



# Madison County Virginia Freedom of Information Act Request Form



INDIVIDUALS & ORGANIZATIONS INITIATING THE REQUEST			
Print Name:		Organization:	
Address:	City:	State:	Zip:
Signature:		Telephone (include area code):	Email Address:
Information Sought/Requested:			
Received Requested Informed In The Following Format:	<input type="checkbox"/> Email/Electronically	<input type="checkbox"/> Flash Drive	<input type="checkbox"/> Paper Copies
<input type="checkbox"/> I agree to pay up to \$200.00 for the associated cost.		<input type="checkbox"/> Please provide a cost estimate before providing copies.	
FOR OFFICE USE ONLY (THIS SECTION TO BE COMPLETED BY THE MADISON COUNTY STAFF)			
Received by:	<input type="checkbox"/> Mail	<input type="checkbox"/> Letter	<input type="checkbox"/> Email/Online <input type="checkbox"/> In-Person/Verbal
Date Information Due (5 Workday Limitation):		Extra Time Required?	<input type="checkbox"/> Yes (Max 7 Additional Workdays) <input type="checkbox"/> No
Is Information Request Excluded by Code?	If Yes, State the Reason and Applicable Code Section:  <input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:			
Signed By:	Title:	Date:	

*Once Completed, Please Mail To:*

Madison County  
P.O. Box 705  
Madison, VA 22727

## **MADISON COUNTY FREEDOM OF INFORMATION ACT POLICY**

**EFFECTIVE DATE: NOVEMBER 12, 2025**

### **THE RIGHTS OF REQUESTERS AND THE RESPONSIBILITIES OF MADISON COUNTY UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT**

The Virginia Freedom of Information Act (FOIA), located at § 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 by all persons 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.

#### **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. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

#### **Making a Request for Records from Madison County**

- You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that you use any particular method to convey your request. FOIA also does not require that your request be in writing, nor do you need to specifically state that you are requesting records pursuant to FOIA.
- From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.

- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
- Your request must ask for existing records or documents. FOIA gives you the right to inspect or copy **records**; it does not apply to a situation where you are asking general questions about the work of Madison County, nor does it require Madison County to create a record that does not exist.
- You may choose to receive electronic records in any format used by Madison County in the regular course of business.
- For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail, flash drive, or to receive a printed copy of those records
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

**To request records from Madison County, you may direct your request to Madison County's FOIA Officer Jonathon Weakley at 414 N. Main Street, P.O. Box 705, Madison, VA 22727, 540-948-7500, [jweakley@madisonco.virginia.gov](mailto:jweakley@madisonco.virginia.gov). You may also contact him with questions you have concerning requesting records from Madison County.**

**In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about how FOIA works. The Council was created in the legislative branch of state government to issue opinions on the operation and application of FOIA, to publish educational materials, and to provide training about FOIA. However, please be aware that the Council is not a records repository and does not process records requests on behalf of other public bodies, nor is the Council an investigative or enforcement agency. The Council may be contacted by email at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov), or by phone at (804) 698-1810 or [toll free] 1-866-448-4100.**

### **Madison County's Responsibilities in Responding to Your Request**

- Madison County 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, holidays, or other days when Madison County is closed for business.

- The reason behind your request for public records from Madison County is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow Madison County to require you to provide your name and legal address. The reason for your request may aid in locating the records you are seeking.
- FOIA requires that Madison County make one of the following responses to your request within the five-day time period:
  1. We provide you with the records that you have requested in their entirety.
  2. 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.
  3. 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.
  4. We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you requested). 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.
  5. If it is practically impossible for Madison County 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. In the case of criminal investigative files requested pursuant to § 2.2-3706.1 of the Code of Virginia, we are allowed an additional 60 working days to respond to your request, giving us a total of 65 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.
- Fees to produce FOIA requests are charged based on the time spent by the individual(s) compiling and redacting the record(s) and additional charges. The fee for time spent is calculated by the employee's hourly rate multiplied by the time of production. The County will take all reasonable precautions to keep personnel time and costs to a minimum, including using lower paid personnel capable of retrieving records to respond to a request. However, in situations where a particular individual is required to search through his/her own email and files contained on his/her individual computer or other device, it shall not be unreasonable for that individual to retrieve the requested records and charge a FOIA response fee corresponding to his/her hourly rate. In some cases, it may be necessary for multiple personnel to participate in responding to a FOIA request.
  - There will be no charge for the time spent by the individual(s) compiling and redacting the record(s) if the time to gather the information takes less than an hour.
  - If it requires the County Attorney to review, there will be a \$100 per hour charge. (i.e. sifting through attorney-client privilege materials)
  - Other costs of production are calculated using the Administrative Fee Schedule (i.e. per page copying cost and flash drive cost).
    - For paper copy reproductions, there will be no charge for copies if reproductions cost total less than \$10.00.
- 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. The five days that we have to respond to your request does not include the time between when we send you the estimate and when you respond. If you do not respond within 30 days, then your request will be deemed to be withdrawn.

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

### **Types of records**

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

- Personnel records concerning employees and officials of Madison County
- Records of contracts which Madison County has entered into
- Other records inherent to the operation of a Virginia local government

If you are unsure whether Madison County has the record(s) you seek, please contact the FOIA officer directly.

### **Commonly used exemptions**

The Code of Virginia allows any public body to withhold certain records from public disclosure. Madison County 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))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
- Other records as allowable

### **Policy regarding the use of exemptions**

- The general policy of Madison County is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of Madison County.
- The general policy of Madison County is to invoke the contract negotiations exemption whenever it applies in order to protect Madison County's bargaining position and negotiating strategy.

The general policy of Madison County is to invoke the attorney-client privilege in matters involving potential litigation.