The Virginia Freedom of Information Act (FOIA), §2.2-3705.1, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. A public record is any writing or recording – regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format – that is prepared or owned by 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 policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of their right of access to public records, or both.

If we believe that your FOIA rights have been violated, you may contact Ms. McDonald with questions you have about requesting records from the VEC. The Freedom of Information Advisory Council is available to help you to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.

The Virginia Employment Commission (VEC) is to provide you with the records that you have requested, in writing, within five working days of receiving your request. The Virginia Employment Commission (VEC) is to provide you with the records that you have requested, in writing, within five working days of receiving your request.

You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA.

From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives you a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.

Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.

Your request must ask for records or documents. FOIA gives you a right to inspect or copy records. It does not apply to a situation where you are asking general questions about the work of the VEC, nor does it require the VEC to create a record that does not exist.

You may choose to receive electronic records in any format used by the VEC in the regular course of business.

For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records.

If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

The Virginia Freedom of Information Act (FOIA), §2.2-3705.1, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording – regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format – that is prepared or owned by 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 policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of their right of access to public records, or both. 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.

Making a Request for records from the Virginia Employment Commission (VEC)

• You should make your request in writing. This allows you to create a record of your request. It also gives you a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.

• Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.

• You may choose to receive electronic records in any format used by the VEC in the regular course of business.

• For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records.

• If we have questions about your request, please cooperate with staff’s efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

To request records from the VEC, you may direct your request to:

VEC
Debra McDonald
PO. Box 1358
Richmond, Virginia 23218
Phone: (804) 786-6506
Fax: (804) 371-0616
E-mail: informationcontrol@vec.virginia.gov

You may also contact Ms. McDonald with questions you have concerning requesting records from the VEC. In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.

The Virginia Employment Commission (VEC) is to provide you with the records that you have requested, within five working days of receiving your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.

You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.

If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the VEC may require payment of the past-due bill before it will respond to your new FOIA request.

The Code of Virginia allows any public body to withhold certain records from public disclosure. The VEC commonly withholds records subject to the following exemptions:

• Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
• Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
• Vendor proprietary information (§ 2.2-3705.1 (6))
• Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
• Unemployment Insurance Claims records (§ 60.2-623)
• State Unemployment Tax Account records (§ 60.2-114)

Costs

• You may have to pay for the records that you request from the VEC. FOIA allows us to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.

• If we estimate that it will cost more than $200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.

• You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.

• If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the VEC may require payment of the past-due bill before it will respond to your new FOIA request.

Commonly Used Exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The VEC commonly withholds records subject to the following exemptions:

• Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
• Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
• Vendor proprietary information (§ 2.2-3705.1 (6))
• Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
• Unemployment Insurance Claims records (§ 60.2-623)
• State Unemployment Tax Account records (§ 60.2-114)