

CITY OF SUFFOLK FREEDOM OF INFORMATION ACT OFFICE

The Virginia Freedom of Information Act

The Virginia Freedom of Information Act, § 2.2-3700 through § 2.2-3714 of the Code of Virginia, guarantees citizens of the Commonwealth of Virginia and representatives of the media access to public records held by public bodies, public officials, and public employees and entry to meetings of public bodies. By law, the Freedom of Information Act (FOIA) requires a response to requests within five working days.

The Suffolk FOIA Office

The City of Suffolk FOIA Office is located on the second floor of the Municipal Building, 441 Market Street, and has signage that promotes awareness and visibility. The FOIA Office is equipped with a foyer area where those seeking public records may enter, submit FOIA requests, review records, and view municipal programs or meetings on the television/DVD player or computer.

The FOIA Request

The Virginia Freedom of Information Act requires that public records be made available to citizens and the media for copying and/or inspection. FOIA refers to records that are in existence and does not require that the City of Suffolk create records. The City of Suffolk may abstract and summarize records, by agreement with the requestor.

A Public Record

A public record is writing or recording, regardless of whether it is a paper record, an electronic file, an audio or video recording, or in any other format that is owned or prepared by, or in the possession of, a public body or its officers, employees, or agents in the transaction of public business.

All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

FOIA requests must be for tangible records that currently exist. It does not apply to a situation where you are seeking answers to general questions about the City of Suffolk.

A requestor may choose to receive electronic records in the same format in which the City of Suffolk creates and maintains them in the regular course of business. For example, if a department of the City of Suffolk maintains a particular record in an Excel database, you may request to receive the record electronically by email, on a computer disk, or you may request to receive a paper copy.

How to Make a Request

FOIA requests may be submitted by mail, email, telephone, in person (walk-in), and by any other means and must include the name and address of the requestor. Telephone numbers and email addresses are very useful in the event that there are questions about the request.

FOIA requests do not need to include the word "FOIA". All requests must include the name and address of the requestor and the request must be reasonably specific enough so that we can identify and locate the records that the requestor is seeking.

The day after the FOIA Officer receives the request is considered the first day of the maximum five-working-day response period.

A "FOIA Request Form" may be completed by the requestor or by the staff person assisting the requestor. The form must include the date, the name and address of the requestor, and specific information about the public record that is being requested. From a practical perspective, putting your request in writing gives us a clear statement of exactly which records you request so that there is no misunderstanding over a verbal request.

**A "FOIA Request Form" may be substituted by an email or letter that lists all required information as stated above.

The FOIA Officer will communicate with the requestor if there are questions about the request, to discuss charges, and to notify the requestor that the records are ready for inspection or copying.

If we have questions about your request, please cooperate with us as we try to clarify the exact records that you are requesting. Also, if it is a large request, please work with us as we attempt to reach a reasonable agreement on the records to be provided.

Responses to FOIA Requests

Virginia FOIA outlines the five possible responses to a FOIA request. If a request is being denied or records are not being provided according to the request, the FOIA Officer must respond in writing.

THE FIVE POSSIBLE RESPONSES

- ▶ The requested records are being provided and are enclosed.
- ▶ The requested records are being provided in part and withheld in part because the release of part of the record is prohibited by law. The law must be properly cited in the response and include the Virginia Code Section exemption.
- ▶ It is not practically possible to produce the records within five working days and we will need to invoke an extension. – An extension notification must be made in writing. This extension must be made within the five day response time-frame and will add an additional seven working days to the response time, totaling 12 working days.
- ▶ The requested records are being entirely withheld because their release is prohibited by law or the City of Suffolk has exercised its discretion to withhold the records in accordance with FOIA. The law must be properly cited in the response and include the Virginia Code Section exemption.
- ▶ The requested records could not be found or do not exist.

Charges for FOIA Requests

FOIA makes provisions for local government agencies to charge for requested records. The Suffolk FOIA Office makes reasonable charges for the actual costs incurred in accessing, duplicating, supplying, or searching for requested records. Charges must be fair and may not include extraneous or surplus fees unrelated to the production of the records. It is the goal of the Suffolk FOIA Office to keep production costs as low as possible.

Citizens and members of the media may request an estimate of the cost of supplying the requested records in advance of the staff searching for and duplicating the records.

The Suffolk FOIA office charges for the following:

Copies — Black and white copies are 25 cents each.

Labor — The FOIA Office can charge for staff time used to search for and duplicate records. The rate will reflect the hourly wage of the employee who has the skills needed to research and prepare the records for release.

Postage — FOIA allows that postage charges be incurred by the requestor.

CDs and DVDs — The cost of a CD or DVD is 50 cents. A labor charge could be assessed, in addition.

If estimate is over \$200 — An estimate of charges will be explained to the requestor prior to staff starting the FOIA request response. If it is estimated that the cost to produce documents will exceed \$200, the City of Suffolk will request a deposit prior to performing the work. The deposit will be applied to the total bill upon completion of the FOIA request. If remaining balance is not paid in 30 days, the requestor will be notified that no FOIA requests will not be processed until payment in full has been received.

If an individual has an unpaid invoice for a FOIA request that is more than 30 days outstanding, the City of Suffolk will require payment of the past-due bill before we will respond to a new request.

Your FOIA Rights

You have the right to request to inspect or receive copies of public records, or both.

You have the right to request an estimate of charges for completion of your FOIA request in advance.

You have the right to file a petition in district or circuit court if you feel that your FOIA rights have been violated. The Suffolk FOIA Office would like to work with you, first, to reach a solution. Our goal is to provide the requested records that are not exempt from release as defined by the Code of Virginia.

HOW TO CONTACT THE FOIA OFFICE

If you would like to visit the FOIA Office to make a FOIA request or to pick up responsive records to your request, we are located on the second floor of the Municipal Building, 441 Market Street in downtown Suffolk.

Also, you may contact us:

By email: foia@city.suffolk.va.us

By telephone: 757.514.4103

By fax: 757.514.4109

By mail:

City of Suffolk
FOIA Officer
441 Market Street
Suffolk, VA 23434

The Suffolk FOIA Office looks forward to working with you!