

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-3704.1 of the Code of Virginia, relating to the Virginia Freedom of*
3 *Information Act; posting of fee policy.*

4 [H 2007]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-3704.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies;**
9 **assistance by the Freedom of Information Advisory Council.**10 A. All state public bodies subject to the provisions of this chapter, any county or city, any town with
11 a population of more than 250, and any school board shall make available the following information to
12 the public upon request and shall post a link to such information on the homepage of their respective
13 official public government websites:14 1. A plain English explanation of the rights of a requester under this chapter, the procedures to
15 obtain public records from the public body, and the responsibilities of the public body in complying
16 with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily
17 understandable language using words of common everyday usage and avoiding legal terms and phrases
18 or other terms and words of art whose usage or special meaning primarily is limited to a particular field
19 or profession;20 2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2
21 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;22 3. A general description, summary, list, or index of the types of public records maintained by such
23 public body;24 4. A general description, summary, list, or index of any exemptions in law that permit or require
25 such public records to be withheld from release;26 5. Any policy the public body has concerning the type of public records it routinely withholds from
27 release as permitted by this chapter or other law; ~~and~~28 6. The following statement: "A public body may make reasonable charges not to exceed its actual
29 cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make
30 all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall
31 impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated
32 with creating or maintaining records or transacting the general business of the public body. Any
33 duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to
34 conducting a search for records, the public body shall notify the requester in writing that the public
35 body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating,
36 supplying, or searching for requested records and inquire of the requester whether he would like to
37 request a cost estimate in advance of the supplying of the requested records as set forth in subsection F
38 of § 2.2-3704 of the Code of Virginia."; ~~and~~39 7. A written policy (i) explaining how the public body assesses charges for accessing or searching
40 for requested records and (ii) noting the current fee charged, if any, for accessing and searching for
41 such requested records.42 B. Any state public body subject to the provisions of this chapter and any county or city, and any
43 town with a population of more than 250, shall post a link on its official public government website to
44 the online public comment form on the Freedom of Information Advisory Council's website to enable
45 any requester to comment on the quality of assistance provided to the requester by the public body.46 C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the
47 development and implementation of the provisions of subsection A, upon request.

ENROLLED

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