

VIRGINIA MILITARY INSTITUTE  
Lexington, Virginia

GENERAL ORDER)  
NUMBER 5)

28 February 2024

**VMI Freedom of Information Requests Policy**

1. Overview: In accordance with Va. Code § 2.2-3704.2., Virginia Military Institute will designate a Freedom of Information Act (FOIA) Officer responsible for coordinating the release of requested records with the office receiving the request. Contact information for the FOIA Officer is available on the [FOIA webpage](#) which is linked from the Institute's website, [www.vmi.edu](http://www.vmi.edu). The FOIA Officer will ensure responses to FOIA requests are in accordance with the provisions of the Virginia Freedom of Information Act.
2. Responsible Official: All third-party requests for access to public records must be forwarded to the FOIA Officer immediately upon receipt, with information regarding the likely location and volume of the records requested, for determination of appropriate action. All requests must be handled expeditiously by individuals receiving them, as there are timelines that must be adhered to as a matter of law.
3. Definition of a Request: A Freedom of Information Request may be initiated in writing, by telephone, electronically, or verbally in person. A request for public records need not mention or reference the Freedom of Information Act in order to trigger the Institute's obligation to respond pursuant to its terms.
4. The FOIA Officer will determine when and if a response to a FOIA request is required, whether records subject to an exception will be withheld, and the amount of any fees to be charged to the requester. When necessary, the FOIA Officer will consult with the Institute's representative in the Office of the Attorney General, Commonwealth of Virginia.
5. In accordance with Virginia Code § 2.2-3704(F), VMI is entitled to recover its actual costs incurred in accessing, duplicating, supplying, redacting, or searching for requested records. **Any cost in excess of \$50 will be charged to the requester.** In accordance with Virginia Code § 2.2-3704(H), a request that exceeds \$200 will not be processed until payment of a deposit not to exceed the amount of the estimated cost has been received from the requester. Furthermore, in accordance with Virginia Code § 2.2-3704(I), before processing a request for records, VMI will require the requester to pay any amounts owed to VMI for previous requests for records that remain unpaid 30 days or more after billing.
  - a. Calculation of costs: Costs of fulfilling a FOIA request are calculating by determining the hourly wage (not including the cost of fringe benefits) of the VMI employee or employees who are the custodians of the records requested and/or the individual who will review any responsive records. The hourly wage is determined by dividing the employee's annual wage by 2,080. Once an hourly wage is determined, the FOIA Officer will consult with the custodian of the requested record to determine the estimated number of hours it will take the custodian to search for any responsive records.

The FOIA Officer will review all responsive records to determine whether they are subject to disclosure and/or whether any information is required to be redacted. The estimated time to review records and the hourly rates for VMI employees involved in fulfilling the request will also be included in the cost estimate. With all FOIA requests, VMI will work to ensure that the custodian with the lowest hourly rate searches for any responsive records.

- b. Fee Structure: Hourly rates for VMI employees range from \$15 per hour through \$315.50 per hour. The cost of fulfilling a request will depend on the lowest paid employee who has access to the requested records. The following are commonly used hourly rates:
    - IT search of VMI email network: \$48.65 / hour
    - Review of responsive records: \$66.20 / hour
  - c. VMI will require payment of any past-due FOIA-related fees before it will respond to new FOIA requests (Virginia Code § 2.2-3704.(I)).
6. In accordance with Virginia Code § 2.2-3705.4(B), VMI will not release the address, phone number, or email address of a cadet in response to a FOIA request without written consent of the cadet.
  7. All records of FOIA requests, responses to the requesting party, and documentation of information and records gathered and provided will be kept by the FOIA Officer for three years. FOIA requests are subject to public disclosure under Va. Code § 2.2-3704.

FOR THE SUPERINTENDENT:

John Young  
Colonel, Virginia Militia  
Chief of Staff

OPR: FOIA Officer