	NO. OF HOURS/ITEM	SUBTOTAL
Administrative Time	\$ _____	_____/HOURS	\$ _____
Copies - Letter (Duplexed count each side as 1 page)	.20/Page	_____/Pages	\$ _____
Copies - Legal (Duplexed count each side as 1 page)	.25/Page	_____/Pages	\$ _____
Copies - 11 x 17 (Duplexed count each side as 1 page)	.50/Page	_____/Pages	\$ _____
Tapes - Regular Recording (No charge if tape is replaced by requestor)	\$1.70/Each	_____/Tapes	\$ _____
Video Tapes	\$ _____ (Inv for Copying)		\$ _____
	\$2.00/Each Cost of Tape	_____/Tapes	\$ _____
Miscellaneous	\$ _____	_____/Each	\$ _____
			\$ _____
			\$ _____
			\$ _____
TOTAL COST OF FOIA REQUEST			\$ _____

DATE PAYMENT RECEIVED: _____

SIGNATURE OF EMPLOYEE: _____