



PWC Office of Elections

FOIA Policies

Information Regarding Freedom of Information Act (FOIA) Requests, Va. Code §2.2-3704

The Virginia Freedom of Information Act (FOIA) 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. Any citizen of the Commonwealth of Virginia, or representatives of newspapers, magazines, radio stations, or TV stations with circulation in Virginia are eligible to request public records.

Form of Request

While the request is not required to be in writing, receiving the request in writing helps ensure our office understands the request, verifies the date of the request, and does not miss any details of the request. Written requests may be sent to our dedicated email box, Elections-FOIA@pwcgov.org, or mailed directly to our office (see: Payment). Any request for public records shall identify the requested records with reasonable specificity.

Responses

Once we receive the request, our office has up to five (5) business days to respond to the request. Our office will either provide the requested records or provide one of the following responses in writing:

- (a) Records are being withheld entirely (specific code section will be cited that authorizes withholding the records, along with the volume and subject matter of the withheld records);
- (b) Records are being provided in part and withheld in part (specific code section will be cited that authorizes the withholding of the records, along with the volume and subject matter of the withheld records);
- (c) Records not found or do not exist (if another department has the records, response will include contact information for the other public body); or
- (d) It is not practically possible to provide the requested records within the five-day timeframe. If we need additional time, the law allows us to invoke an extension of an additional seven (7) business days. If further time is needed, our office may negotiate a deadline with the individual requester.

While many records are allowed to be copied and distributed in some manner, there are some records only allowed to be inspected in our office during business hours.

FOIA Costs and Estimates

Prince William County has a policy to charge for costs incurred in researching, accessing, duplicating, and supplying records if the costs exceed \$50.00. These charges are calculated by the hourly rate of those required to fulfill the request. The Office of Elections uses the cheapest labor option to fill requests (see: Fee Structure), but some records are only accessible or able to be reviewed by senior staff and incur a larger hourly fee. Time to initially review requests is provided for free.

Requesters can ask for an estimate of charges prior to work taking place, will be given a final invoice after work has been completed, and have 30 days to submit payment. In all cases the requester is allowed the opportunity to narrow down their request to reduce the fees. Easily accessed documents that require only copying are not charged any hourly rate but simply pay the per page copying rate.

If the estimate is \$200.00 or more, the Office of Elections requests the full estimate be paid as a deposit before work commences, with a possible final net invoice if the actual work took longer than originally estimated or a refund if it took less time than estimated. If a requester is 30 days or more past due, any further requests from that requester will not be fulfilled until the past due payment has been remitted in full.

Fee Structure

The current fee structure is as follows:

- Paper copies are \$0.15 per page.
- Hourly rate for Office of Elections' general staff to fulfill requests is \$35.00 per hour.
- Hourly rate for Office of Elections' senior staff to fulfill requests is \$55.00 per hour.
- Hourly rate for the General Registrar to fulfill requests is \$85.00 per hour.

The Office of Elections makes every effort to have qualified staff with the lowest rate complete the FOIA request, but staff with higher hourly rates may be necessary for part (or all) of a request depending on the type of record requested. Estimates will fully detail the type of staff, hourly rate, and total hours estimated to complete a request.

Payment

Charges can only be paid by check, made out to Prince William County, and mailed or hand-delivered to our office:

Prince William County Office of Elections
9250 Lee Ave, Ste 1
Manassas, VA 20110

Additional information can be found:

Chapter 37 of the Code of Virginia: <https://law.lis.virginia.gov/vacode/title2.2/chapter37/>

Title 24.2 of the Code of Virginia: <https://law.lis.virginia.gov/vacode/title24.2/>

Prince William County: <https://www.pwcva.gov/department/office-county-attorney/freedom-information-act>

US Election Assistance Commission: <https://www.eac.gov/election-officials/elections-critical-infrastructure>