

The Virginia Freedom of Information Act ([Virginia State Statute 2.2-3700 et seq. of the Code of Virginia](#)) guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, public employees, and constitutional officers. A public record is any recording, regardless of whether it is a paper record, electronic file, audio or video recording or any other format, that is prepared, owned, 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 only be withheld if a specific, statutory exemption applies. The purpose of the Freedom of Information Act is to promote an increased awareness and transparency of government activities and afford citizens an opportunity to witness the operations of government.

Accident Reports

The Sheriff's Office does not handle vehicle accidents, please contact the Virginia State Police or the local Police Department that handled the accident.

Your FOIA Rights

- You have the right to request to inspect or receive copies of public records, or both.
- You have the right to request that any charges for the requested records be estimated in advance.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA.

How to Make a FOIA Request

- You may request public records in possession of the Accomack County Sheriff's Office by contacting Captain Carl Wright by email at: cwright@co.accomack.va.us

Fulfilling Your Request

The Accomack County Sheriff's Office will respond within five business days of receiving a request. This five-day period does not include weekends or holidays. FOIA requires that the Sheriff's Office make one of the following responses to your request within the five-day time period:

- Provide the records requested in their entirety.
- Withhold all of the records requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, a response in writing will be sent with an explanation of the exemption. That response will identify the volume and the subject matter of the records being withheld.
- Provide some of the records requested, but withhold other records. An entire record will not be withheld if only a portion of it is subject to an exemption. In that instance, the portion of the record that may be withheld will be redacted, and the remainder of the record will be provided.
- Respond in writing that the requested records cannot be found or do not exist.
- If the Sheriff's Office cannot respond to a request within the five-day period, you will be informed in writing, explaining the conditions that make the response impossible. This will allow

seven additional working days to respond to the request, providing a total of 12 working days to respond. If a request for a very large number of records is made, and it is determined that they cannot be provided within the 12 working days without disrupting other organizational responsibilities, the Sheriff's Office may petition the court for additional time to respond to your request. However, FOIA requires that a reasonable effort be made to reach an agreement concerning producing the records before going to court to ask for more time.

Costs

- Staff Time: depending on the time involved, an hourly staff charge may be applied at an hourly rate of \$40 per hour (excluding the first hour)
- Copying Costs: \$0.08 per printed page.
- Overhead Costs will not be included.
- If the estimated cost is more than two hundred dollars, a deposit will be required (half of the estimated cost) before proceeding with your request. The five days to respond to a request does not include the time between a request for a deposit and a response from the requester.
- If requested, an estimate of the charges will be provided prior to supplying the records requested.
- If money is owed from a previous FOIA request that has remained unpaid for more than 30 days, the Sheriff's Office may require payment of the past-due bill before responding to a new FOIA request.

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records. 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. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection "F" of [Virginia State Statute 2.2-3704 of the Code of Virginia](#).

General Guidelines

- A request must identify the records needed with "reasonable specificity." It does not refer to or limit the volume or number of records requested: instead, it requires that a request be specific enough to identify and locate records.
- A request must ask for existing records or documents. FOIA allows for inspection or copying of records: it does not apply to situations asking general questions about the work of the agency, nor does it require the Sheriff's Office to create a record that does not exist.
- Records can be provided in the format in which they were created. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via email or on a computer disk, or to receive a printed copy of those records.

- You may be contacted if there are questions about a request, to ensure that the appropriate records are being provided.

Exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Sheriff's Office commonly withholds records subject to exemptions such as:

- Personnel Records
- Records subject to attorney-client privilege
- Vendor proprietary information
- Records relating to the negotiation and award of a contract, prior to a contract being awarded
- Security matters
- Suspect information such as name, date of birth, pending charges, etc.
- Information requests regarding pending criminal investigations, informant information, internal affairs, or juvenile records

Additional Information

For more information, please contact:

Carl Wright, Captain
PO Box 149
Accomac, VA 23301
Phone: 757-789-9204
Email: cwright@co.accomack.va.us

The [Freedom of Information Advisory Council](#) is available to answer any general questions you might have about FOIA. [Email the Council](#) or call 804-225-3056 or (toll free) 866-448-4100.