



FOIA Policy and Information

Purpose and Rights of Requester

Mount Rogers Regional Partnership (MRRP) adheres to The Virginia Freedom of Information Act (FOIA), part of the Code of Virginia, § 2.2-3700, which can be viewed in its entirety [here](#).

This policy ensures that Virginia citizens and media have access to public records of a public body.

- 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. Alternatively, you may contact the [FOIA Council](#) for a nonbinding advisory opinion.

Key Definitions

MRRP qualifies as a “public body” under the section of the definition which includes “other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds.”

"Public records" means “all writings and recordings (handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics), prepared or owned by, or in the possession of a public body (MRRP) or its officers, employees, or agents in the transaction of public business.”

How to Obtain Records

You may request records by U.S. Mail, 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 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 not to 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 existing 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 MRRP, nor does it require MRRP to create a record that does not exist.

You may choose to receive electronic records in any format used by MRRP 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 flash drive, or to receive a printed copy of those records.

To request records from MRRP, you may direct your request to:

Morgan Herbert, Director of Marketing and Communications
1000 E. Main St.
Grayson Hall
Wytheville, VA 24382

Email: mherbert@mountrogersregion.com

Phone: (276) 613-7196

MRRP's Compliance Responsibilities

MRRP must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.

The reason behind your request for public records from MRRP is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow MRRP to require you to provide your name and legal address.

FOIA requires that MRRP make one of the following responses to your request within the five-day time period:

1. We provide you with the records that you have requested in their entirety.

2. We withhold all the records that you have requested, because all of the records are subject to a specific statutory exemption. If all the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld and state the specific section of the Code of Virginia that allows us to withhold the records.

3. We provide some of the records that you have requested but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.

4. We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.

5. If it is practically impossible for MRRP to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven additional working days to respond to your request, giving us a total of 12 working days to respond to your request.

If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

Types of Records Maintained

The following is a general description of the types of records held by MRRP:

- Personnel records concerning employees of MRRP
- Records of contracts which MRRP has entered into
- Meeting agendas, minutes, and document packs
- General records that are generated by MRRP in the normal conduct of business

If you are unsure whether MRRP has the record(s) you seek, please contact MRRP's FOIA Officer:

Morgan Herbert, Director of Marketing and Communications
1000 E. Main St.
Grayson Hall

Wytheville, VA 24382

Email: mherbert@mountrogersregion.com

Phone: (276) 613-7196

Exemptions

The Code of Virginia allows MRRP to withhold or redact certain records from public disclosure; see § 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets. Exemptions commonly encountered in economic development may include, but are not limited to:

Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2

Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

A complete list of exemptions is available [here](#). MRRP reserves the right to utilize any exemption provided under the Freedom of Information Act. Exemptions are exercised on a case-by-case basis.

Costs

MRRP may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. MRRP shall 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 public body. Any duplicating (copying) fee charged by MRRP shall not exceed the actual cost of duplication. Prior to conducting a search for records, MRRP shall notify the requester in writing that it may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § [2.2-3704](#) of the Code of Virginia.

You may have to pay for the records that you request from MRRP. The Code of Virginia allows us to recoup the actual costs of responding to FOIA requests. This includes expenses such as staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records.

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-day period 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 to potentially lower the estimated costs.

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

Further Information

To request records pertaining to a specific locality in MRRP's service area, please see:

[Bland County](#)

[Carroll County](#)

[City of Galax](#)

[Grayson County](#)

[Smyth County](#)

[Wythe County](#)

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 1-866-448-4100.