



## **The Responsibilities of the City of Falls Church under the Virginia Freedom of Information Act**

The City of Falls Church ("the City") must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.

The reason behind your request for public records from the City is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow the City to require you to provide your name and legal address.

FOIA requires that the City make one of the following responses to your request within the five-day time period:

We provide you with the records that you have requested in their entirety.

We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows us to withhold the records.

We provide some of the records that you have requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.

We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.

If it is practically impossible for the City to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven additional working days to respond to your request, giving us a total of 12 working days to respond to your request.

If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we

make a reasonable effort to reach an agreement with you concerning the production or the records before we go to court to ask for more time.

## **Costs**

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. 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. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

You may have to pay for the records that you request from the City. FOIA allows us to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.

If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.

You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.

If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the City may require payment of the past-due bill before it will respond to your new FOIA request.

## **Types of records**

The following is a general description of the types of records held by the City:

- Personnel records concerning employees and officials of the City
- Records of contracts which the City has entered into
- City Council and Board and Commission Records
- Development Services Records
- Public Works Records
- Treasurer Records
- Commissioner of Revenue Records
- Voter Registrar Records
- Police and Sheriff Records
- Other general City records

If you are unsure whether the City has the record(s) you seek, please contact Celeste Heath, FOIA Officer directly:

- [Email](#)

- Fax: 703-248-5146
- Mail or in person to:  
Celeste Heath, FOIA Officer  
300 Park Ave.  
Suite 303 E.  
Falls Church, VA 22046.

### **Commonly used exemptions**

The Code of Virginia allows any public body to withhold certain records from public disclosure. The City commonly withholds 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))

Proprietary economic development and retention records (§ 2.2-3705.6 (3))

Records relating to the 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 lawfully held closed meetings (§ 2.2-3711)

Public safety records including plans to respond to terrorist activity (§ 2.2-3705.2 (4)) and plans for security of facilities (§ 2.2-3705.2 (6)).