

# THE CAPITAL REGION AIRPORT COMMISSION'S POLICIES AND PROCEDURES REGARDING THE VIRGINIA FREEDOM OF INFORMATION ACT

## **The Virginia Freedom of Information Act**

The Capital Region Airport Commission (the “Commission”) is a public body that complies with the Virginia law governing access by Virginia citizens to the Commission’s public records and meetings. The law governing such access is the Virginia Freedom of Information Act, Section 2.2-3700 *et seq.* of the Code of Virginia (the “Act”). Under the Act, 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 stored in any other format—that is prepared or owned by, or in the possession of the Commission or its officers, employees or agents in the transaction of public business. With some specific exemptions and exceptions, the Act provides that all meetings of the Commission shall be open to the public and all public records shall be open for public inspection. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

## **Making a FOIA Request**

You may request records from the Commission by U.S. Mail, fax, e-mail, in person, or over the phone. The Act does not require that your request be in writing, nor do you need to specifically state that you are requesting records under the Act.

Your request must identify the records you are seeking with “reasonable specificity.” This is a commonsense 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 the Commission can identify and locate the records that you are seeking.

Your request must ask the Commission for existing records or documents, rather than asking the Commission to answer questions. The Act gives you a right to inspect or copy records, but it does not give you the right to require the Commission create a record that does not currently exist.

In general, the Commission maintains the following records:

- Records of the Board of Commissioners including reports and meeting minutes;
- Business records including records of contracts into which the Commission has entered;

- Financial records including audit reports;
- Personnel records concerning employees and officials of the Commission; and
- Video recordings of activity on Commission property.

This list is intended as a summary and is not exhaustive.

You should contact the Commission's designated FOIA Officer if you want to make a request under the Act. The FOIA Officer is:

John Rutledge  
Chief Operating Officer  
Capital Region Airport Commission  
1 Richard E. Byrd Terminal Drive, Suite A  
Richmond International Airport, VA 23250

The Virginia Freedom of Information Advisory Council is available to answer any questions you may have about the Act. The Council may be contacted at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov) or 804-698-1810 (1866-448-4100 toll-free).

### **Responding to Requests**

After the Commission receives your request for records, it has 5 business days to respond to you. The Commission will respond in one of more of the following ways:

- Provide the requested record;
- Advise you that the record is being withheld pursuant to the Act or other applicable statute. This response will describe with reasonable particularity the subject matter of the records and identify the specific section of the Act or the other law that exempts the record from disclosure;
- In case only part of a record or only some of the records requested are exempt from disclosure, the Commission will remove the portion of the record that is not public and provide the rest of the record or remove the exempted record(s) and provide the rest of the records. The Commission will identify with reasonable particularity the subject matter of the information removed, and the specific portion of the Code of Virginia that exempts the record withheld;
- Inform you that the requested records could not be found or do not exist. If the records are known to be held by another public body, the Commission will include contact information for the other public body; or

- Inform you that the record(s) cannot be practically provided within five working days. In its response, the Commission will specify the conditions that make a response impossible. The Commission will then have an additional seven working days to provide one of the four preceding responses.

The Act does not require electronic delivery of requested documents, though they may be provided electronically if available.

### **Costs Related to Requests**

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. 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. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

If the estimated cost of producing the requested documents is more than \$200, a deposit may be required prior to your request being processed. The deposit will be credited toward the final cost of supplying the requested records.

If you have an outstanding balance owed to the Commission for previous record requests, the Commission may require you to pay your outstanding balance before processing a new request.

### **Common Exceptions**

The Act allows any public body to withhold certain records from public disclosure. The Commission commonly withholds the following records, which are exempt from public disclosure:

- Personnel records. Va. Code § 2.2-3705.1(1);
- Records subject to attorney-client privilege or attorney work product. Va. Code § 2.2-3705.1(2) and Va. Code § 2.2-3705.1(3);

- Vendor proprietary information software that may be in the public records of the Commission. Va. Code § 2.2-3705.1(6);
- Records relating to the negotiation and award of a contract, prior to a contract being awarded. Va. Code § 2.2-3705.1(12); and
- Records containing identifying information of a personal nature that, if released, would jeopardize the safety or privacy of the persons whose images, likenesses, and/or voices are depicted. Va. Code § 2.2-3706(D).

This list is not intended to limit the Commission's application of other available exemptions to withhold requested records as the Commission deems necessary.

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