RR 1-25 Freedom of Information (FOIA) Requests

EFFECTIVE DATE: 04/01/06
REVIEWED/REVISED DATE: 06/18/24
APPROVED BY: B.K. ROBERTS, *Sheriff*



V. L. E. P. S. C. STANDARDS: ADM. 22.03

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

The Virginia Freedom of Information Act (FOIA), as defined in the Virginia State Code Section **2.2-3700**, ensures the citizens of the Commonwealth and representatives of the media ready access to public records in the custody of public bodies, public officials, and public employees. FOIA was enacted to promote an increased awareness by all persons of governmental activities.

A public record, as defined in Virginia State Code §**2.2-3701**, all writings or recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of date compilation, however stored, and regardless of physical form or characteristics, 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 be withheld only if a specific statutory exemption applies.

YOUR FOIA RIGHTS

1. You have the right to request to inspect or receive copies of public records, or both.
2. If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel the compliance with FOIA. Alternatively, you may contact the FOIA Council for a non-binding advisory opinion at 1-866-448-4100.

MAKING A REQUEST FOR RECORDS FROM THE BRUNSWICK COUNTY SHERIFF'S OFFICE

1. The FOIA Administrator is Brad Evans, Administrative Captain. He may be reached at 434-848-3133 or bevans@brunswickso.org.

2. You may make a FOIA request by U.S. Mail, fax, email, in person or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA. Virginia Code §**2.2-3704** outlines public records to be open to inspection; procedure for requesting records and responding to requests; charges for records; and transfer of records for storage.

3. Submit requests to the Office of the Brunswick County Sheriff, 120 E. Hicks Street, Lawrenceville, VA 23868, by fax 434-848-6042, telephone 434-848-3133, or email the FOIA Administrator.

4. Pursuant to Virginia Code §**2.2-3706**, certain documents and records are required to be released. Additionally, under Virginia Code §**2.2-3706**, certain document and records are excluded from the Virginia Freedom of Information Act's disclosure provisions.

5. Virginia State Code §**2.2-3706.1** outlines disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

If you have any questions regarding these guidelines, you may contact the FOIA Administrator. In addition, the Virginia Freedom of Information Council is available to answer your FOIA questions. The Council may be contacted by email at foiacouncil@leg.state.va.us or by phone at 1-866-448-4100.