

CHESTERFIELD COUNTY PUBLIC SCHOOLS
FOIA REQUEST COST RECOVERY PROCEDURE

I. Purpose

This administrative procedure establishes guidelines for recovering taxpayer resources expended when complying with records requests and in accordance with the Virginia Freedom of Information Act.

II. Definitions

- A. Virginia Freedom of Information Act — The chapter of the *Code of Virginia*, § 2.2-3700 et seq., that establishes citizens' ready access to records in the custody of a public body or its officers.
- B. Public records — All writings and recordings, however stored and regardless of physical form or characteristic, prepared or owned by, or in the possession of, Chesterfield County Public Schools or its officers, employees or agents in the transaction of public business.
- C. Reasonable charge — An amount charged not to exceed the School Division's actual cost incurred in accessing, duplicating, supplying or searching for requested records.
- D. Cost threshold — A predetermined amount below which the School Division does not charge for fulfilling a FOIA request.

III. Statement of Need

The School Division's FOIA process has evolved to meet a growing demand for records and this demand has resulted in increased time commitments from staff to respond to records requests.

The Virginia Freedom of Information Act allows government agencies to make reasonable charges to recover public resources expended to provide records. By law, we must respond to FOIA requests within five working days, meaning each FOIA request must be a priority for the necessary staff involved who regularly must divert their attention away from regular duties to search for records.

IV. Implementation

Effective October 1, 2020, Chesterfield County Public Schools will charge for responding to all FOIA requests. Charges will be based on the hourly rate of the individual(s) completing the request. Rates charged will be updated per fiscal year with data provided by the Human Resources and Finance Departments.

An employee working to fulfill a FOIA request will track their time in 15 minute increments and work with the School Division's FOIA officer to calculate the appropriate amount to charge.

Estimates will only be provided upon request. In accordance with the Virginia Freedom of Information Act, specifically § 2.2-3704(H) of the *Code of Virginia*, when we determine in advance that charges for producing requested records are likely to exceed \$200, we will require the requester to pay a deposit not exceeding the estimated amount before continuing to process the request.

All requestors will receive an invoice outlining the charges associated with their request. All payments must be made by check and sent to:

Office of Legal Services
PO Box 10
Chesterfield, VA 23832

V. Cost Threshold

Understanding that there are instances in which the time and resources expended to collect and process a payment may exceed the value of a payment received, a cost threshold of \$20 has been set, and costs below that amount are waived.