

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

The Virginia Freedom of Information Act (FOIA), located at § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records in the custody of 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, 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 to inspection and copying, and may only be withheld if a specific statutory exemption applies.

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

Citizens of the Commonwealth of Virginia and representatives of the media have the following rights under FOIA:

- You have the right to request to inspect or receive copies of public records, or both;
- You have the right to request in advance that you be provided an estimate for any charges for the actual cost incurred in accessing, duplicating, supplying or searching for the requested records; and
- If you believe that your rights under FOIA 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**

The Hanover County Voter Registration and Elections Office is the custodian of the records of the Hanover County Electoral Board and the Hanover County General Registrar. You may request records from this Office by mail, fax, e-mail, in person or over the phone. Your request does not have to be in writing, nor do you need to specifically state that you are requesting records under FOIA. The following guidelines will better enable the Voter Registration and Elections 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 ensures we can timely identify and locate the records that you are seeking.
- Your request must ask for existing records or documents. FOIA provides you with the right to inspect or copy existing 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 requested electronic records in any format used by the Voter Registration and Elections Office in the regular course of business.

## **How to request records from the Hanover County Voter Registration and Elections Office (continued)**

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; and
- by email [HanoverVoting@hanovercounty.gov](mailto:HanoverVoting@hanovercounty.gov)

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

The Voter Registration and Elections Office shall respond to your request within five (5) working days of receipt. The five day period begins the next working day after the request is received and does not include weekends or holidays.

If the Voter Registration and Elections Office is unable to fulfill your request within five (5) working days, the Hanover County Voter Registration and Elections Office FOIA Officer shall send you a written response stating that it is not practically possible to produce the requested records or determine whether they are available within five days and specifying the conditions that make a response impossible. The Voter Registration and Elections Office shall then have an additional seven (7) working days to respond to your request.

If more than seven (7) additional days is necessary to respond to your request for an extraordinary volume of records or which will require an extraordinarily lengthy search, the Voter Registration and Elections Office shall make reasonable efforts to reach an agreement with you for more time. If an agreement cannot be reached, the Voter Registration and Elections Office may petition the appropriate 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 Code § 2.2-3705.1 and § 58.1-3, as well as any other exemptions provided by law.

## **Costs**

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

### **Costs (continued)**

If there are costs involved in responding to your request, you will be provided with an estimate of the projected costs for approval before your request is processed. Advance notice of the 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 Voter Registration and Elections Office 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. 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. Should the actual cost be less than the estimated charges and/or deposit, the remaining balance of the deposit shall be returned to the requester when the requested documents are produced. The five days to respond to the request do not begin until the requester has paid the deposit.

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 Voter Registration and Elections Office FOIA Officer may be contacted with any questions you may have regarding FOIA. The Freedom of Information Advisory Council is available to answer your questions as well. The Council may be contacted by e-mail at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov), or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.