



LOUISA COUNTY, VIRGINIA FREEDOM OF INFORMATION ACT POLICY

Louisa County is committed to further enhancing the public trust within county government and to set forth a uniform procedure for processing and responding to requests for information under the Virginia Freedom of Information Act ("FOIA"), Code of Virginia §2.2-3700, *et seq.*

Louisa County's FOIA Policy ("Policy") sets forth the process by which requests for information will be handled by Louisa County.

WHAT YOU SHOULD EXPECT

1. Within five work days of receiving your request, County staff will review it to determine if the information you are seeking is contained in an *existing* public record. (*A public record, in broad terms, is any writing or recording—be it on paper, electronic, audio or video format—that is prepared in the transaction of public business, and owned by or in the possession of the County (or its employees or officers).*)
2. Within five work days of receiving your request, if a record exists, and there is no legal basis to withhold that record, the County will provide the records requested in their entirety. If there is a legal basis to withhold part or all of the requested records, the County will inform you and provide you with the specific section of the Code of Virginia which permits the County to withhold information.
3. In some cases, your request may be so large the County is unable to provide information within the initial five work days of receiving your request. If that is the case, the County will notify you of that fact, and inform you that seven additional work days are needed as allowed by the Code of Virginia. (*In very limited instances, the request is so broad and time-consuming that the County will ask to work with you on establishing a different date by which to respond.*)
4. In some cases, your request may be so broad that the County determines that the response will consume a substantial amount of staff time. In those cases, the County will do one of two things: (a) inform you of the charge in advance to verify that you want to incur the expense (as you will be billed for it) or (b) require a deposit from you in advance of doing any work if the cost is expected to exceed \$200.00.

HOW TO FORMULATE YOUR REQUEST

You should identify the requested records with reasonable specificity. As a rule of thumb, your request should be specific enough for staff to be able to immediately determine what records you are looking for and where those records are located. (*If your request is not specific enough, you run a substantial risk of the County responding that there are no records responsive to your request or asking you to clarify your request.*)

In the interest of time, you are encouraged to make your request to the department most closely associated with the type of information you are requesting. If you are not sure of which department, requests can be generally made:

- In person: 1 Woolfolk Avenue, Louisa, Virginia 23093
- Email: dwillard@louisa.org
- U.S. Mail: Deborah Willard, FOIA Clerk, P.O. Box 160, Louisa, Virginia 23093
- Fax (540) 967-4545

For your convenience, you can download a [FOIA Request Form here](#).

REASONS FOR COUNTY TO WITHHOLD INFORMATION (EXEMPTIONS)

There are a number of legal reasons that a “public record” may be withheld by the County, and not be released simply upon request. The Code of Virginia details most of these reasons as “exemptions” to the FOIA. Code of Virginia §2.2-3705.1, *et seq* The most common exemptions utilized to withhold information are:

- Personnel records (excepting salaries exceeding \$8,000)
- Records related to an ongoing administrative/criminal investigation or security matters
- Vendor proprietary information
- Records related to the negotiation of a contract, before the contract is award
- Non-criminal records; personal, medical, or financial information of individuals

The determination as to whether an exemption is applicable to any request shall be made by, or after prior consultation with, the County Attorney or his/her designee.

COSTS

The County bills for reimbursement of its *actual costs* (i.e., copying costs, postage, and/or applicable employee hourly rate) to respond to FOIA. Billing is allowed by the Virginia Code, and is applied to all requests regardless of their purpose.

A requester has the right to ask the County to estimate its cost in advance of responding so that the requester can determine whether the request should be narrowed or withdrawn to save costs. If the County estimates that its response will generate actual costs of \$200 or more, the Code of Virginia authorizes the County to require a \$200 deposit, and to “stop the clock” on having to respond until such as time as the deposit is *actually* received.

VIOLATIONS

If you believe your rights under FOIA have been violated, you may file a petition in the general district or circuit court to compel the County to comply with FOIA.

You may also contact the County Attorney’s Office at (540) 967-4591 to seek assistance with compliance on a less formal basis.

FOR ADDITIONAL INFORMATION

If you have general questions that are not answered by this Policy, please contact the following FOIA Clerk in the County Attorney’s Office: Deborah Willard
Email: dwillard@louisa.org
(540) 967-4591

The [Freedom of Information Advisory Council](#) is also available to answer questions you may have regarding FOIA at:
Email: foiacouncil@leg.state.va.us
1(866) 448-4100