



FOIA Rights, Responsibilities, and Charges

The Rights of Requesters and the Responsibilities of AlexRenew under the Virginia Freedom of Information Act

Adopted: June 20, 2023; Amended: July 2, 2026

The General Assembly enacted the Virginia Freedom of Information Act (“FOIA”), § 2.2-3700 et seq. of the Code of Virginia, to ensure the people of Virginia have ready access to public records and an increased awareness of government activities.

Who can request records. Public records are open to citizens of the Commonwealth of Virginia, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. AlexRenew may require a requester to provide their name and legal address.

What can be requested. Any existing record AlexRenew keeps in doing its work — documents, emails, spreadsheets, photos, audio, or video. FOIA does not require AlexRenew to answer questions or create a record that does not already exist. Records are presumed open and may be withheld only if a specific Virginia law allows it. If only part of a record is exempt, AlexRenew removes that part and gives you the rest.

I. Your FOIA Rights

- You have the right to request to inspect or receive copies of public records, or both.
- You have the right to have charges for the requested records estimated in advance. Public bodies must notify the requester in writing if reasonable charges will be assessed. See Section IV.
- 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 Virginia’s FOIA Council to request a nonbinding advisory opinion. See Section VI.

II. Making a Request for Records from AlexRenew

To request records or ask questions about requesting records, contact AlexRenew’s designated FOIA officer:

Lorna Huff
AlexRenew
1800 Limerick Street
Alexandria, VA 22314
(703) 721-3500, Ext. 2260
lorna.huff@alexrenew.com

Method/Format to request records. You may request records by email, U.S. Mail, in person, or over the phone. FOIA does not require that you use any particular method to convey your request. FOIA also does not require that your request be in writing, nor do you need to state that you are requesting records pursuant to FOIA. From a practical perspective, it may be helpful to both you and AlexRenew to put your request in writing.

Identify with specificity. 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 AlexRenew can identify and locate the records that you are seeking.

Existing records. Your request must ask for existing records or documents. FOIA gives you a right to inspect or receive records; it does not apply to a situation where you are asking general questions about AlexRenew's work, nor does it require AlexRenew to create a record that does not exist.

Method/Format for receipt. You may choose to receive electronic records in any format used by AlexRenew 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 email or to receive a printed copy of those records.

Cooperation. Making a FOIA request should not be an adversarial process. AlexRenew may need to discuss your request with you to ensure that it understands what records you are seeking. If AlexRenew has questions about your request, please cooperate to clarify the type of records that you are seeking.

III. AlexRenew's Responsibilities

AlexRenew must respond to your request within five (5) working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends, holidays or other days when AlexRenew is closed for business.

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

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

- **Full disclosure.** AlexRenew provides you with the records that you have requested in their entirety.
- **Full withholding.** AlexRenew withholds all records that you requested, because all are subject to a specific statutory exemption(s). AlexRenew must send you a response in writing identifying the volume and subject matter of the records being withheld and state the specific section of the Code of Virginia that allows AlexRenew to withhold the records.
- **Partial disclosure.** AlexRenew provides some requested records, or portions of records, but withholds other records or portions of records under a specific statutory exemption. AlexRenew will not withhold an entire record solely because a portion is exempt. AlexRenew will redact the exempt portion and provide the remainder, and will provide a written response identifying, with reasonable particularity, the subject matter of the withheld portions and the specific Code section that authorizes withholding for each category of withheld information.
- **Records not found/do not exist.** AlexRenew informs you in writing that the requested records cannot be found or do not exist (AlexRenew does not have the records you requested). However, if AlexRenew knows that another public body has the requested

records, AlexRenew must include contact information for the other public body in the response to you.

- **Additional Time Needed.** If it is practically impossible for AlexRenew to respond to your request within the five-day period, AlexRenew must state this in writing, explaining the conditions that make the response impossible. This will allow AlexRenew an additional seven (7) working days to respond, giving AlexRenew a total of 12 working days to respond.

If you make a request for an extraordinary amount or type of records and AlexRenew cannot provide the records to you within 12 working days without disrupting other organizational responsibilities, AlexRenew may petition the court for additional time to respond to your request. However, FOIA requires that AlexRenew make a reasonable effort to reach an agreement with you concerning the production of the records before it goes to court to ask for more time.

IV. Charges

This Charges section constitutes AlexRenew's written policy on charges in accordance with § 2.2-3704.1(A)(7).

AlexRenew's current charge for routine requests is \$0. However, AlexRenew may assess reasonable charges for non-routine requests that require substantial staff time, duplication, electronic search or export, special media, postage, or outside-vendor services.

Any charge will not exceed AlexRenew's actual cost incurred in accessing, duplicating, supplying, or searching for the requested records, and AlexRenew will make reasonable efforts to supply records at the lowest possible cost. Staff time, when charged, will be calculated using the actual wage cost of the employee or employees performing the work, without general overhead, extraneous, intermediary, or surplus fees. Duplicating, postage, media, and outside-vendor costs will be charged only at actual cost.

Prior to conducting a search for records, AlexRenew will notify you in writing if it intends to charge and inquire whether you would like a cost estimate in advance as set forth in § 2.2-3704(F). The FOIA response clock stops between when AlexRenew sends you the estimate/request for approval to proceed and when you respond. If you do not respond within 30 days, your request will be deemed to be withdrawn.

If AlexRenew estimates that it will cost more than \$200 to respond to your request, it may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The statutory time for response is tolled between when AlexRenew requests a deposit and when you provide it.

V. Commonly Used Exemptions

FOIA allows a public body to withhold certain records from public disclosure. AlexRenew commonly withholds records subject to the following exemptions:

- Personnel records except information that FOIA requires to remain public, such as employee name, position, job classification, salary or rate of pay, and other non-exempt employment information. § 2.2-3705.1(1).
- Records subject to attorney-client privilege or attorney work product. § 2.2-3705.1(2) and (3).

- Vendor proprietary software. § 2.2-3705.1(6).
- Trade secrets or proprietary information submitted by a bidder, offeror, or contractor in a procurement transaction and properly designated as confidential if submitter properly invokes protection before or upon submission, identifies the protected materials, and states reasons for protection. § 2.2-3705.6(10), invoking § 2.2-4342 (F).
- Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior to the completion of such purchase, sale or lease. § 2.2-3705.1(8).
- Records relating to the negotiation and award of a specific contract, prior to a contract being awarded where competition or bargaining is involved and release would adversely affect the public body's bargaining position or strategy; it does not apply after the public body has decided to award or not award the contract. § 2.2-3705.1(12).
- The portions of records that contain account numbers or routing information for any credit card, debit card or any other account with a financial institution of any person or public body. § 2.2-3705.1 (13).
- Working papers and correspondence of the General Manager. § 2.2-3705.7 (2).
- Security of facilities and systems — engineering drawings, plans, and records that reveal critical infrastructure information, security systems, or cybersecurity vulnerabilities of AlexRenew's facilities, utility systems, or information technology, where disclosure would jeopardize the safety or security of persons or facilities. § 2.2-3705.2 (14); see also (2).
- Information made confidential by another specific state or federal law, including Social Security numbers and other information expressly protected from disclosure.

For additional exemptions, see Code of Virginia §§ 2.2-3705.1 through 2.2-3705.8, § 2.2-3706 where applicable, and any other specific state or federal laws that permit or require withholding.

VI. FOIA Advisory Council

The Freedom of Information Act Advisory Council is available to answer any questions you may have about FOIA. The Council was created in the legislative branch of state government to issue opinions on the operation and application of FOIA, to publish educational materials, and to provide training about FOIA.

Please note that the Council is not a records repository and does not process records requests on behalf of other public bodies, nor is the Council an investigative or enforcement agency. The Council may be contacted by email at foiacouncil@dls.virginia.gov, or by phone at (804) 698-1810 or toll-free at 1-866-448-4100.