



The Town of Urbanna VFOIA Policy
VIRGINIA FREEDOM OF INFORMATION ACT (VFOIA)
Basic Information on Public Record Requests

CONTACT INFORMATION:

Andrea Erard

Email: ae@andreaerard.com

[Records Request Form](#) (This form is NOT required, but can help both parties better understand the request.)

WHAT IS VFOIA:

VFOIA is a commonly used acronym for the **Virginia Freedom of Information Act (VFOIA or FOIA)** which is contained in the [Code of Virginia § 2.2-3700 et seq.](#) This act guarantees Virginia citizens open access to government records and meetings. The Town of Urbanna responds to all requests for public records in compliance with VFOIA.

WHAT DOES VFOIA COVER:

In a nutshell, VFOIA reinforces the Commonwealth's commitment to transparency in government and provides a framework for supplying the public with government records. The purpose of government is to serve the public so it stands to reason that the public has a right to know what's going on. As with most things in life, there are exceptions. VFOIA gives an exhaustive list of what information can and cannot be withheld and why.

VFOIA also makes sure the public has access to public meetings and provides a framework for public bodies to use to ensure meetings are open. Again, there are exceptions and VFOIA provides limited reasons for a public body to meet in Closed Meeting (meaning, without the public present). Since the pandemic, VFOIA also set up the framework for when all-virtual meetings are allowed and when public officials can participate virtually.

The purpose of VFOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, VFOIA 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.

WHAT IS A PUBLIC RECORD:

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, 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.

WHERE CAN I LEARN MORE:

You can read the full VFOIA online at <https://law.lis.virginia.gov/vacode/title2.2/chapter37/>. The Commonwealth has also established the Virginia Freedom of Information Advisory Council. They can be reached at <https://foiacouncil.dls.virginia.gov/foiacouncil.htm> or by phone at 804-698-1810.



The Town of Urbanna VFOIA Policy **The Rights of Requesters and the Responsibilities of the Town of Urbanna Under the Virginia Freedom of Information Act**

The Virginia Freedom of Information Act (VFOIA), located in [§ 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. The Town of Urbanna maintains an “open door policy” and is more than willing to sit down with any citizen to discuss the transaction of public business or provide access to public records, many of which are readily available on the Town website – urbannava.gov.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

The purpose of VFOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, VFOIA 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.

REQUESTER RIGHTS:

VFOIA applies to citizens of the Commonwealth of Virginia and members of the media with circulation in the Commonwealth of Virginia. As such, you have the right to request to inspect or to receive copies of public records, or both. You have the right to request that any charges for the requested records be estimated in advance. Those who believe their VFOIA rights have been willfully and knowingly violated may file a petition in district or circuit court to compel compliance with VFOIA. You may also contact the [Virginia Freedom of Information Advisory Council](#) for a nonbinding advisory opinion.

MAKING A REQUEST:

Direct all requests to the Town of Urbanna FOIA Officer: Christine Branch, Town Clerk

Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175

Mailing Address: P.O. Box 179, Urbanna, VA 23175

Phone: 804-758-2613 Fax: 804-758-0389 Email: c.branch@urbannava.gov

- Requesters must provide their name and legal address pursuant to § 2.2-3704(A).
- The reason behind your request for public records from the Town is irrelevant, and you do not have to state why you want the records before we respond to your request.
- Requests can be made verbally, or by email, fax, or U.S. mail. Requests do not have to be in writing, nor do they need to specifically contain the word “VFOIA”, “FOIA”, or any variation of it. From a practical perspective, it is helpful to both parties to put requests in writing. This gives the requester a record of the request and gives the FOIA Officer a clear statement of what records are being requested, so there is no misunderstanding. The most efficient way is to use the Town's optional [Records Request Form](#). This form is just a tool and is NOT mandatory.
- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard and does not refer to or limit the volume or number of records requested. It merely requires the requester to be specific enough for the FOIA Officer to identify and locate the desired records.

- Your request must ask for existing records or documents. VFOIA 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 Town, nor does it require the Town to create a record that does not exist.
- 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 via e-mail or on a thumb drive as either an Excel or pdf file, or to receive a printed copy of those records.
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking. The Town of Urbanna is committed to transparency and openness and your feedback helps us get better.

RESPONSIBILITIES OF THE TOWN OF URBANNA IN RESPONDING TO A REQUEST:

One of the responses below must be made to the requester within five working days of receipt. "Day One" is considered the first working day after the request is received. The five-day period does not include weekends, holidays, or other days when Town offices are closed.

1. All records requested are being provided in their entirety.
2. All records requested are omitted because all are subject to a specific statutory exemption. A written response identifying the volume and subject matter of the records being withheld and stating the specific section of the Code of Virginia allowing the records to be withheld must be provided.
3. Some records requested are provided but others are withheld. An entire record cannot be withheld if only a portion of it is subject to an exemption. In that instance, portions of some records may be redacted (blacked out). A written response stating the specific section of the Code of Virginia allowing portions of the records to be withheld must be provided.
4. There are no records responsive to the request - the records requested cannot be found or do not exist. If it is known that another public body has the requested records, their contact information will be provided.
5. It is practically impossible for the Town to respond to the request within the five working day period. A written response explaining the reason will be provided and the Town will receive an additional seven working days to respond to your request (a total of 12 working days).

If a request for a very large number of records is made which the Town is unable to fulfill within 12 working days without disrupting other organizational responsibilities, an agreement can be made between the requester and the FOIA officer outlining a deadline or deadlines and/or changing the scope of the request. If a reasonable effort to reach an agreement concerning the time frame for production of the records and the scope of records is not reached, the Town may petition the court for additional time to respond.

TYPES OF RECORDS:

The following is a general description of the types of records held by the Town. Many of these are publicly available on the Town website.

- General administrative records such as correspondence, agendas, meeting minutes, etc.
- Financial records.

- Records of contracts entered into by the Town.
- Zoning and subdivision records including permits and violations.

COMMONLY EXEMPTED RECORDS:

The Code of Virginia provides a number of exemptions specific to certain types of records which allow any public body to withhold certain records, or portions thereof, from public disclosure. These exemptions and exclusions are found, for the most part, in §§ 2.2- 3705.1 through 2.2-3706.1 of the Code. It is the general policy of the Town to invoke lawful exemptions from disclosure in matters involving protection of the privacy of individuals; protection of the interests or strategy of the Town in bargaining; negotiating, investigating, or prosecuting claims; and in matters involving public safety. The Town commonly withholds and/or redacts records subject to the following exemptions:

- 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))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to negotiation and award of a contract prior to a contract being awarded (§ 2.2-3705.1 (12))
- Records recorded in or compiled exclusively for use in lawful closed meetings (§ 2.2-3705.1 (5))
- Wet signatures to help prevent unauthorized use and identity theft.

COSTS:

Requesters may have to pay for the records requested. 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.

The Town, making all reasonable efforts to supply the requested records at the lowest possible cost, may charge for:

- Staff time spent accessing, duplicating, supplying, or searching for the requested records. This may also include time spent redacting records. § 2.2-3704(F)
- Supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. § 2.2-3704(F)
- Initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.
- Paper copies, thumb drives, or other physical media.

Prior to conducting a search for records, the Town shall notify the requester in writing that reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records may be made and inquire of the requester whether they would like to request a cost estimate in advance of the supplying of the requested records.

If requested, the Town shall provide the requester with a cost estimate. The estimate is not a fixed amount. Actual costs may be greater or less than the estimated amount. In such a case, the Town will refund any overage paid or provide an invoice for additional payment which must be paid within 30 days directly to the FOIA Officer. The period within which the Town shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the Town receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the Town in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. § 2.2-3704(F)

In any case where the Town determines in advance that charges for producing the requested records are likely to exceed \$200, the Town may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the Town shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester. § 2.2-3704(H)

Pursuant to § 2.2-3704(I), before processing a request for records, the Town may require the requester to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.



The Town of Urbanna FOIA Costs/Charges Schedule
Approved February 13, 2025

COSTS/CHARGES SCHEDULE:

Staff Time - \$26 per hour. This may include costs for time spent accessing, duplicating, redacting, reformatting, supplying, or searching for the requested records and is the actual hourly rate of the FOIA Officer, which is an administrative/support staff position, not including the cost of fringe benefits. This also may include the cost, if any, to the Town for initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.

There is no charge for the first thirty minutes of Town staff time.

Copying/Printing/Reproducing Records - publications, books, documents, maps, plats, etc.:

Document Size	Number of Pages	Charge
8.5x11 color	1-4 pages	No charge
8.5x11 color	5+ pages	\$0.05 per page – single-sided \$0.10 per page – double-sided
11x17 color	1-2 pages	No charge
11x17 color	3+ pages	\$0.10 per page – single-sided \$0.20 per page – double-sided
8.5x11 black & white	1-4 pages	No charge
8.5x11 black & white	5+ pages	\$0.03 per page – single-sided \$0.06 per page – double-sided
11x17 black & white	1-2 pages	No charge
11x17 black & white	3+ pages	\$0.06 per page – single-sided \$0.12 per page – double-sided
Larger documents, maps, plats, etc.		actual cost the Town incurs
Thumb drive	Up to 32gb	\$5.00 each

Payment of VFOIA Fees - The FOIA Officer will provide the requester with a written invoice detailing the costs involved in fulfilling the request. All amounts shall be remitted within thirty (30) days directly to the FOIA Officer in cash or by check made payable to The Town of Urbanna.



Town of Urbanna
Virginia Freedom of Information Act
Optional Request for Records Form

This form is **not required** to make a request for records, but is designed to help both parties document and better understand the details of the request.

Your Name:	
Legal Address:	Mailing Address:
Email Address:	
Phone Number:	

Description of Requested Records

(Be as specific as possible and include the name, types of documents, etc. if known.)

Dates of Records Being Requested:

From _____ to _____

How would you like to receive your records? (Please check one.)

- Electronic copies (email)
- Electronic copies (thumb drive)
- Paper copies by US Mail
- Paper copies for pick up
- Only to review/inspect in person

The Town of Urbanna may make reasonable charges not to exceed its actual cost incurred in assessing, duplicating, supplying, redacting, or searching for requested records. You have the right to request a cost estimate prior to the Town beginning the search for records. **If you would like a cost estimate, please check this box.**

Requests must be for existing public records. FOIA gives citizens a right to inspect or copy public records; it does not apply to general questions about the work of the Town, nor does it require the Town to create a record that does not exist. Records will be released in accordance with the Virginia Freedom of Information Act (FOIA), located in § 2.2-3700 et seq. of the Code of Virginia. If the Town is not in possession of the requested records, the name and contact information of the possessing agency will be provided when known.

Town of Urbanna FOIA Officer

Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175

Mailing Address: P.O. Box 179, Urbanna, VA 23175

Phone: 804-758-2613 Fax: 804-758-0389 Email: c.branch@urbannava.gov

For Office Use Only

Date Rec'd: _____

Date Response Due: _____

Date of Response: _____

Response: _____