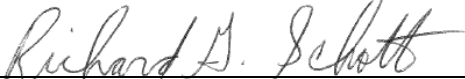


Office of the Independent Police Auditor Procedural Memorandum	
No: 02	Subject: Obligations Under FOIA
Approval Date: February 24, 2025	Review Date: February 24, 2027
Signed by Richard Schott, Independent Police Auditor	

Purpose: The Virginia Freedom of Information Act¹ (FOIA) ensures the public has “ready access to public records in the custody of a public body or its officers and employees.” This policy establishes the general responsibilities of staff in the Office of the Independent Police Auditor (OIPA) in responding to FOIA requests.

Introduction:

Fairfax County officials must respond to all FOIA requests within five working days of receiving them. A seven working-day extension may be invoked within the first five working days of receiving the request if needed. OIPA must notify the requestor of the extension and explicitly state the conditions which make a response during the five working days impossible. "Day One" is considered the first working day after a request is received.

A "public record" is any record containing information relating to the conduct of government business, which is prepared, owned, used, or retained by a public body. This includes, but is not limited to, emails, handwritten notes, reports, drafts, letters, spreadsheets, contracts, calendars, audio files, photographs, and videos. It is the subject matter of the record, not its form or location, that determines whether the record is a public record.

Some common response options include:

1. Provide responsive records in their entirety.
2. Provide a written response that all of the records are being withheld due to a statutory exemption and state the section of the Code of Virginia that allows withholding of the records.
3. Provide some of the records and withhold others or provide redacted records.
4. Inform the requestor that the records cannot be found or do not exist.
5. Inform the requestor that additional time is needed to respond (and why).

Additional response options are outlined in Fairfax County Procedural Memorandum No. 13-06.

¹ Code of Virginia § 2.2-3700, *et seq.*

Processing of FOIA Requests

- OIPA considers requests for information or records received via IPAPoliceAuditor@fairfaxcounty.gov or any of the OIPA staff email addresses as FOIA requests.
- When a request is received, an OIPA staff member reviews the OIPA's files on the S: Drive for responsive records and compiles them within a folder within S:\Administrative-Office\FOIA\REQUESTS.
- OIPA staff may also review Outlook emails to identify responsive email correspondence and save them within the S: drive folder. If needed, OIPA's agency records officer may solicit assistance from the FOIA Office to coordinate an email search with the County's Department of Information Technology.
- The OIPA Director and other staff members will review the files to ensure that all responsive records are included.
- A response to the requestor is drafted² and that draft response and records are shared with legal counsel for review. Counsel will advise OIPA staff on the need for redactions based on applicable exemptions.
- OIPA staff consult with the FOIA Office as needed, including when the request appears to request records likely retained by the FCPD or other County departments. OIPA will coordinate directly with the Office of the Police Civilian Review Panel (OPCRP) if needed to provide a response to a request for records in custody of both departments. OIPA staff may correspond directly with the requestor or may provide the FOIA Office with responsive records so that the FOIA office may correspond (usually in the case of a multi-agency request).
- When the response requires sending multiple files, OIPA staff request the FOIA office to provide an Egnyte Electronic Transfer File (ETF) from which the requestor can download files within 30 days.
- FOIA responses will be retained in subfolders (named with Last Name and date of request) within S:\Administrative-Office\FOIA\REQUESTS according to the OIPA's Records and Information Management Procedure.

Additional Resources

FAIRFAX COUNTY, VIRGINIA PROCEDURAL MEMORANDUM No. 13-06

² Staff should refer to the S: Drive for templates for responding to FOIA requests.

Rights & Responsibilities: The Rights and the Responsibilities of the Fairfax County Government under the Virginia Freedom of Information Act.

E-mail: Use, Access & Retention, Virginia Freedom of Information Advisory Council.

OIPA Procedure 03 Records and Information Management