

Executive Summary: This guide offers helpful tips for people making FOIA requests and the public bodies responding to them. It follows the steps of the request process, starting with pre-request research, how to make a request and phrase it clearly, and finally, how to handle any back-and-forth discussions. FOIA encourages public bodies to work reasonably with requesters to agree on how to provide the requested records.

I. Preliminary research and first contact

Before you make your request:

- Each public body in Virginia manages its own records, and there isn't a central location where all public records are stored. This means you'll need to contact the specific public body that is most like to have the records you're looking for.
- Consider which public body is most likely to have the records you need and what those records might be called. Keep in mind that different public bodies may use different terms for records that serve similar purposes.
- Review the records [retention schedules](#) on the Library of Virginia's website for ideas.
- Check public bodies' websites for ideas about what records they have or whether the information is already posted somewhere.
- Familiarize yourself with the procedures in 2.2-3704.
- Find the public body's FOIA contact on the public body's website and/or call to ask. The FOIA Council maintains a [list of FOIA officers](#) on its website, and each public body is required to publish a statement of FOIA rights and responsibilities as well as contact information for their FOIA officer(s).

II. Making the request

General tips:

- You can ask for records orally (in person, over the phone,, etc.) but it's a best practice to put the request in writing (email, letter, fax) so that you and the government are literally on the same page. A paper trail will also be helpful if disagreements or disputes arise late.
- Be respectful.
- Be direct and clear.
- Avoid getting personal, editorial or adversarial.
- Ask for records, not answers to questions or explanations - FOIA is accessing records that already exist.
- Do not assume that all public bodies handle their FOIA processes the same way as others. Be flexible and, when in doubt, contact the public body and ask.

The request itself:

- Reducing the number of search terms, the length of time frames and/or the number of people involved should save both time and money.

- If the public body has the right technology, use Boolean search terms when possible (e.g., “zoning application AND denied” or “zoning application AND residential NOT industrial”).
- Avoid terms like “any and all” or “included but not limited to,” which can broaden the scope of the request beyond what you really want.
- Similarly, avoid terms that may be open to interpretation, such as “related to” or “associated with,” as these terms may be interpreted differently in different situations and by different people.
- If you're unsure about what records a public body has or how they manage them, it's better to contact the public body first to discuss your request. This helps avoid using vague or broad language in your request, ensuring you don't miss any important records.

Many of these tips are aimed at reducing the number of potential records your search will yield because fewer records should save time and money. A narrower search might miss some records you want, but you can make follow-up requests based on what you learned in your first request.

Keep in mind, broad requests like those used in the litigation process (discovery) are more likely to result in lots of duplicate records or even records you don't even want.

III. **Negotiating on the terms of production**

FOIA's policy statement (2.2-3700) encourages requesters and public bodies to work together. Clear communication is beneficial to all involved.

Some specific items to consider when negotiating:

- volume of records to be searched
- time frame covered by request
- time frame of response and costs to be charged (as points of negotiation rather than statutory limits, such as allowing a public body additional time to respond in exchange for reduced costs)
- subject matter of request
- keyword searches
- limiting request based on involvement of specified individuals (as authors, senders, recipients, or otherwise)

After the request

- Continue to work with the FOIA officer to get what you need.
- Be flexible, offer alternatives and be willing to negotiate if it will help you get what you need.
- Avoid making repeat requests for the exact same record. Multiple requests might be needed if a record you've previously asked for has been changed or updated, but if not,

asking for the same record over and over will likely result in getting the same record over and over.