

Freedom of Information Act (FOIA)

Under the **Virginia Freedom of Information Act (FOIA)**, 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. 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 purpose of FOIA is to promote an increased awareness and transparency of government activities and afford residents an opportunity to witness the operations of government.

Your FOIA rights:

- 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 make a FOIA request:

You may request public records from Gloucester County Circuit Court by completing a [FOIA request form](#) or by calling 804-693-2502.

You may submit this form in several ways:

U.S. Mail: Margaret Walker, Clerk, FOIA Officer for Gloucester County Circuit Court Clerk's Office, Gloucester County Courthouse, 7400 Justice Drive, Room, 327, Gloucester, VA 23061

Fax: 804-693-2186

Email: Send to mwalker@courts.state.va.us

In Person: 7400 Justice Drive, Room 327, Gloucester, VA 23061 (Courthouse, 3rd Floor)

Phone: 804-693-2502

Fulfilling your request:

The Circuit Court Clerk's Office will **respond within five working days** of receiving a request. The five-day period does not include weekends or holidays. FOIA requires that the Clerk's Office make one of the following responses to your request within the five-day time period:

- Provide the records requested in their entirety.

- Withhold all of the records requested, because all of the records are subject to a **specific statutory exemption**. If all of the records are being withheld, a response in writing will be sent with an explanation of the exemption. That response will identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows the records to be withheld.
- **Provide some of the records requested, but withhold other records.** An entire record will not be withheld if only a portion of it is subject to an exemption. In that instance, the portion of the record that may be withheld will be redacted, the remainder of the record will be provided. A written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld will be sent.
- **Respond in writing** that the requested records cannot be found or do not exist. However, if another public body has the requested records, contact information for the other public body will be included in the response.
- If the Clerk's Office cannot respond to a request within the five-day period, you will be **informed in writing**, explaining the conditions that make the response impossible. This will allow **seven additional working days** to respond to a request, providing a total of 12 working days to respond to a request.

If a request for a very large number of records is made, and it is determined that it cannot be provide within 12 working days without disrupting other Circuit Court Clerk responsibilities, the Clerk may petition the court for additional time to respond to your request. However, FOIA requires that a reasonable effort be made to reach an agreement concerning the production or the records before going 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](#).

- **Staff Time:** A \$10.00 fee is assessed per request. Depending on the time involved, hourly staff charges may be assessed.
- **Copying Costs:** \$0.50 per image/standard page up to 8 ½ " x 14".
\$1.00 per image/page over 8 ½ " x 14"
- If the estimated cost is more than \$10, a deposit will be required (not to exceed the amount of the estimate), before proceeding with your request. The five days to respond to a request does not include the time between a request for a deposit and a response from the requestor. Payment must be received prior to providing the records requested.
- If requested, an **estimate of the charges** will be provided prior to supplying the records requested.

General Guidelines:

- A request must identify the records needed with "reasonable specificity." It does not refer to or limit the volume or number of records requested; instead, it requires that a request be specific enough to identify and locate records.
- A request must ask for **existing records or documents**. FOIA allows for inspection or copying of records; it does not apply to situations asking general questions about the work of (the Department), nor does it require (the Department) to create a record that does not exist.
- Records can be provided in **the format in which they were created**.
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 computer disk, or to receive a printed copy of those records.
- You may be contacted if there are questions about a request, to ensure that the appropriate records are being provided.

Exemptions:

The Code of Virginia allows any public body to withhold certain records from public disclosure.

Gloucester County Circuit Court commonly withholds records subject to exemptions such as:

- Statutorily protected records
- For a complete list of exemptions, [click here](#).

About Freedom of Information Act:

[Gloucester County FOIA Policy](#)

[Gloucester County FOIA Procedures](#)

For more information:

[Margaret Walker, Clerk](#), Gloucester County Circuit Court, FOIA Officer

Gloucester County Courthouse

7400 Justice Drive, Room 327

Gloucester, VA 23061

804-693-2502

The [Freedom of Information Advisory Council](#) is available to answer any general questions you may have about FOIA. The Council may be contacted by [email](#), or by phone at (804) 225-3056 or (toll free) 1-866-448-4100.