

**ON PAGE PUT LINK TO FOIA SITES**

**FOIA TEMPLATE**

*This FOIA template was prepared with input from various sources to include, without limitation, Alumni Free Speech Alliance and American Council of Trustees and Alumni, Virginia FOIA Council, Virginia Open Government and other persons and organizations. It is intended to be a tool to assist in preparing a FOIA and should be modified and properly reviewed for FOIA law compliance by the user before submission.*

***FILING A FOIA WITH VMI***

1. Go to: <https://www.vmi.edu/about/governance/regulations-and-policies/virginia-freedom-of-information-act/>
2. Select the “Submit Request” button (Red)
3. Select the “Make a Request” button
4. Paste the following into the “Request Description” box
5. Fill out the rest of the information – There is NO requirement to fill out optional information such as “Class Year”
6. Select the “Make a Request” button. – WHEN PROMPTED, CREATE A USER ID AND PASSWORD. This will ensure all communications is captured and recorded.

***----- IMPORTANT NOTE ON FOIA FILES RECEIVED -----***

*VMI only maintains the files requested under the FOIA online for a short period of time before deleting them. Be sure to check how long they will be available and download the files to your computer to ensure you retain them.*

***----- REQUEST LANGUAGE -----***

**COMPLETE THE INFORMATION BELOW MODIFIED TO YOUR NEEDS  
AND PASTE EVERYTHING BELOW into your FOIA request**

***----- REQUEST LANGUAGE -----***

**I. DEFINITIONS, TERMS OF USE, CONDITIONS IMPLIED:**

**Copying:** Copying shall mean and include one or more means as agreed between Requester and Custodian, including but not limited to electronic photography, scanning, and/or photocopying with Requester’s equipment.

**Custodian[s]:** Named party or parties appearing above, and including unnamed entities or persons set forth under Va. Code Sec. 2.2-3704 (J).

**Documents and/or Records:** Any public record subject to disclosure under the Va. FOIA including any writing or recording, paper record, electronic file, audio, video recording, or any other format. This term shall mean all relevant data and information in the Custodian's possession defined in [a] Requester's General Subject of Inquiry and [b] Specific Subjects of Inquiry including but not limited to letters, notes, drafts, legal instruments, contracts, telephone transcripts, email correspondence, drawings and tables. Includes, without limitation, any and all forms of memorialized information, whether written, graphic, computerized, or stored electronically or on tape. This definition specifically includes, but is not limited to, drafts, originals, copies, handwritten notes or comments, letters, correspondence, e-mails, records of discussions, memoranda, telegrams, telephone logs and records, teletypes, appointment books, meeting agenda or minutes, reports, briefings, presentations, studies, analyses, communications with government bodies, interoffice and intra-office communications with any party whatsoever, computer programs and printouts, social media communications, including, but not limited, to FaceTime, Instagram, FaceBook.com, text messages, and other records or voice records, films or tapes As well as any screenshots or other record showing calls of which there are no other records were made.

**Location of Documents:** one or more location may exist for requested documents. Documents should not be relocated away from a physical location less convenient to Requester in consequence to receipt of this request.

**Penalty;** for Non-compliance. See Va. Code 2.2-3714.

**Request:** shall mean this request for information. Following requests on separate but related matters shall not be deemed an amendment of this request.

**Requestee:** Custodian[s] of records requested as defined above.

**Response Period:** Va. Code Sec. 2.2-3704 (B)(4). Initial period is 5 business days.

**Review:** Custodian and Requester agree on methods of review and provision of documents resulting in the most cost-efficient means of compliance with this Request. Requestor reserves the right to view documents including lists thereof before being charged by the provider, so that the provider reveals what records are available.

### **ADD ANY APPLICABLE DEFINITIONS TO SCOPE YOUR REQUEST**

I. CONFLICT OF INTEREST:

### **DELETE AND RE-NUMBER IF YOU DO NOT FEEL THIS APPLIES TO YOUR REQUEST**

I specifically request this FOIA be processed and all associated records collection, records review, legal review and release decisions be conducted by a neutral third party independent of the FOIA Officer, and the VMI administration. I understand there may not be a specific Virginia FOIA provision that requires such an independent inquiry, the actions of the VMI FOIA officer, his staff, and others connected directly to the records requested are the subject of those records. In the spirit of full transparency and to reasonable avoid the appearance of a conflict of interest VMI should grant this request.

## II. GENERAL SUBJECTS OF INQUIRY:

**Insert a short paragraph covering the general topic of your request.**

## III. SPECIFIC SUBJECTS OF INQUIRY:

Under the Freedom of Information Act I am requesting copies of the following records:

1. **For the period \_\_\_\_ to \_\_\_\_ [date range for the records requested]. List the records requested as specifically as possible. If requesting emails or other records provide email addresses, keywords, etc. to assist in narrowing the level of effort required for the search.**
2. **For the period \_\_\_\_ to \_\_\_\_.** Same as above in needed
3. **For the period \_\_\_\_ to \_\_\_\_.** Same as above in needed

**ADD ADDITIONAL AS REQUIRED**

## IV. REVIEW RIGHTS RESERVED, COST ESTIMATE REQUESTED;

1. While I understand VMI is allowed to charge for certain costs associated with filling my FOIA request, Virginia FOIA law, and the intent of the Virginia General Assembly, is clear that these must be reasonable and the burden of proof for reasonableness rests on the Custodian. I am willing to pay reasonable costs to collect and provide responsive records this request up to **\$100.00 [change to desired amount]**, but I request the fee be waived as these records should be readily available as routinely prepared records VMI is required to maintain and, based on recent reporting, VMI has provided a number of them to the media.
2. Where documents are requested but do not exist, the Custodian should so state.
3. Inadequate disclosure due to late or omitted data rendering untimely response hereto may be cured for the purposes of this Request by a proffer of information pending formal document completion and should not be otherwise withheld.
4. The Custodian shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the Requester and Custodian including the payment of reasonable costs. Excision of exempt information does not create a new public record.
5. The Custodian of records will provide a clarifying statement on any redactions so the requestor can understand what information is being redacted and the justification for the redaction. Simply referencing and exemption statute is not acceptable.
6. The Requester reserves the right of prior review of documents before Custodian undertakes expense of copying or provision. Requester encourages the least costly means of reproduction and transmission of documents within the Custodian's ability to so provide. Requester may elect to provide copying

equipment; camera, scanner or photocopier or any combination thereof, with copying performed by Requester, involving no assistance from Custodian should costs estimated by Custodian be deemed too high.

7. To avoid the cost of printing and mailing, it is requested these records be provided electronically.
8. If there is a cost, Requester requests separate cost estimates of the following to include who will perform the work, their job function, hourly rate, hours required, how much of the hourly rate is paid for by state funds and the amount using funds from outside sources:
  - a. Search for documents.
  - b. Review of documents.
  - c. Redaction of documents.
  - d. Assembly of documents.
  - e. Copying per page of documents; alternatively, provision by digitized scanned media or by other electronic means where available from Requestee and compatible with Requester's capabilities.
  - f. any other costs by type of cost.

Requestor reserves the right to view documents, including lists thereof, before being charged by the provider, so that the provider reveals what records are available. Requestor also reserves the right to be notified if any increases in costs over the estimated cost provided before any work is conducted by the custodian that would incur such costs and that the Custodian notify the Requestor as soon as it is identified there may be any potential for cost increase to fill the request. Requestor reserves the right to view documents that would cause the cost increase, including lists thereof so that the provider reveals what records are available and the cause for the increase over the estimate.

#### V. RELEVANT PROCEDURES:

1. Requester acknowledges the Virginia FOIA initial five business day response period for Custodian response. Requester encourages the most time and cost expedient approaches to comply with this request. Requester is available by telephone and email shown above to expedite Custodian/Requester communication. Both parties shall advise the other of any changes in contact information.
2. The Requester recognizes the response period does not include time for cost discussions and amended request terms to adjust costs to Requester. Should Custodian require additional time for particular items of this request Requester if possible encourages resolution of Custodian response time issues without Custodian necessity to seek court relief.
3. The Requester asks that documents which are available sooner than others, shall be made available for Requester examination pending later availability of other documents.

4. The Custodian may not condition response or disclosure upon Requester's use or purpose for this request.
5. Any part of these requests deemed by Custodian as unenforceable shall not delay provision of other documents subject to disclosure among these Requests.