



## VIRGINIA FREEDOM OF INFORMATION ACT RIGHTS OF REQUESTORS AND RESPONSIBILITIES OF THE VIRGINIA LOTTERY

With respect to public records, Virginia's Freedom of Information Act (FOIA) ensures:

- the people of the Commonwealth;
  - representatives of newspapers and magazines with circulation in the Commonwealth;
  - representatives of radio and television stations broadcasting in or into the Commonwealth
- ready access to public records in the custody of a public body or its officers and employees.

### What does this mean?

- Any request for a public record, itself, becomes a public record once it has been submitted to an agency of the Commonwealth.
- You have the right to request to either inspect (during office hours), receive a copy of, or both, a Lottery public record.
- You have the right to ask us to provide you with an estimate, in advance, of any charges that may apply for the requested records.
- We have the right, if the estimate of charges is greater than \$200, to require payment of a deposit prior to fulfilling a records request.
- We have the right to require a requestor to pay current any past due (greater than 30 days after billing) amount owed to us for previous records requests prior to fulfilling new records requests.

### What exactly is a public record?

A writing or recording of information, regardless of the physical form, prepared for use in the transaction of public business. You are not necessarily requesting a public record if you are simply asking a general question about how the Lottery works. Additionally, the Lottery is not required to create a record that does not exist.

PUBLIC RECORD REQUEST	NOT A PUBLIC RECORD REQUEST
I would like a copy of a Lottery scratcher.	How many scratchers were printed for this particular game?
I wish to review the procurement records for a particular bid.	Who was awarded the contract for this particular service?
Please provide a copy of the Lottery's annual report for this year.	Which retailer in this region is the top seller?
Can you fax me the rules for this particular game?	What is the top prize for this game?

You may ask for a record to be sent to you either in electronic or in hard copy format, but there may be charges for the time necessary to convert to a format different from that in which the record is maintained.

### Why would I have to pay for a record?

"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." (Va. Code [§2.2-3704.F](#))

## How do I request a public record?

Although a FOIA request can be submitted verbally (in person or by phone), it is very helpful to all parties if the request is in writing (e-mail, FAX, U.S. Mail) in order to avoid any misunderstanding about the record(s) being requested and/or fulfilled.

To request a record via our [Website](#):

- Access the "Contact Us" page
- Complete the online e-mail request form and select "Public Records Request" as the topic.

To request a record via e-mail:

Submit your request to [PublicRecords@valottery.com](mailto:PublicRecords@valottery.com)

To request a record via FAX:

Submit your request to **Public Records** at 804-692-7405

To request a record by phone:

Call the Lottery's FOIA Officer at 804-692-7133.

## What does the Lottery do with my request?

Once we receive your request, we may contact you to ask for more details or clarification. Regardless, within five (5) business days\* of receiving your request, the Lottery will respond in one of the following ways:

1. We will send you the records you requested in their entirety.
2. We will send you an advisement that the records are being provided in part and are being withheld in part. We will provide you with the specifics of the records being withheld/sections redacted and the specific section in the Code of Virginia that allows the withholding.
3. We will send you an advisement that the records could not be found or do not exist. If we are confident that another public body holds the requested records, we will advise you accordingly.
4. We will send you an advisement that, given the volume or nature of the records requested, it will not be possible for us to fulfill your request within the five (5)-day period. We will explain the reasons for the delay. By sending this advisement, we are then allowed an additional seven (7) days to fulfill your request (twelve (12) days total from day one\* of your request). If your request is for an unusually large number of records and we believe it would disrupt our organizational responsibilities to fulfill the request within the twelve (12) days, we may petition the Court for additional time. We will always make a reasonable effort to reach an agreement with you before we proceed with a petition.

\*Day one of the five (5) business days is considered the first business day after receipt of your request.

## What would be a reason that the Lottery would withhold records or portions of records?

The Lottery commonly withholds records subject to the following exemptions:

- Lottery winner information other than name, home town, amount won (§ 2.2-3705.7 (18) of the Code of Virginia).
- Personnel records (§ 2.2-3705.1 (1)).
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3701.1 (3)).
- Vendor proprietary information (§ 2.2-3705.1 (6)).
- Records relating to the negotiation and award of a contract *prior to the contract being awarded* (§ 2.2-3705.1 (12))

Should you have any additional questions about the FOIA process, please contact the Lottery's FOIA Officer using the aforementioned contact information.

The Freedom of Information Advisory Council is also available to answer questions you may have about FOIA:

E-mail: [foiacouncil@leg.state.va.us](mailto:foiacouncil@leg.state.va.us)

Phone: 804-225-3056

Toll free: 866-448-4100

[Online public comment form](#)