

VIRGINIA FREEDOM OF INFORMATION ACT FEE POLICY

The Virginia Freedom of Information Act (FOIA) allows public bodies to make reasonable charges, not to exceed the actual cost incurred, in accessing, duplicating, supplying, or searching for the requested records. The County of Amherst shall not impose any extraneous, intermediary, or surplus costs or expenses to recoup the general costs associated with creating or maintaining records or conducting the general business of Amherst County. The FOIA Officer(s) [is/are] responsible for ensuring that public records are provided to FOIA requesters at Amherst County's actual cost. Providing responsive records by email, if possible, should be encouraged as this method of transmission minimizes copy costs for requesters.

Payments:

Written documentation confirming receipt of payment made should be promptly provided to requesters. The FOIA Cost Form (attached to this Policy as Exhibit A) should be used to assess all FOIA costs. A completed invoice shall be provided to the FOIA requester, along with the responsive records, if any, upon request.

Labor Costs:

Generally, the time charged for performing responsive tasks should be the actual hourly rate of the lowest compensated Amherst County employee (not including benefits) qualified to perform searching for, accessing, duplicating, and/or producing the requested records. Requesters should be charged for the actual time spent by Amherst County staff in producing the requested records rounded down to the nearest 15-minute increment. Requesters shall not be charged any additional fees due to improper record keeping. The County of Amherst is not permitted to charge for general overhead, incidental costs, or any costs other than those actually incurred in responding to the FOIA request.

Copying Costs:

Exhibit B to this Policy provides a schedule of Amherst County's copying cost per page. Other copying costs will be determined by the County on an as-needed basis, however, any copying costs charged to a requester must reflect the actual costs incurred by the County. Copying costs shall only be assessed on public records that are printed – not on public records that are provided electronically to requesters.

Other Costs:

The County may charge for the actual cost of the medium by which the information is provided (e.g., CD, DVD, thumb drive, etc.). The County may charge for postage associated with mailing the responsive records. The County may assess charges on a standardized basis for certain types of records (e.g., plats), so long as the charge represents the actual cost of production.

Billing:

If the estimated costs for producing records exceed \$200, then the County should request payment for the full amount of the estimate prior to processing the request. If the final actual cost is less than the advance estimate, then the difference between the actual cost and the advance estimate shall be refunded to the requester. If the final actual cost exceeds the advance estimate, then the County needs to invoice the requester for the amount over the advance estimate. The County is encouraged to provide advance estimates as soon as possible, but estimates must be provided within five (5) working days of the request. Once payment has been received, the five (5) working day response clock starts running again, and the County may need to invoke the seven (7) working day extension.

Cost Waivers:

Cost reimbursement waivers may be granted to FOIA requesters within the discretion of the FOIA Officer but generally should be granted when the cost of producing the response is less than \$50. In the event the cost of producing the responsive records is waived, all other response requirements remain in effect, including the five-working-day response period. The County is advised to inform requesters that the costs of producing the responsive records are waived.

Overdue Reimbursement Payments:

Before processing a request for records, the County requires the requester to pay any amounts owed for a prior request for public records that have remained unpaid for 30 days or more after billing. A FOIA requester must be notified that his/her request will not be processed until the reimbursement payment has been received for the prior FOIA request and that once payment is received, the most recent FOIA request pending with the County will be processed.

EXHIBIT A – FOIA COST INVOICE

Amherst County Virginia
 PO Box 390
 Amherst Virginia, 24521

Invoice # _____

Date: _____

TO:
 [Recipient Name/Address]

SHIP TO:
 [Recipient Name/Address]

COMMENTS OR SPECIAL INSTRUCTIONS:

| LABOR COSTS | | | | |
|------------------------|-----------------|--------------------|--------------|----------------------|
| | Position | Hourly Rate | Hours | Total Expense |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| Total Hours: | | | | |
| Labor Subtotal: | | | | |

| COPYING AND OTHER COSTS | | | |
|--------------------------------|---------------------------------------|-------------------------|---------------------|
| Sides Printed | Description | Cost | Total Amount |
| | Letter Size Paper (8x11), B&W Copy | \$0.13 | |
| | Letter Size Paper (8x11), Color Copy | \$0.19 | |
| | Legal Size Paper (8x14), B&W Copy | \$0.13 | |
| | Legal Size Paper (8x14), Color Copy | \$0.19 | |
| | Ledger Size Paper (11x17), B&W Copy | \$0.14 | |
| | Ledger Size Paper (11x17), Color Copy | \$0.20 | |
| Comments: | | Total Copy Fees: | |
| | | Grand Total Due: | |

EXHIBIT B – COPYING COSTS

As of July 1, 2023, the actual Amherst County copy costs, *per printed side of paper copy*, are as follows:

| Color/B&W | Paper Size | Cost |
|----------------------|-------------------|-------------|
| B&W | 8 ½ x 11 (Letter) | \$0.13 |
| B&W | 8 ½ x 14 (Legal) | \$0.13 |
| B&W | 11 x 17 (Ledger) | \$0.14 |
| Color | 8 ½ x 11 (Letter) | \$0.19 |
| Color | 8 ½ x 14 (Legal) | \$0.19 |
| Color | 11 x 17 (Ledger) | \$0.20 |