

## **1.0 Purpose and Need**

HRSD is occasionally requested to provide information in accordance with the Freedom of Information Act (FOIA) Code of Virginia 2.2-3700 through 2.2-3714. Information can be requested verbally, in writing, over the phone, by fax or email.

## **2.0 Definitions**

***Public Records*** – 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. Records that are not prepared for or used in the transaction of public business are not public records.

***Working Papers*** – those records prepared by or for a public official for their personal or deliberative use.

## **3.0 Guiding Principles**

Code of Virginia, [Chapter 37 of Title 2.2 The Virginia Freedom of Information Act](#), the [Virginia Freedom of Information Advisory Council](#) and the [Virginia Coalition for Open Government](#).

## **4.0 Procedures**

Any requests for information should be immediately forwarded to the FOIA Officer, who will log when and by whom the request was received. The FOIA Officer will provide the General Manager with a copy of each request and seek his guidance on obtaining legal counsel, if necessary, and determining who should respond. The FOIA Officer will assure the request is acted upon in the prescribed amount of time, log the response date. The Chief of Communications will serve as backup FOIA Officer when necessary. HRSD will provide this information under the following conditions:

- 4.1. Labor for production of documents will be charged to the requestor at the actual wage cost.

**COMMISSION ADOPTED POLICY**  
***Freedom of Information Act***



**Adopted: December 21, 2004**

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- 4.2. Costs for copies will be based on prices established in HRSD's copier contracts and paper costs. Larger drawings and blueprints will be done by outside contractors and charged at their usual rate. Postage and other material fees will be charged at their actual costs. Costs for providing electronic records will be charged at the usual rate for the staff person responding to the request.
- 4.3. Time necessary to locate, retrieve and/or reproduce documents or records will be charged at the usual rate for the staff person responding to the request. Documents can be provided on digital media, if requested.
- 4.4. Only documents that exist will be made available. It is not the responsibility of HRSD to create any documents.
- 4.5. There will be no mark-up or profit charged to the above-mentioned costs.
- 4.6. HRSD will provide the material requested within five working days or notify the requestor within five working days that an additional seven days is required and the reason. Additional time may be negotiated for large requests.
- 4.7. If the cost is expected to exceed \$200, HRSD may require payment of the estimated cost in advance. The time required to fill the request stops until the payment is made. The requestor may request an estimate of charges in advance.
- 4.8. Non-Virginians are not entitled to information under the FOIA legislation.
- 4.9. If an exemption is applicable then the exemption may be exercised.
- 4.10. Email is subject to the FOIA.
- 4.11. Only HRSD employees will access electronic information. No direct access to electronic files will be granted to requesting parties.
- 4.12. All working papers of the General Manager are exempt from FOIA.
- 4.13. The FOIA Officer shall be trained annually by legal counsel or the Virginia Freedom of Information Advisory Council.

**5.0 Responsibility and Authority**

In an effort to increase awareness of the public's right to information, Virginia now requires all public agencies to make their FOIA compliance doctrine available on their websites. The compliance doctrine entitled "FOIA Rights and Responsibilities: The Rights of the Requesters and the Responsibilities of HRSD" includes the following:

- A "plain English" explanation of the rights of the requestor under FOIA, the procedure to obtain records and the responsibilities of the agency in complying with FOIA;
- Information on how to reach the agency's designated FOIA contact person; and
- The agency's policy on records it routinely withholds as permitted by FOIA.

Approved: \_\_\_\_\_  
Vishnu Lakdawala  
Commission Chair

Date: \_\_\_\_\_