



## SUBMISSION FORM

All submission forms must include the following information. Separate submission forms must be turned in for each eligible program. **Deadline: July 1, 2021.** Please include this submission form with the electronic entry. If you do not receive an email confirming receipt of your entry within 3 days of submission, please contact [Gage Harter](#).

### PROGRAM INFORMATION

County: Fairfax County  
Program Title: Countywide FOIA Program  
Program Category: Organizational Development

### CONTACT INFORMATION

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### SIGNATURE OF COUNTY ADMINISTRATOR OR DEPUTY/ASSISTANT COUNTY ADMINISTRATOR

Name: Bryan J. Hill  
Title: County Executive  
Signature: J Hill

## Executive Summary

Virginia localities regularly respond to requests for information — library hours, tax deadlines and more. Those falling under the various Freedom of Information Act (FOIA) laws of local, state and federal government, however, arrive with the mandate of being regulated and answered in the most efficient and transparent way possible. Fairfax County receives over 10,000 FOIA requests per year. With 50-plus Fairfax County agencies and over 180 staff members having FOIA responsibilities, Fairfax County needed a process to monitor the volume, the responses and impact of FOIA requests countywide.

The Countywide FOIA Office, the first of its kind in Virginia, was established in March 2017 to act as a single FOIA point of contact to the public; oversee policy, procedures, operations and training; and develop, implement, and manage a newly created centralized FOIA request tracking application.

The Countywide FOIA Office's strategic implementation of a de-centralized standardized FOIA response process has led to shorter response times (one day less on average); reduced record request costs through increased fee waivers; reduced staff time devoted to responding to requests; and popular public records proactively made available online in user-friendly formats.

Key elements for success:

- Cross-agency collaboration among the high-level agencies that assist agency FOIA contacts with FOIA requests.
- The VFOIA Tracker, an innovative system to consolidate FOIA request and fee data from all Fairfax County agencies (number of requests, average response times, level of redacting, typical fees or waivers).
- Extensive and ongoing training programs for both internal and external audiences, such as a statewide training day.

- Annual reports that provide a snapshot of FOIA responses, FOIA fees and common requests.

Fairfax County's FOIA Program is a model for other localities to learn from or replicate to coordinate FOIA requests to ensure legal compliance, transparency and efficient response.

#### **Fairfax County's Countywide FOIA Office**

Virginia localities regularly respond to requests for information — library hours, tax deadlines and more. Those falling under the various Freedom of Information Act (FOIA) laws of local, state and federal government, however, arrive with the mandate of being regulated and answered in the most efficient and transparent way possible. Fairfax County receives over 10,000 FOIA requests per year.

In response to new state laws, in 2016 Fairfax County staff conducted an analysis to examine new legal requirements and develop a framework for a countywide FOIA compliance program. With 50-plus Fairfax County agencies and over 180 staff members having FOIA responsibilities, Fairfax County needed a process to monitor the volume, the responses and impact of FOIA requests countywide.

The Countywide FOIA Office, the first of its kind in Virginia, was established in March 2017 to act as a single FOIA point of contact to the public; oversee policy, procedures, operations and training; and develop, implement, and manage a newly created centralized FOIA request tracking application.

The FOIA Office's goals are to:

- Coordinate the County's compliance with VFOIA.
- Promote the County's commitment to transparency.
- Improve efficiency of the FOIA response process.
- Enhance monitoring and accountability of FOIA requests.
- Connect members of the public and media with County information.



Establishing the strategy and plan was the beginning. Implementing the program and coordinating with the many County agencies and employees that respond to FOIA requests was the challenge.

### **Key Elements**

**The Countywide FOIA Office** — The Countywide FOIA Office's mission:

- Advocate for and promote the County's commitment to transparency in a manner consistent with the law.
- Assist County agencies responding to FOIA requests.
- Design and deliver FOIA training to County employees.
- Manage the County's centralized tracking of FOIA requests.
- Serve as a point of contact for members of the public who request public records.

Six positions support the resulting increase in volume and complexity of FOIA requests — three FOIA staff, including a countywide FOIA officer, in the Office of Public Affairs; two attorneys; and one information technology professional.

**Cross-agency Coordination** — An initial focus was to identify and coordinate with the high-level agencies that assist agency FOIA contacts with FOIA requests:

- Office of Public Affairs (OPA) — Provides guidance on and oversees compliance with FOIA in conjunction with the Office of the County Executive.
- Office of the County Attorney (OCA) — Provides legal advice on FOIA responses including whether a legal exemption applies to a public record.
- Department of Information Technology (DIT) — Maintains the countywide email and messaging systems and conducts searches for electronic public records responsive to FOIA requests; administers the technical aspects of the countywide FOIA request tracking application.

- Departments of Finance (DOF) and Management and Budget (DMB) —Provides guidance on assessing, processing and collecting FOIA fees for actual and reasonable costs incurred by the County.

**Countywide FOIA Policy** — Developed with input from the budget department, attorneys, and information technology staff, it establishes a uniform policy for processing, responding to, and tracking requests for public records. The Countywide FOIA Policy seeks to balance the County's commitment to transparency and openness, while ensuring the protection of the County's privacy and security interests.

**FOIA Webpage** — FOIA requests from the public and news media are received by mail, phone, online and even through social media. In fiscal year 2020, 40 Fairfax County agencies responded to over 11,000 FOIA requests. For government employees, responding to FOIAs is a unique challenge because the required response time is so tight and, generally, those addressing FOIAs are also busy providing other government services. The FOIA webpage is a one-stop shop for FOIA contacts and the public to quickly find the pertinent policies, processes and resources to fulfill FOIA requests with speed, efficiency and transparency. The page includes the rights of requesters and the responsibilities of Fairfax County Government under the Virginia Freedom of Information Act; FOIA-related meeting definitions; annual reports on the volume and impact of FOIA in the County; agency contact information; plus general information for the public on submitting FOIA requests. Charges for actual costs of producing requested records are explained with sample invoice templates and a table of per page copying costs.

**Trainings** — Held quarterly, “Understanding Your Rights and Responsibilities Under FOIA” helps County employees, including agency FOIA staff, understand how FOIA impacts their day-to-day responsibilities and emphasizes that records created or maintained in the transaction of public business may be subject to disclosure under FOIA. Specific areas covered include what is a public record; what information is not releasable; navigating the balance between transparency and privacy; charging FOIA fees; and the

countywide FOIA response process. Additional tools available include the training PowerPoint, annual reports, a top ten questions and answers brochure, and a checklist for responding to FOIA requests.

In addition, through strategic outreach to community partners and other localities in Virginia, training was provided to the NAACP in a personalized training setting as well as a statewide training day. The statewide FOIA training day, most recently held virtually, was conducted in partnership with the Virginia Freedom of Information Advisory Council, drew over 300 attendees from 68 Virginia towns, cities and counties, including compliance experts, elected officials, County administrators, attorneys and public safety professionals. Topics covered comprised disclosure of law enforcement records and social media information, and what information can be discussed in closed session during public meetings.

During the pandemic, the FOIA Office regularly updated contacts on VFOIA compliance considerations and information/guidance on electronic meetings. With many facilities closed and limited admittance to others, access to mail (FOIA requests and mailed-in fees) plus locating and obtaining relevant records were affected. The FOIA Office offered support to ensure a consistent, coordinated response through providing sample language for requesting extensions, notices on agency webpages, difficulty accessing records, fee waivers, plus assistance transmitting responsive records to requesters electronically via Sharefile Electronic Transfer File and links to relevant information on the state FOIA site.

**VFOIA Tracker** — The automated VFOIA Tracker is an innovative solution to the delivery of services. The Tracker consolidates FOIA data from all agencies, which enables the County to track FOIA requests in ways like never before, providing at-a-glance information on the volume, impact and cost of VFOIA requests. County users enter data into the Tracker in a consistent way that leads to the goal of more open government, accountability to residents and compliance with applicable laws. The VFOIA Tracker's data produces a variety of FOIA metrics, including number of requests, average response times, level of



redacting, typical fees or waivers and more. It has helped transform the definition of transparency because there are now metrics to support and actually measure it.

The new application was developed in-house using a customer relationship management application already procured by the County. This program provides centralized countywide oversight of the FOIA response process to ensure that all responses are processed efficiently, compliant with the law and find the balance between transparency and security/privacy.

The Fairfax Countywide FOIA Office and VFOIA Tracker were honored in 2018 with a Virginia Governor's Technology Award for developing a process described as "much faster, much cheaper and more accurate ... adding to the County's reputation for transparency." A panel discussion during the event was filled with CIOs, programmers, compliance officers, auditors and others. People wanted to know more about the tool and how it could benefit them in their process, especially given the ever-increasing number and complexity of FOIA requests.

The VFOIA Tracker's value accelerated as COVID-19 spread. Whether employees were at their work site or teleworking from the dining table, they could continue to input their FOIA-related information into the Tracker. The County did not have to pause on consolidating requests and generating the time-sensitive responses required. An internal dashboard makes the tracker's information available for senior County leaders to review.

**Annual Reports** — Since FY 2019, the annual reports provide a snapshot of activity and common requests. The Virginia Coalition for Open Government acknowledged Fairfax County's VFOIA annual report in its 2019 Sunshine Report, calling it "jam-packed with graphics, factoids and statistics tracking the FOIA process in that County," and reinforcing, "everyone can do what Fairfax has done."

The initial 2018 report showed that the County fielded 9,329 FOIA requests, each taking an average of three days, despite Virginia allowing up to five. While VFOIA requests grew in 2019 to 11,762, average response times were reduced to just two days.

The countywide FOIA data from the FOIA Tracker is the basis for the public annual report. In FY 2021 the data showed that the most commonly requested records included the standard top requests — police, fire/EMS records — and as a reflection of current events, there were also requests for records related to COVID-19, the 2020 elections and social and racial equity.

- [FY 19 Report \(PDF\) \(fairfaxcounty.gov\)](#)
- [FY 20 Report \(PDF\) \(fairfaxcounty.gov\)](#)

## **Overview**

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Overall, the policies and tools that have been developed since the Countywide FOIA Office was established in 2017, and which continue to be evaluated and updated, enhance Fairfax County's ability to focus on the more important parts of FOIA, which is really reaching the residents and providing them with the information they need. Amid the pandemic, the resiliency and adaptability of the Countywide FOIA Office's tools and policies proved strong. Fairfax County's FOIA Program is a model for other localities to replicate to coordinate FOIA requests to ensure legal compliance, transparency and efficient response.