

## **THE NORFOLK AIRPORT AUTHORITY'S POLICIES AND PROCEDURES REGARDING THE VIRGINIA FREEDOM OF INFORMATION ACT**

### **The Virginia Freedom of Information Act**

The Norfolk Airport Authority (the "Authority") complies with the Virginia law governing access by citizens to public records and meetings of the Authority. This law is the Virginia Freedom of Information Act, Section 2.2-3700 *et seq.* of the Code of Virginia (the "Act"). With some specific exemptions and exceptions, the Act provides that all meetings of the Authority, as a public body, shall be open to the public and all public records shall be open for public inspection. All public records and meetings shall be presumed open, unless an exemption is properly invoked. 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 the Authority or its officers, employees or agents in the transaction of public business.

### **Making a Request**

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

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 existing records or documents. The Act gives you a right to inspect or copy records. It does not apply to a request for answers to general questions about the work of the Authority, nor does it require the Authority to create a record that does not exist.

In general, the Authority maintains the following records:

- Records of the Board of Commissioners including reports and meeting minutes;
- Business records including records of contracts into which the Authority has entered;
- Financial records including audit reports; and
- Personnel records concerning employees and officials of the Authority.

This list is intended as a summary and is not exhaustive.

You should contact the Authority's designated FOIA Officer if you want to make a request under the Act. The FOIA Officer is:

Shelia Ward  
Vice President and Chief Administrative Officer  
Norfolk Airport Authority  
Norfolk International Airport  
2200 Norview Avenue  
Norfolk, Virginia 23518

The Virginia Freedom of Information Advisory Council is available to answer any questions you may have about the Act. The Council may be contacted at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov) or 804-698-1810 (1-866-448-4100 toll-free).

### **Responding to Requests**

After the Authority receives your request for records, it has 5 business days to respond to you. In its response, the Authority will either:

- Provide the requested record;
- Advise you that the record is being withheld pursuant to the Act or other applicable statute. This response will describe the subject matter of the records and identify the specific section of the Act or the other law that exempts the record from disclosure with reasonable particularity;
- In case only part of a record or only some of the records requested are exempt from disclosure, the Authority will remove the portion of the record that is not public and provide the rest of the record or remove the exempted record(s) and provide the rest of the records. The Authority will identify with reasonable particularity the subject matter of the information removed, and the specific portion of the Code of Virginia that exempts the record withheld;
- Inform you that the requested records could not be found or do not exist. If the records are known to be held by another public body, the Authority will include contact information for the other public body; or
- Inform you that the record(s) cannot be practically provided within five working days. In its response, the Authority will specify the conditions that make a response impossible. The Authority will then have an additional seven work days to provide one of the four preceding responses.

The Act does not require electronic delivery of requested documents, though they may be provided electronically if available.

### **Costs Related to Requests**

The Authority may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. The Authority will not 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 Authority. Any duplicating fee charged by the Authority 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 § 2.2-3704 of the Code of Virginia.

If the estimated cost of producing the requested documents is more than \$200, a deposit may be required prior to your request being processed. The deposit will be credited toward the final cost of supplying the requested records.

If you have an outstanding balance owed to the Authority for previous record requests, the Authority may require you to pay your outstanding balance before processing a new request.

### **Common Exceptions**

The Act allows any public body to withhold certain records from public disclosure. The Authority commonly withholds the following records, which are exempt from public disclosure:

- Personnel records. Va. Code § 2.2-3705.1(1);
- Records subject to attorney-client privilege or attorney work product. Va. Code § 2.2-3705.1(2) and Va. Code § 2.2-3705.1(3);
- Vendor proprietary information software that may be in the public records of the Authority. Va. Code § 2.2-3705.1(6); and
- Records relating to the negotiation and award of a contract, prior to a contract being awarded. Va. Code § 2.2-3705.1(12).

This list is not intended to limit the Authority's application of other available exemptions to withhold requested records as the Authority deems necessary.