

## Virginia Freedom of Information Act

The **Virginia Freedom of Information Act** (VFOIA) is the state law governing access by citizens of Virginia and representatives of the media to public records and to meetings of public bodies, as defined in the act. VFOIA provides that, with some specific exemptions and exceptions, all meetings of public bodies shall be open to the public and all public records open for public inspection. All public meetings and records are presumed open unless an exemption is properly invoked.

Loudoun County Public Schools (LCPS) complies with the state's Freedom of Information Act.

Wayde Byard is the LCPS FOIA Officer. He may be contacted at [Wayde.Byard@LCPS.org](mailto:Wayde.Byard@LCPS.org) or 571-252-1040.

It should be noted that Freedom of Information requests are governed by the Code of Virginia. This supersedes federal Freedom of Information laws when applied to records being sought from a governing body in Virginia. FOIA requests made to Loudoun County Public Schools (LCPS) should be made under the terms contained in the Code of Virginia.

## Making a VFOIA Request

It is recommended, though not required, that VFOIA requests be made in writing. Requests can be made in person, by phone, by mail, or electronically. It is not necessary to specify the reason for your request. However, you must provide your name and legal address.

- Members of the public making a request under VFOIA should contact:

Wayde Byard  
Public Information Officer, FOIA Officer  
21000 Education Court, Suite 103  
Ashburn, VA 20148

Email: [Wayde.Byard@LCPS.org](mailto:Wayde.Byard@LCPS.org)

Phone: 571-252-1040

VFOIA requires that a request for public records must identify the requested records with "reasonable specificity." Documents available would include procurement information, contract information concerning employees, information on school construction and school board and staff correspondence.

A VFOIA request may be made for any existing documents or reports; however, public bodies are not required under VFOIA to create a new document that does not exist to satisfy a request.

The contents of personnel files and student records, including disciplinary records, are routinely exempt from VFOIA.

“A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall 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 fee charged by a public body 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.”

The full state statute may be referenced at <https://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3704.1/>

## Fulfilling VFOIA Requests

Within five working days after a request is received, a public body must:

- Provide the requested record(s);
- Advise you that the record(s) are being withheld pursuant to VFOIA or other applicable statute. This response must describe the subject matter of the records and identify the specific section of VFOIA or the Code of Virginia that exempts the record from disclosure;
- In the case that only part of a record or only some of the records requested are exempt from disclosure, LCPS will remove the portion of the record that is not public and provide the rest, or remove the exempted record(s) and provide the rest of the records, along with an explanation of the subject matter of the information removed, and the specific portion of the Code of Virginia that exempts the portion of the record or the record(s) 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 response must also include contact information for the other public body;
- Inform you that the record(s) cannot be practically provided within five working days; an additional seven working days is then provided, within which the public body must make the record(s) available.

## Learn More About VFOIA

More information about the Virginia FOIA can be found through the [Virginia Freedom of Information Advisory](#)

[Council](http://foiacouncil.dls.virginia.gov/) at <http://foiacouncil.dls.virginia.gov/>.

If you have any questions or would like additional information, please contact Wayde Byard at [Wayde.Byard@LCPS.org](mailto:Wayde.Byard@LCPS.org) or via phone 571-252-1040.

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