

Your rights under the Virginia Freedom of Information Act (FOIA)

The Virginia Freedom of Information Act (FOIA), located §2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording, regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format, that is prepared or owned 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.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

- You have the right to request to inspect or receive copies of public records, or both.
- You have the right to request that any charges for the requested records be estimated in advance.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA.

How to request records from the Hanover County Voter Registration and Elections Office

You may request records by mail, fax, e-mail, in person or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA. The following guidelines will better enable the office in complying with your request.

- Your request must include your name and legal address.
- Your request must identify the records you are seeking with reasonable specificity. This does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
- Your request must ask for existing records or documents. FOIA gives you a right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of the Voter Registration and Elections Office, nor does it require the Voter Registration and Elections Office to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Voter Registration and Elections Office in the regular course of business.

All FOIA records requests should be directed to the Hanover County Voter Registration and Elections Office FOIA Officer: Teresa Smithson, General Registrar\Director of Elections. Her contact information is as follows:

- in person at the Hanover County Voter Registration and Elections Office:
7497 County Complex Road. Wickham Bldg. Room 119 Hanover, VA 23069
- by telephone 804-365-6080 or fax 804-365-6078
- by email to HanoverVoting@hanovercounty.gov

The Voter Registration and Elections Office's responsibilities in responding to your request

The County shall respond to your request within five (5) work days of receipt. The five days begins the next work day after the request is received and does not include weekends or holidays.

If the County is unable to respond to a public records request within five (5) work days, the Hanover County Voter Registration and Elections Office FOIA Officer shall send a written response to the requester stating that it is not practically possible to respond within five days and specifying the conditions that make a response impossible. The County shall then have an additional seven (7) work days to respond to the request.

If more than seven (7) days is necessary to respond to a request for an extraordinary volume of records or which will require an extraordinarily lengthy search, the County shall make reasonable efforts to reach an agreement with the requester for more time. If an agreement cannot be reached, the Voter Registration and Elections Office may petition the court for additional time to respond.

Records exempt from FOIA

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Voter Registration and Elections Office does retain records that contain confidential information and will withhold records subject to the exemptions in Virginia State Code §2.2-3705.1 and §58.1-3.

Costs

In keeping with the County's goal to provide its customers requested records as quickly and conveniently as possible, records will be provided at no cost whenever possible.

FOIA allows a public body to charge reasonable costs incurred in accessing, duplicating, supplying or searching records. Costs may include two components, personnel costs and supply costs.

If there are costs involved in responding to your request, you will be provided with an estimate of the projected costs for approval before the request is processed. Advance notification of charges informs you of any costs in advance and gives you the opportunity to limit the scope of your request, which may reduce costs.

If the County estimates that costs will be under \$200, you will be provided with an invoice for costs when you are provided with the requested records. Invoices are required to be paid within 30 days of receipt, or payment may be made at the time requested records are received. If the County estimates that costs will exceed \$200, a deposit will be required prior to processing your request. The deposit may not exceed the estimated charges and will be credited toward the final cost of supplying the requested records. The five days to respond to the request do not begin until the requester has paid the deposit. Should the actual cost be less than the deposit, any balance remaining estimate, or may require a deposit in a lesser amount and the balance paid before the records are provided.

All payments must be made payable to Hanover County and will be deposited upon receipt.

If you owe the County money from a previous public records request that has remained unpaid for more than 30 days, Hanover County may require payment of the past-due bill before responding to your new public records request.

For More Information

The Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225- 3056 or [toll free] 1-866-448-4100.