



County of King William, Virginia

Virginia Freedom of Information Act (FOIA) King William County Policy & Costs/Charges Schedule

The Rights of Requesters and the Responsibilities of King William County under the Virginia Freedom of Information Act

Resolution 23-24R – Adopted March 27, 2023

The Virginia Freedom of Information Act (FOIA), located in [§ 2.2-3700 et seq. of the Code of Virginia](#), guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. King William County maintains an “open door policy” and is more than willing to sit down with any citizen to discuss the transaction of public business or provide access to public records, many of which are readily available on the County website – kwc.gov.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

The purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Requestor's FOIA Rights

- Citizens of the Commonwealth of Virginia and members of the media with circulation in the Commonwealth of Virginia have the right to request to inspect **or** receive copies of public records, or both.
- Requestors have the right to request that any charges for the requested records be estimated in advance.

Those who believe their FOIA rights have been willfully and knowingly violated may file a petition in district or circuit court to compel compliance with FOIA or may contact the [Virginia Freedom of Information Advisory Council](#) by phone at 804-698-1810 (866-448-4100), by fax at 804-698-1899, or by email at foiacouncil@dls.virginia.gov.

Making a Request for Records from King William County

- Requestors must provide their name and legal address pursuant to § 2.2-3704(A).
- Records may be requested via e-mail, US Mail, fax, in person, online, or over the phone. FOIA does not require that requests be in writing or specifically state records are being requested under FOIA. From a practical perspective, it is helpful to the FOIA Officer and the requestor that requests be in writing. This gives the requestor a record of the request and gives the FOIA Officer a clear statement of what records are being requested, so there is no misunderstanding. In 2023, the County will institute an online portal for requesting, tracking, and receiving public records.
- Requests must identify the records being sought with "reasonable specificity." This is a common-sense standard and does not refer to or limit the volume or number of records requested. It merely requires the requestor to be specific enough for the FOIA Officer to identify and locate the desired records.

- Requests must be for existing public records. FOIA gives citizens a right to inspect or copy **public records**; it does not apply to general questions about the work of the County, nor does it require the County to create a record that does not exist.
- Electronic records may be requested in any format used by the County in the regular course of business.
- Requestors must cooperate with staff's efforts to clarify the type of records being sought and attempt to reach a reasonable agreement about the time required to respond to a large request.

Point(s) of Contact for Requesting Records from King William County

The Board of Supervisors has designated a FOIA officer to receive and coordinate responses to requests for records addressed to those departments and agencies of the County subject to direction by the Board:

- **Clerk to the Board of Supervisors – FOIA Officer**

Requests for records pertaining to the agencies listed below should be directed to their designated FOIA Officers. Current contact information will be located on the County website – kwc.gov.

- **Clerk of the Circuit Court**
- **Commissioner of the Revenue**
- **Commonwealth's Attorney**
- **Department of Health, Three Rivers District**
- **General District Court**
- **Juvenile & Domestic Relations Court**
- **King William County Public Schools**
- **Sheriff's Department**
- **Treasurer**
- **Town of West Point – General Government**
- **Town of West Point – Public Schools**

County Responsibilities in Responding to Your Request

- One of the responses below must be made to the requestor within five working days of receipt. "Day One" is considered the first working day after the request is received. The five-day period does not include weekends, holidays, or other days when County offices are closed.
 1. All records requested provided in their entirety.
 2. All records requested omitted because all are subject to a specific statutory exemption. A written response identifying the volume and subject matter of the records being withheld and stating the specific section of the Code of Virginia allowing the records to be withheld must be provided.
 3. Some records requested are provided but others are withheld. An entire record cannot be withheld if only a portion of it is subject to an exemption. In that instance, portions of some records may be redacted (blacked out). A written response stating the specific section of the Code of Virginia allowing portions of the records to be withheld must be provided.

4. No records responsive to the request - the records requested cannot be found or do not exist. If it is known that another public body has the requested records, their contact information will be provided.
 5. It is practically impossible for the County to respond to the request within the five working day period. A written response explaining the reason will be provided and the County will receive an additional seven working days to respond to your request (a total of 12 working days).
- If a request for a very large number of records is made which the County is unable to fulfill within 12 working days without disrupting other organizational responsibilities, the court can be petitioned for additional time to respond. **FOIA requires a reasonable effort to reach an agreement concerning the time frame for production of the records and the scope of records requested be made before petitioning the court.**

Costs/Charges Schedule

- Requestors may have to pay for the records requested. FOIA allows the County to make reasonable charges not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and to make all reasonable efforts to supply the requested records at the lowest possible cost. § 2.2-3704(F) Time spent for redacting records may also be charged.
- The County may make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. § 2.2-3704(F)
- The County may charge for initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.
- Prior to conducting a search for records, the County shall notify the requester in writing that reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records may be made and inquire of the requester whether they would like to request a cost estimate in advance of the supplying of the requested records.
- If requested, the County shall provide the requester with a cost estimate. The estimate is not a fixed amount. Actual costs may be greater or less than the estimated amount. In such a case, the County will refund any overage paid or provide an invoice for additional payment which must be made within 30 days directly to the FOIA Officer. The period within which the County shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the County receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the County in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. § 2.2-3704(F)
- In any case where the County determines in advance that charges for producing the requested records are likely to exceed \$200, the County may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the County shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester. § 2.2-3704(H)
- Pursuant to § 2.2-3704(I), before processing a request for records, the County may require the requester to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.

Types of records

The following is a general description of the types of records held by the County. Many of these are publicly available on the County website.

- General administrative records such as correspondence, meeting minutes, etc.
- Financial records.
- Records of contracts entered into by the County.
- Zoning and subdivision records including permits and violations.

Commonly Exempted Records

The Code of Virginia allows any public body to withhold certain records, or portions thereof, from public disclosure. The County commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
- Records recorded in or compiled exclusively for use in lawful closed meetings (§ 2.2-3705.1 (5))
- Working papers and correspondence of the County Administrator (§ 2.2-3705.7 (2))

The Code of Virginia provides a number of exemptions specific to certain types of records. These exemptions and exclusions are found, for the most part, in §§ 2.2- 3705.1 through 2.2-3706.1 of the Code. It is the general policy of the County to invoke lawful exemptions from disclosure in matters involving protection of the privacy of individuals, protection of the interests or strategy of the County in bargaining, negotiating, investigating, or prosecuting claims, and in matters involving public safety.



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Staff Time - costs for time spent accessing, duplicating, redacting, reformatting, supplying, or searching for the requested records:

- The actual hourly rate of the FOIA Officer, which is an administrative/support staff position. This does not include the cost of fringe benefits. There is no charge for the first thirty minutes of staff time.
- The cost, if any, to the County for initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law. This will be charged at the actual hourly rate of the FOIA Officer.

Copying/Printing/Reproducing Records - publications, books, documents, maps, plats, etc.:

Document Size	Number of Pages	Charge
8.5x11 color	1-4 pages	No charge
8.5x11 color	5+ pages	\$0.06 per page – single-sided \$0.12 per page – double-sided
11x17 color	1-2 pages	No charge
11x17 color	3+ pages	\$0.12 per page – single-sided \$0.24 per page – double-sided
8.5x11 black & white	1-4 pages	No charge
8.5x11 black & white	5+ pages	\$0.03 per page – single-sided \$0.06 per page – double-sided
11x17 black & white	1-2 pages	No charge
11x17 black & white	3+ pages	\$0.06 per page – single-sided \$0.12 per page – double-sided
Larger documents, maps, plats, etc.		actual cost the County incurs to print them or have them printed
Thumb drive	Up to 32gb	\$5.00 each

Payment of FOIA Fees

The FOIA Officer will provide the requestor with a written invoice detailing the costs involved in fulfilling the request. All amounts shall be remitted within thirty (30) days directly to the FOIA Officer in cash or by check made payable to King William County Treasurer. In 2023, the County may make online payment of FOIA fees an option.