

BOARD POLICY	
SUBJECT	Freedom of Information Act
POLICY NUMBER	BP94-06
ORIGINAL EFFECTIVE DATE	October 20, 1994
REVISION DATE	November 20, 2018 (R18-108)
HISTORICAL REFERENCE	R90-98; R94-200; R99-171; R01-162 (9/4/01); R05-25 (February 15, 2005); R05-145 (August 16, 2005); Memo from County Administrator, 8/3/06; October 12, 2010; March 3, 2015; December 6, 2016; March 21, 2017

Purpose: To assure access to records in the custody of public officials; to provide guidelines on availability of records; and to establish authority for carrying out the provisions of the Freedom of Information Act, Section 2-1.340, Chapter 21, Code of Virginia.

Procedure:

1. It is the policy of the County to facilitate public access to the official records of the County and to make such records available and to respond to requests for access pursuant to the Freedom of Information Act (FOIA) in a timely fashion. Public records include 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 business. All public records are presumed to be open and may be withheld only if a specific, statutory exemption applies. Official records shall be open to inspection and/or copying during regular office hours of the County office/department having custody of them, unless they are records that are excluded from the Act's coverage. Payment for any costs associated with the copying of such documents (both staff time and copy machine costs) shall be the responsibility of the requestor.
2. Records are open to inspection and copying by citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations that broadcast in or into the Commonwealth.
3. Requests for official County records pursuant to the Virginia Freedom of Information Act must designate the record(s) with reasonable specificity. However, a specific reference to the Freedom of Information Act by the requestor is not necessary to invoke the time limits for response by the County. A request need not be in writing, although the person receiving the request may require that the request be reduced to writing for the purpose of documenting or clarifying the scope of the request.

The FOIA Officer shall be informed of requests for viewing or the production of documents received by departments including specifically any which are identified by the requestor as a "FOIA" request as well as others which are beyond or more complex than the routine requests typically made of the department or office, those which are sensitive in nature, or those of uncertain legitimacy. The FOIA Officer shall then monitor the Department's process of responding to the request in accordance with FOIA requirements or, in the case of those determined to be more complex, shall assume the responsibility for coordinating and monitoring the process of responding to the request in accordance with FOIA requirements, requesting the County Attorney's legal advice and counsel whenever necessary.

4. The initial response to the request for records shall be provided within five (5) work days after receipt of the request and shall be one of the following:
 - Advising the requestor in writing or by email that the records are available and can be viewed in the County Offices or will be provided in one or more of various formats (paper copy, electronic copy, etc.) in which they exist or can be reproduced;
 - Advising the requestor in writing or by email that the records are being withheld as permitted by the Act or other statute, including citations of the section(s) of the Code that exempt the records from disclosure and identifying with reasonable particularity the volume and subject matter of the withheld records;

- Advising the requestor in writing or by email that only part of the requested records can be viewed or made available and specifically noting that the remainder are being withheld to include the specific citations of the Code section(s) that exempt the records from disclosure and identifying with reasonable particularity the subject matter of the withheld portions. When a portion of a requested record is withheld, only that portion of the record that is properly exempt from disclosure may be withheld, and the remainder shall be released;
- Advising the requestor in writing or by email that the records cannot be found or do not exist. If the person receiving the request knows that another public body has the requested records, the response shall include contact information for the other public body;
- Informing the requestor in writing or by email that it is not practically possible to identify or collect the requested records within five (5) work days, and explaining why. If this response is made within five (5) work days, the County has an additional seven (7) work days to make one of the preceding four responses. "Day One" is the first work day after the request is received.

Requestors may choose to receive electronic records in any format used by the County in the regular course of business. The County is not obligated to compile information or to create reports that are not already in existence, but may agree to do so under such terms and conditions as may be negotiated with the person making the request. Charges for providing the information, however, shall not exceed those set out in this policy. Excising exempt or irrelevant fields of information from a database or the conversion of a record or data from one available format to another, such as by scanning documents for emailing or copying to a CD, does not constitute the creation of a new record or report.

5. Charges

a. Requestors shall be responsible for the costs of:

- computer machine search time;
- staff time for research and review of the records to remove FOIA-exempt materials; and,
- any copying or document production costs set forth herein.

As a courtesy to those who have made complex or voluminous requests, as well as to ascertain the need for advance payment when the cost of responding will exceed \$200, the FOIA Officer will compile an estimate of the anticipated total cost and provide that estimated amount to the requestor.

Requests to provide information and records in computerized formats will be reviewed on a case-by-case basis and charges will be calculated based on material costs and staff time costs, including the staff time involved in the receipt, review, coordination, cost estimating, and response to the request.

Staff time charges will be calculated based on a rate of \$25 per hour (which represents the median hourly rate of pay of County employees, excluding fringe benefits or County overhead costs), or the actual hourly rate of the employee performing the response/review, whichever is the lesser amount. The County shall make every effort to have the work performed by the lowest-level employee reasonably capable of performing the search and copying.

If the charges to search for and reproduce the documents are expected to exceed \$200, the County will require payment of the estimated costs in advance by the requestor. If such advance payment is required, the time allowed for response stops running until the requestor responds with the payment. If actual costs are less than the amount of the paid estimate, the requester shall be refunded the excess, and if actual costs exceed the estimate, the requestor shall be required to pay such additional amount, and the requester shall be so advised at the time the amount of the estimate is communicated. Charges may be paid in cash or by check made payable to the Treasurer, County of York. A receipt (receipts may be obtained through the appropriate department or the Treasurer's Office) will be provided to the requestor.

b. Current charges for the costs incurred in searching and copying official County records have been calculated based on the costs of labor, office machines and materials and are as follows:

Office Copy Reproduction: Five (5) pages, or fewer, and up to fifteen (15) minutes of staff time for accessing, and/or copying the material - No Charge;

More than 5 pages - \$0.02 per page

More than fifteen (15) minutes staff time – Actual cost based on the staff-time cost calculations set forth in subsection 5.a. above.

DVD of any recorded program or meeting: \$15.00 per DVD (available for Board of Supervisors regular meetings and work sessions and Planning Commission regular meetings; availability typically expires 30 days after the meeting or upon approval of the meeting minutes, whichever occurs last)

Printed Publications/Books/Documents/Maps Reproduced

Documents and publications are available in a variety of formats, with many being posted on and available for downloading from the County’s web site at www.yorkcounty.gov. Included among these are the:

- York County Code
- Comprehensive Plan
- Annual Budget
- Comprehensive Annual Financial Report (CAFR)
- Utilities Strategic Capital Plan – Water, Wastewater, Stormwater
- Sewer Regulations Manual

These and other documents can be copied to a CD, the cost of which is \$10.00. Paper copies of entire documents, or portions thereof, are available at the “Office Copy Reproduction” cost noted above. Documents that have been commercially printed and bound will be available as long as quantities exist, with the cost being the actual per-document cost associated with the original printing order.

Map/Map Products/Plats/Plans

Size	Color Computer Generated	Color Aerial Photos or Solid-Fill Computer Generated
8-1/2" x 11" or 11" x 17"	Customers are eligible at no charge for TWO maps within a 24 hour period. Additional maps will require a \$1.00 fee per map.	
18"x24", 18"x36" 24"x36", 36"x36"	10.00	15.00
36"x36"(+) - 36"x72"	\$12.00	20.00
All maps must be picked up at 120 Alexander Hamilton Blvd, Information Technology Department – GIS office. Postage for mailing maps is \$10.00 for a folded map, \$15.00 if sent in a mailing tube.		

- c. Custom-produced color map originals
 Certain custom map products are available by special request to the Division of Computer Support Services. These map products could take the form of a single tax parcel overlaid with topographic and spot elevations or any combination of available data or require analysis or annotation editing. The base price of \$30.00 includes one map sheet (up to 44" x 76") and one hour of processing time. Additional color copies will reflect costs based on the table above and additional processing time will cost \$20.00 per hour or any part thereof. A minimum of one week will be needed to produce these maps.

d. For geographic information system requests, data availability and charges shall be as follows:

(1) Data is organized by individual GIS data layers, and data layer sets. The data layer sets are organized collections of individual layers into subject-matter groupings. Pricing of individual layers and layer sets is based on the York County tile structure, which is comprised of 5,000 feet by 5,000 feet squares. County-wide data layers are available for several layers (see subsection (3) below).

(2) Data layer sets

Each York County tile, or equivalent area (data request need not conform to the exact tile boundary), constitutes one geographic charge unit. Data type is organized by information group. All data is organized into six separate information groups. A single group is one information charge unit. The information groups include:

- Topographic: Contours, spot elevations, annotations and County boundary.
- Tax Parcel: All geographic information pertaining to parcel boundaries, easements, zoning and all annotations.
- Planimetric:
 - edge of pavement
 - parking lots & pads
 - building footprint
 - shorelines
 - County boundary
 - road centerline
 - driveways
 - swimming pools
 - sidewalks
 - railroads
 - docks
 - land cover
- Environmental Management:
 - Flood zones
 - RPA/RMA
 - NWI Wetlands
 - Soils
 - Land cover
 - Drinking water protection
 - Hurricane Surge Zones
- Governmental:
 - Election Districts/Voting precincts
 - County Sites
 - Census Tracts
 - County Planning Layer (current land use or Land Use 2025)
 - Zip Code
 - Zoning
- Infrastructure:
 - Control Monumentation
 - Radio Towers
 - Railroad
 - Fire Hydrants
 - Sewer Lines
 - Road Centerline

Data cost

The charge for each York tile-sized area for an individual layer is \$20.00. The layer set charge per York tile-sized area is \$40.00. This charge covers the cost of setup on the computers and conversion of the data to specified formats.

(3) County-wide Category

County-wide information groups and their associated costs include:

- Streets with street name annotations and County boundary (\$100.00)
- Census block, census tract, zip code and County boundary (\$100.00)
- Voting Districts/precincts (\$100.00)
- Parcels (\$300.00)
- Zoning (\$300.00)
- Individual Planimetric layers (\$100.00 each)
- Land Use: current, 2015, 2025 or 2035 (\$100.00 each)
- Chesapeake Bay Preservation Areas – RPA/RMA (\$100.00)

(4) Format and media for all digital geographic information

All digital geographic information will use York County's state plane geographic reference and will be available in ESRI Shapefile or geodatabase, or AutoCADD DXF format. Data delivery options include email (subject to file size limits), posting to the County's FTP site for download, and CDROM. If CDROM is requested, an additional charge of \$10.00 will be added to cover the cost of the CD and the additional processing time involved.

(5) Data Queries of GIS and Real Estate Information

Custom queries of the data held in GIS and Real Estate format will be performed at the following rates:

\$50.00 minimum charge, or \$.05 cents per record, whichever is greater.

- e. For documents or other requests not specifically listed in this section, the charge shall be based on the actual cost to the County of searching for and providing the document, including but not limited to any associated labor or administrative costs, with staff-time costs calculated as set forth in subsection 5.a. above.