



INFO SHEET

FREEDOM OF INFORMATION ACT REQUEST FEE POLICY

The Virginia Freedom of Information Act (FOIA) guarantees citizens of the Commonwealth and media representatives access to public records held by public bodies, public officials, and public employees. The law is written to balance public transparency on the one hand and time spent by public bodies, officials and employees to respond on the other. The Virginia Outdoors Foundation supports transparency in state government.

FOIA permits agencies to charge for the actual costs of responding to requests, such as time spent searching the requested records, copying costs, or any other costs directly related to supplying the requested records. Charges cannot include general overhead costs.

- VOF does not charge for the first hour of time spent on any FOIA request or for the cost of mailing a requestor the information if printed copies are required.
- VOF's policy is to charge a flat fee of \$40 per hour and 10 cents per page for printed copies. The flat fee is based on the average annual hourly salary of agency employees.
- Charges include the time for research, data analysis, report preparation if required, and redaction if required.
- The primary exemptions on public records disclosure in the Code that apply to DHRM are:
 - 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))
 - Records relating to the negotiation and award of a contract prior to a contract being awarded (§ 2.2-3705.1 (12))
 - Attorney work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting. (§ 2.2-3705.1 (3))
 - Records recorded in or compiled exclusively for use in closed meetings (§ 2.2-3705.1 (5))
 - Cost estimates of real property. (§ 2.2-3705.1 (8))