



Town of Dumfries Freedom of Information Act (FOIA)

Implementation Procedures

The following are the procedures when implementing the Town of Dumfries Freedom of Information Act Policy (CP01-13).

I. REQUESTS

1. Any and all requests for information should be considered a FOIA request, whether or not the requestor references FOIA, and should be responded to within five (5) working days. (certain provisions may allow for an additional seven (7) days if approved by the FOIA officer.)
2. Requests under the Freedom of Information Act must meet the following requirements:
 - a. FOIA requests should be submitted in writing on either the Town of Dumfries Request for Public Information (FOIA) form, a letter or an e-mail. Phone requests may be accepted but should be recorded on the official FOIA form. While the FOIA does not specifically require the requestor to be put in writing, the department/office processing shall utilize the FOIA request form for records management purposes (traceability).
 - b. The requested information shall be identifiable. The request shall describe the public record sufficiently and with reasonable specificity to easily identify the record requested.
 - c. The requested document and/or information must already exist in a “public record” defined as any compilation of letters, words, or numbers prepared, owned or possessed by a public body. This includes all written, printed, magnetic, and electronic records prepared in the transaction of public business.
3. Requests for information usually furnished to the general public through normal operations and that would be considered “routine and ordinary” may be received and processed by the appropriate department/office without the completion of the FOIA

request form. Requests are considered routine if the information would be provided as part of the regular course of operations, available on the Town's website, printed materials such as brochures, publications or reports readily made available to the public or public documents or records frequently requested as part of normal office operations. (i.e. zoning ordinance sections, monthly building permit report, department annual reports, etc.)

4. Requests not considered routine or ordinary, especially internal documents/records or reports not yet made public; all requests from media; information containing personal information of individuals; information that may be considered legally sensitive; requests involving specific staff or members of the Council; as well as any request specifically referenced as a "FOIA request," shall be handled in the following manner:
 - a. The FOIA Officer shall be notified of request by e-mail or faxed a copy of FOIA request form. (Please note that the requestor is not required to put the request in writing.) The person presenting the request to the FOIA Officer should make known any concerns regarding the specific request (i.e. format of information, potential for exclusion, five (5) work day deadline, exceptional costs related to providing information, and/or legal or political ramifications, etc.).
 - b. The FOIA Officer shall advise the requestor as to any special circumstances or specifics to compiling information.
 - c. The FOIA Officer is to consult with the Town Attorney and/or Town Manager to determine appropriateness of release of certain documents, as needed.
 - d. Information to be compiled by appropriate department/office within the five (5) work day timeframe (unless extension is requested and approved) and forwarded to the FOIA Officer for release and distribution to requestor. Under no circumstances shall the release of FOIA information be made by department/office directors or staff.
 - e. Any and all denials (i.e. exemptions) under this act must be authorized by the FOIA Officer and confirmed by the Town Attorney with written notification of specific exemption cited per FOIA act.
5. The schedule of fees attached will be followed in calculating costs with clarifications or questions directed to the FOIA Officer. All costs should be noted on the FOIA request form. If the cost of the request is expected to exceed \$200.00, the FOIA Officer shall issue a written notice to the requestor notifying individual of estimated cost(s) and requesting advanced payment prior to processing the request.

6. In accordance with the act, or unless otherwise agreed to in writing by the requestor, the FOIA Officer shall respond to the FOIA request within five (5) business days by taking one (1) or more of the following actions:
 - a. Process and grant the request.
 - b. Issue a written notice to deny the request citing specific exemption.
 - c. Grant the request in part and issue a written notice to deny the request in part noting specific exemption.
 - d. Under unusual circumstances, issue written notification to extend the response period by seven (7) additional work days.

II. RECORD MANAGEMENT

1. Each department responding to a FOIA request shall keep a copy of the FOIA request form and a copy or reference to the information provided. The actual materials, information, or records provided to the requestor do not need to be copied and filed if the documents are stored and accessible through normal operations.
2. The FOIA Officer shall retain a copy of all forms and documents released and shall establish and maintain a FOIA log to track and record all necessary information to verify compliance with FOIA regulations.



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Schedule of Fees

Costs:

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records. No public body shall impose any extraneous, intermediary or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of [§ 2.2-3704 of the Code of Virginia](#).

- **Staff Time:** depending on the time involved hourly staff charges may be assessed.
- **Copying Costs:** \$0.25 per copy (first five (5) copies are complimentary).
- **Overhead costs** will not be included.
- If the estimated cost is more than \$200, **a deposit may be required** (not to exceed the amount of the estimate), before proceeding with your request. The five (5) days to respond to a request does not include the time between a request for a deposit and a response from the requestor.
- If requested, an **estimate of the charges** will be provided prior to supplying the records requested.
- If money is owed from a previous FOIA request that has remained **unpaid for more than thirty (30) days**, the Town of Dumfries may require payment of the past-due bill prior to responding to a new FOIA request.