

Town of Berryville
FOIA Policy
(Approved June 14, 2016)

General Policy Information

The Virginia Freedom of Information Act (FOIA), located § 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 policy of FOIA states that the purpose of FOIA is to promote an increased awareness of governmental activities. In furthering this policy, FOIA 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.

Contacts

For **general Town of Berryville records**, the designated FOIA Officer is:

Town Clerk
Town of Berryville
101 Chalmers Court, Suite A, Berryville, VA 22611
Tel: 540-955-1099 Fax: 540-955-4524
foiatown@berryvilleva.gov

For **Police Department records**, the designated FOIA Officer is:

Chief of Police
Town of Berryville
101 Chalmers Court, Suite A, Berryville, VA 22611
Tel: 540-955-3863 Fax: 540-955-0207
foiapolice@berryvilleva.gov

For general questions concerning requesting records from the Town of Berryville, contact the appropriate FOIA Officer. In addition, the Freedom of Information Advisory Council is available to answer any questions about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or toll free at (866) 448-4100.

Fee Policy

- The Town, as a public body, may make reasonable charges not to exceed the actual cost incurred in staff time for accessing, duplicating, supplying, or searching for the requested records. The Town will not 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 the Town will 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. This allows the requester an opportunity to modify a request if a lower estimated cost is desired.
- Fees are charged only if the cost to fulfill the request and produce the documents is more than \$25. If the FOIA Officer determines that a requester is making sequential inquiries which are an extension or continuation of a previous request, then charges may be billed cumulatively for staff time for accessing, duplicating, supplying, or searching for the requested records.
- If the Town estimates that it will cost more than \$200 to respond to a request, a deposit not to exceed the amount of the estimate may be required before the request is processed or fulfilled. The five day response window does not include the time between when the Town asks for a deposit and when the requester responds.
- If a requester owes money from a previous FOIA request that has remained unpaid for more than 30 days, the Town may require payment of the past-due bill before it will respond to a new FOIA request.

Policy regarding the use of exemptions

- The general policy of the Town of Berryville is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of the Town of Berryville.
- The general policy of the Town of Berryville is to invoke the contract negotiations exemption whenever it applies in order to protect the Town's bargaining position and negotiating strategy.
- All other exemptions provided for under the Act may be exercised by the Town if deemed appropriate.