



Voter Registration & Elections

Freedom of Information Act (FOIA) Cost Assessment Policy

Purpose

Pursuant to Section § 2.2-3704.1 of the Code of Virginia, a public body is required to establish a written policy regarding the assessment of charges provided in response to a Freedom of Information Act (FOIA) request. The following policy:

- i. Explains how Essex County Voter Registration and Elections (ECVRE) assess charges for accessing or searching for requested records; and
- ii. Notes the current fee charged, if any, by the public body for accessing and searching for the requested records.

Background

Pursuant to Section § 2.2-3704 (F) of the Code of Virginia, 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.

Charges to produce records

Prior to submitting a FOIA request, individuals should be aware that they may have to pay for the records they have requested from ECVRE. Charges will be assessed for any request requiring more than one hour to fulfill. Before proceeding with a request, ECVRE will notify the requester of any estimated charges to fulfill the request and will request approval for the charges from the requester.

Cost Assessment

To fulfill a FOIA request, ECVRE's or Essex County's staff must assess, search, review, copy, supply, redact and prepare the records for release. The estimated cost of the records request is based on the hourly salary of the most cost-effective staff member(s) capable of completing the request and the actual time required to fulfill the request.

[Cost = (Hourly salary of ECVRE or Essex County staff member x Time required to fulfill the request)]

If the volume of the responsive records necessitates any type of medium to supply the records, ECVRE shall charge for the cost of such medium, not to exceed the actual cost. The first five pages are free. Any additional copies are \$.05 per page (black/white).

Deposits

Pursuant to §2.2-370(H) of the Code of Virginia, in any case where ECVRE determines that charges for producing the requested records are likely to exceed \$200, ECVRE shall, before continuing to process the request, require the requester to pay a deposit.

- The deposit shall be credited toward the final cost of supplying the requested records.
- Estimates of \$200 or more will require a deposit, not to exceed the amount of the estimate before ECVRE proceeds in fulfilling the request.
- Cost will accrue from the time the requester responds with approval to proceed.
- Our response period is tolled for the time between notice of advance determination, cost estimate, and the response of the requester.

Before processing a subsequent request for records, ECVRE will require the requester to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.

Payments

ECVRE will provide a requester with an itemized estimate of charges to fulfill the request, and the method in which payments can be made.

- Payments for FOIA requests will require a copy of the invoice
- Payments for FOIA requests may be made in the form of credit card or check
- Checks are made payable to Essex County Treasurer with a memo line of “FOIA Deposit – Registrar” and can be delivered to:

Essex County Voter Registration & Elections
PO Box 1561
205 S. Cross ST., Suite B
Tappahannock, VA 22560

- Payment by credit card can be made by phone at 804-443-4371. There is a 2.95% service fee for credit card transactions