

TOWN OF GORDONSVILLE, VIRGINIA

OFFICE OF THE TOWN MANAGER

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Rights of Requesters and Responsibilities of the Town of Gordonsville, Virginia under the Virginia Freedom of Information Act (FOIA)

The Virginia Freedom of Information Act (FOIA), found in [Virginia Code § 2.2-3700 et seq.](#), provides citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. Please note that the information on this page is general information regarding the Town of Gordonsville's FOIA practices and procedures, but that FOIA also contains further provisions regarding specific rules governing FOIA requests and responses.

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, but may be withheld if an exemption applies.

Requester's FOIA Rights

- You have the right to request to inspect and/or receive copies of public records, unless an exemption applies.
- 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 the general district or circuit court to compel compliance with FOIA.

How to Make a Request from the Town of Gordonsville

- You may request records by mail, fax, phone, e-mail, via this website, or in person. FOIA does not require that your request be in writing, nor do you need to state that you are requesting records under FOIA. Nevertheless, the Town would prefer requests to be submitted in writing.

- If you are making a request, or if you have questions or require assistance regarding FOIA, please contact:

Town Manager's Office
Attention: Public Information Officer/FOIA Officer
112 S Main Street
Gordonsville, VA 22942

Phone: 540-832-2233

Email: jjones@gordonsville.org

- In addition, 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 Email: foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or toll-free 1-866-448-4100.
- FOIA requests do not have to be in writing, but it may be helpful to put your request in writing. This allows you to create a record of your request. It also gives the Town a clear statement of what records you are requesting, to help enable a better, more prompt response.
- Your request must identify the records you are seeking with “reasonable specificity” - specific enough so that the Town can identify and locate the requested records.
- You may request existing records or documents. FOIA does not apply to general questions about the work of the Town and its public officers, officials, and employees, nor does it require the Town to create a record that does not exist.
- You do not have to state why you want the records, although that is often helpful to do so, for the Town to be best able to provide what you are looking for. FOIA does allow the Town to ask you for your name and legal address.
- You may choose to receive electronic records in any format used by the Town in the regular course of business. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically or to receive a printed copy of those records.

The Town of Gordonsville's Response to Your Request

The Town must make one of the following responses within five (5) working days of receiving your request ("Day One" is considered the day after your request is received, and the five-day period does not include weekends or holidays). The Town processes requests in the order in which they are received:

- Provide the records in their entirety.
- Withhold the records in their entirety because all of the records are subject to an exemption. The Town will respond in writing, identifying the volume and subject matter

of the records being withheld, and citing the law that allows the Town to withhold the records.

- Provide some of the records that you have requested, but withhold other records. The Town may also redact any portion of the records that may be withheld and provide you with the remainder of the record. The Town will respond in writing, identifying the records withheld/redacted, and citing the law that allows the Town to withhold/redact the records.
- Inform you in writing that the requested records cannot be found or do not exist. However, if the Town knows that another public body has the requested records, the Town will include contact information for the other public body in the Town's response to you.
- If it is practically impossible for the Town to respond to your request within the five-day period, the Town will state this in writing, explaining the conditions that make the response impossible. This will allow the Town seven (7) additional working days to respond to your request (or sixty (60) additional days for a request for criminal investigative files pursuant to Virginia Code § 2.2-3706.1).
- If you request a very large number of records, and the Town cannot provide the records to you within twelve (12) working days without disrupting its other responsibilities, the Town will make a reasonable effort to reach an agreement with you concerning the time for producing the records. If an agreement cannot be reached, the Town may petition the circuit court for additional time to respond.

Please see the section below about costs and deposits with regard to further information regarding response times.

Costs

The Town of Gordonsville will charge reasonable costs for all Freedom of Information Act (FOIA) requests according to the guidelines below:

- Virginia Code § 2.2-3704.1(A)(6): *A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. 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. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.*
- If the Town estimates that it will cost more than \$200 to respond to your request, the Town will require you to pay a deposit, in the amount of the estimate, before proceeding with your request (the Town's time to respond is suspended until we receive the deposit).

Any additional amount due must be paid upon release of the records. Any overpayment remaining from the deposit will be returned to the requester.

- You may request a cost estimate before the Town responds to your request (if you request an estimate, and after the Town provides the estimate, you have thirty (30) days to let us know to proceed, and the Town's time to respond is suspended until we hear from you).
- If you owe the Town money from a previous FOIA request that has remained unpaid for more than 30 days, you must pay the past-due bill before the Town will respond to your new FOIA request.
- Costs may be paid with cash, check, or money order.

The Town of Gordonsville calculates charges based upon the actual cost of staff time and out-of-pocket costs, as follows:

- Costs include staff time spent searching for the requested records, copying costs, and any other costs related to supplying the requested records.
- Staff time:
 - \$25.00 per hour, unless use of personnel at a higher pay rate is necessary, based upon the particular nature of the request, in which case the time fee will be based upon the annualized Town pay rate for the particular individual(s) preparing the response to the request.
 - The Town will take measures to keep staff time and costs to a minimum, including using lower-paid staff capable of retrieving and reviewing records. However, such as in situations where a particular individual is required to search through his/her own email and files contained on his/her individual Town computer or other device, it shall not be unreasonable for that individual to retrieve and/or review the requested records and charge a FOIA response fee corresponding to his/her salary.
 - The Town will waive charges for staff time of 15 minutes or less spent searching and copying for any individual making not more than one (1) request in a 12-month period.
 - Fees may be waived or reduced on an individual case-by-case basis when the Town determines that a waiver or reduction of fees is in the public interest.
 - Fees will not be waived due to a requester's inability to pay.

Copying and other costs (the Town will waive these costs, if less than \$5.00, for any one-time FOIA request in a twelve (12) month period):

- Copies (11X17 and smaller pages): \$0.50 per page
- Copies (items in excess of 11X17, as such items generally require specialized equipment to reproduce): \$1.00 per page
- A page constitutes one side of a document. A double-sided document counts as two pages.

- USB device: \$10.00 per device or the actual cost of the device based on storage requirements.
- Mail/delivery: actual cost to mail/deliver the request (no charge for items by USPS if two ounces or less).
- Other/specialty items (including audio/video recordings): as determined by responding personnel, based on actual cost.

Common Types of Public Records The Town of Gordonsville Maintains

- Finance and budget records
- Land use (zoning, subdivision, building code) records
- Public safety (law enforcement) records
- Board and committee agendas and meeting materials (many of these items are also available directly on the Town's [Agendas and Minutes](#) page)

Commonly Used Exemptions

Virginia law allows the Town to withhold certain records from public disclosure, and the Town will routinely withhold documents that are subject to the following FOIA exemptions:

- Personnel records (Virginia Code § 2.2-3705.1(1))
- Records subject to attorney-client privilege (Virginia Code § 2.2-3705.1(2)) or that constitute attorney work product (Virginia Code § 2.2-3705.1(3))
- Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease (Virginia Code § 2.2-3705.1(8))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (Virginia Code § 2.2-3705.1(12))
- Most tax records (Virginia Code § 58.1-3)
- For a full list of exemptions, see Virginia Code § 2.2-3705.1 et seq.