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Town of Warrenton FOIA Process Overview.

Background:

Who am I? Stephen Clough, Master Municipial Clerk. Town Clerk and FOIA Officer for the Town of Warrenton, VMCA Reginal Director. I was appointed as the FOIA officer for the Town in October of 2022. Please feel free to learn from the mistakes I've made rather than making them yourselves. I've worked with the General Assembly Task Force to help provide recommendations for FOIA in the Commonwealth and continue to advocate for transparent government and information access. In the last few years, the Town of Warrenton has seen a drastic increase in FOIA requests due to some highly contentious projects and decisions of the Council.

Town of Warrenton stats. FOIA numbers as of 11/12/25

FY22-23: 232 Requests

FY23-24: 438 Requests

FY24-25: 520 Requests

FY25-26: 291 to date

FOIA requests are about 55% PD and 45% all other departments. Though the time spent processing these requests is weighted more heavily towards the other departments.

FOIA references-

VML FOIA/ COIA Handbook. I can't recommend this document enough.

FOIA Council- Amazing Guidance, references, and posted opinions. https://foiacouncil.dls.virginia.gov/foiacouncil.htm

FOIA Council Work Group- Best Practices: https://www.warrentonva.gov/DocumentCenter/View/3556/Best-Practices-for-Making-Requests-for-Public-Records-PDF?bidId=

I. Introduction: Why FOIA Matters

- **It's the Law:** The Virginia Freedom of Information Act isn't optional. It's a legal requirement to provide transparency.

- **It's About Trust:** How we respond to FOIA requests directly impacts public trust in our local government. We all want to strive towards a Transparent Government, but FOIA is where the rubber meets the road. It allows those who choose to look to see how the sausage gets made.
- **It's About Us:** A good process protects the Town from litigation and makes our jobs *easier* in the long run.
- **Today's Goal:** Not to learn every exemption, but to learn the core *process* for handling requests efficiently, consistently, and legally.

II. The Core Principle: "Be Consistent, Be Consistent, Be Consistent!"

- This is the most important rule. If you remember nothing else, remember this.
- Consistency builds fairness. The public and the media see that we are applying the law equally to everyone.
- Consistency builds a strong legal defense. If a denial is challenged, we can show a clear, standardized *pattern* of following the law.
- **What does "Consistent" mean in practice?**
    1. **Consistent Review:** We redact the same *types* of information the same way, every time. (e.g., If a personal cell number is exempt, it's *always* exempt, no matter who the requester is).
    2. **Consistent Communication:** We use standard templates for our letters (acknowledgement, 5-day response, fulfillment). This ensures we always include the required legal language. The FOIA Council has templates available here. https://foiacouncil.dls.virginia.gov/sample%20letters/welcome.htm
    3. **Consistent Fees:** We charge everyone the same, based on a clear, pre-defined fee schedule for staff time and materials.

III. The Three Pillars of a Good FOIA Process

Here are the three key takeaways for our process here in Warrenton.

Pillar 1: Have a System & Know Your Deadlines

- **Log Everything:** The moment a request comes in (email, in-person, mail), it must be logged in our central system. We use a system called NextRequest, it allows us to log and track our systems, implement work flows, and log communications regarding the request. https://townofwarrentonva.nextrequest.com/
- **Our System's Job:**
    - Tracks the request from start to finish.

- Alerts us to deadlines.
- Creates a searchable history of all requests.
- Allows workflow assignments to transfer responsibilities between staff.

Pillar 2: Be Consistent (The Core Principle)

- (Refer back to Section II - this is the central theme and worth repeating).
- **The "Review" Process:**
  - Gather all responsive records.
    - Communicate what you're doing. What records you're gathering, If you're using search terms, explain the search terms.
    - Review the search terms with the requestor.
      - Example: Requesting all of the emails from amazon.com yields a drastically different result from requesting emails related to the amazon project.
  - Review for *only* legally allowed exemptions (e.g., personnel info, working papers, attorney-client privilege).
  - **Rule of Thumb:** "When in doubt, don't black it out." We must be prepared to justify *every single redaction* in court, or the court of public opinion.
  - Get a second set of eyes (e.g., Your Legal Department or Attorney) to ensure consistency and proper application.

Pillar 3: Retain Your Records (The Smart Way)

- **The LVA Guidelines:** We are required to keep records related to FOIA. The Library of Virginia (LVA) sets these retention schedules.
- **The "Pro-Tip": Avoid Duplicating Work.**
  - When you fulfill a request, *do not* just send it and delete it.
  - **Our Process:** We save a *separate copy* of the *entire final packet* in a dedicated, limited access location.
  - **We separate our files with a few names.**
    - Full release
    - Held in exemption (list exemption reason)
    - Held in redaction
      - KEEP A COPY UNREDACTED! This allows us

- **What's in the packet?**
    1. The original request.
    2. All our correspondence (acknowledgement, 5-day letter, etc.).
    3. The *final, redacted documents* that we released.
    4. A copy of the unredacted documents

- **Why? This is a time-saver!**
    - When we get a similar or identical request months later, the work is *already done.*
    - We don't have to re-gather, re-review, and re-redact.
    - We can fulfill a 5-hour request in 5 minutes, all while *improving* our consistency.
    - If we get challenged by legal, we have the documents ready, available, and organized to avoid

IV. Conclusion & Key Takeaways

1. **Systematize:** Log it. Track it. Know your deadlines!
2. **Standardize:** Be consistent in review, communication, and fees.
3. **Segregate & Save:** Retain a copy of the final packet to avoid re-doing work.
4. **Be Consistent: Consistency saves lives.**

V. Common Pitfalls & Forgotten Items

- **Creating Documents:** FOIA requests aren't to answer every question, it's to provide what is available. You're not required to create new documents
- **Vague or "Pocket" Requests:**
    - Failing to log a "verbal" request or a request sent to a personal email/text. If it's about public business, it's a request and *must* be logged.
    - Not asking for clarification on a huge, vague request (e.g., "all emails about roads for 5 years"). This wastes hundreds of hours. It's *okay* and encouraged to communicate with the requester to narrow the scope.
        - It is not necessary for a requestor to provide the reasoning behind their request.
- **Inconsistent Redactions:** Department A redacts a piece of info, but Department B leaves it in. This is a *major* legal and trust issue. It violates our core principle of "Be Consistent."

- **Forgetting to Start With Providing an Estimate:** As a recent update to the State code, an estimate is where the FOIA requests should start.
- **Missing the "Why" in Denials:** You cannot just deny a request or black out information. You *must* cite the specific Code of Virginia exemption that allows you to withhold the information. You also need to claim the volume of exempted records.
- **Forgetting to Check Metadata:** Releasing a Word doc with "Track Changes" still on, or an Excel file with hidden columns. Always "print to PDF" or release a "clean" version to be safe.
- **Fee Calculation Errors:** Providing a cost estimate that isn't itemized.

This process makes FOIA a manageable part of our jobs and, most importantly, upholds our commitment to transparency for the citizens of Warrenton.