

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 9, 2026  
**TO:** York County Board of Supervisors  
**FROM:** Mark L. Bellamy, Jr., County Administrator   
**SUBJECT:** 2025 FOIA Traffic and Statewide Context

In calendar year 2025, York County processed 522 Freedom of Information Act (FOIA) requests, reflecting our ongoing commitment to transparency and providing timely access to public records. This represents a significant increase of approximately 32% from 395 requests in 2024. As of the first week of 2026, we have already received 35 FOIA requests, signaling a strong and early demand for information this year.

Our ability to manage this volume effectively is due in large part to the collaborative model between the County Attorney's Office and the FOIA Officer, who works closely with the appointed FOIA Attorney. This partnership ensures compliance, consistency, and efficiency in responding to requests.

### Statewide Context and York County's Role

Virginia's FOIA system has long drawn criticism for its complexity and inconsistency. With 133 localities, there are effectively 133 different approaches to accessing public records. A recent article in the *Virginia Mercury* highlighted these challenges and specifically noted York County's practices as a "more reasonable, nonpartisan model" compared to other jurisdictions. The article is attached for your awareness.

The article also emphasized that Virginia's approach contrasts with FOIA systems in other states, which often impose tighter limits on fees or waive them entirely in many circumstances. This comparison underscores the importance of maintaining transparency and accessibility while balancing administrative costs.

### Key Points

York County processed **522 FOIA requests in 2025** and has already received **35 requests in the first week of 2026**. Our collaborative model between the FOIA Officer and the County Attorney's Office is recognized as a best practice. York County's approach aligns with principles of fairness and nonpartisanship, setting us apart in a system often criticized for inconsistency. Continued monitoring of legislative developments and best practices will be essential to maintaining compliance and efficiency.

Tatum/3315

Attachment:

- *Virginia Mercury* Article dated January 5, 2026



# Push to rein in Virginia FOIA costs heads back to General Assembly

Legislation backed by Sen. Danica Roem would limit fees, streamline deadlines and expand public access.

BY: **MARKUS SCHMIDT** - JANUARY 5, 2026 5:24 AM



📍 The Virginia state Capitol in Richmond, where lawmakers are expected to take up renewed legislation in the 2026 session aimed at limiting public records fees and changing how state and local agencies respond to requests under the Virginia Freedom of Information Act. (Photo by Markus Schmidt/Virginia Mercury)

When state Sen. Danica Roem, D-Manassas, talks about Virginia's Freedom of Information Act, she often does so from experience – both as a former journalist and as a lawmaker who says she has repeatedly seen the law used to discourage public access rather than promote it.

Since her first year in office in 2018, Roem has made FOIA reform a legislative priority, reintroducing the same core proposal multiple times. Earlier this year, that effort nearly paid off, with her bill advancing further than ever before before ultimately dying late in the House.

Now, Roem is trying again.

She has reintroduced [Senate Bill 56](#) for the 2026 General Assembly session, which is set to begin next week, reviving an effort to tighten limits on how much state and local governments

can charge for public records and to clarify how agencies seek court relief when responding to large or complex requests.

The proposal, which earned bipartisan support during the 2025 session, at the time passed the Senate, cleared a House committee and reached the House floor before being sent back to committee on a procedural vote after committees had stopped meeting, effectively killing the bill.

“It’s the same bill, different year,” Roem said in an interview with the Virginia Mercury.

“I have worked since 2018 on this legislation, and I have introduced it five or so times over the years. The entire point of it is to reduce FOIA fees, so that the fees that are being charged are actually being used simply to cover the actual costs associated with pursuing FOIA requests in the first place, instead of being used as a deterrent for the public to not pursue FOIA requests.”

## Limiting FOIA fees

Under SB 56, public bodies would be prohibited from charging more than the median hourly rate of pay of their employees – or the actual hourly rate of the employee performing the work, whichever is lower – when calculating labor costs for producing public records.

Supporters say the change would prevent agencies from assigning high-paid staff to routine FOIA requests in ways that inflate costs and discourage access.

Currently, Virginia law gives agencies broad discretion to determine who processes a request, a practice critics argue has allowed FOIA fees to climb into the hundreds or even thousands of dollars.

The bill creates a narrow exception to the fee cap. If a public body can demonstrate that no employee is available to process the request at or below the median hourly rate, it may petition a court for permission to exceed the limit.

Roem said that provision is intended to accommodate situations involving specialized or technical records while still placing the burden on the agency to justify higher charges.

“Even I, as a state legislator, got hit with a FOIA fee earlier this year, a three-digit FOIA fee,” Roem said. “This happens to my constituents routinely.”

She pointed to a case in her district involving a mother who was charged more than \$8,000 to view a 92-second video of her autistic daughter being dragged off a school bus. While the fee was later reduced, the woman still paid hundreds of dollars and needed \$1,500 in financial assistance to cover the remaining cost.

“This happens again, and again, and again, and again, where FOIA fees are used as a deterrent to the public getting public information that they have already paid for,” Roem said. “Public documents are public, your tax dollars have already paid for these documents in the first place. Therefore, you should have the lowest barrier possible to accessing them.”

## **Changes beyond cost**

In addition to fee limits, SB 56 would update the required “notice of rights and responsibilities” that public bodies must post on their websites. The notice would be revised to explain how fees are calculated under the new limits and to describe the option for agencies to seek court approval to exceed the cap.

The bill also clarifies how agencies may seek additional time to respond to FOIA requests. Current law allows public bodies to petition a court for more time in limited circumstances, but the process has been criticized as unclear and inconsistent across jurisdictions.

Under Roem’s proposal, agencies could file such petitions in either general district court or circuit court, and courts would be directed to give those petitions priority on their dockets. Importantly for requesters, the bill would toll – or pause – the statutory response deadline while a petition is pending.

The legislation also makes technical changes to reorganize the FOIA statute, moving provisions related to charges for producing records into a separate section for clarity.

Taken together, the bill aims to standardize FOIA fees statewide, reduce the use of cost as a barrier to public access and provide clearer procedures for courts, agencies and requesters when disputes arise.

## **FOIA as a public tool**

Roem has repeatedly emphasized that FOIA reform is not about making life easier for journalists.

“The public needs to care about this, because it is the most important tool that they have to hold their government accountable in between elections,” she said. “It is the single most important tool that they have. That’s a misconception that it’s just reporters and some state actors who use it.”

She noted that support for the bill has come from across the political spectrum, including social conservative groups that often oppose her on other issues.

“FOIA is not just for the people we agree with,” Roem said. “It’s for people who disagree with us, and it is for people who are perfectly neutral and just collecting data. FOIA is for everyone.”

Despite broad rhetorical support for transparency, Roem said FOIA reform rarely becomes a voting issue for the public, making it easier for lawmakers to treat compliance as a burden rather than a core responsibility.

“The Virginia Freedom of Information Act is consistently treated as a burden by government officials rather than a necessary obligation of government to its citizens,” she said. “It needs to be seen as a vital, important government service, as opposed to an administrative burden.”



📷 Del. Danica Roem, D-Manassas. (Photo by Ned Oliver/Virginia Mercury)

Alan Gernhardt, executive director of the [Virginia Freedom of Information Act Advisory Council](#), said the council’s staff has studied earlier versions of Roem’s proposal.

“As staff, we do not take any position on pending legislation,” Gernhardt said. He explained that a council subcommittee studied Roem’s [SB 324](#) in 2024 and produced an [executive summary and report](#), but did not reach consensus on a recommendation. A subsequent council meeting lacked a quorum, preventing a formal vote.

Gernhardt said Roem’s 2025 bill was based on that earlier work but was not referred back to the council after it failed to pass.

## How Virginia compares

Virginia’s FOIA system has long drawn criticism for its complexity and inconsistency. With the commonwealth’s 133 localities, Roem said, there are effectively 133 different approaches to public records access. Her bill draws in part from practices used in York County, which she described as a more reasonable, nonpartisan model.

Virginia’s approach also stands in contrast to FOIA systems in several other states that place tighter limits on fees or waive them entirely in many circumstances.

According to a [2023 national review](#) by the transparency nonprofit MuckRock, some states restrict charges to the actual cost of duplication, while others prohibit agencies from charging for staff time altogether unless a request is deemed unusually burdensome.

States such as Colorado and Indiana, for example, cap or standardize labor fees, reducing agencies' discretion to assign higher-paid employees to routine requests.

Other states have moved even further toward low- or no-cost public records access. In Nevada, agencies generally may charge only for the cost of copies, unless a request is classified as "extraordinary," and even then the law requires fee policies to be clearly posted.

At the federal level, the [U.S. Freedom of Information Act](#) allows for fee waivers when disclosure is likely to contribute significantly to public understanding of government operations – a standard transparency advocates say states should more broadly adopt.

An overview of federal FOIA fee waivers is [available online](#), while comparisons of state public-records laws are [compiled](#) by the National Freedom of Information Coalition.

"Some states don't have FOIA fees at all," Roem said. "Some states have much more reasonable systems than we do. It can be free, and others have reduced rates. Virginia's system sucks."

## Prospects in 2026

Roem is hopeful that SB 56 will pass during the 2026 session, citing the bill's near-miss earlier this year and a House with dozens of new members. She said she is reintroducing the legislation "literally verbatim" from the version that earned bipartisan support, but plans to make the case again to lawmakers unfamiliar with its history.

Still, uncertainty remains over whether the measure would become law even if it clears the General Assembly.

It is unclear whether incoming Gov. Abigail Spanberger, a former CIA officer, would sign the bill. A spokesman for Spanberger did not respond to a request for comment.

For Roem, the stakes extend beyond this year's vote.

"I have repeatedly compared the Freedom of Information Act in Virginia to a giant slice of Swiss cheese," she said, "which every single year gets more and more holes poked in it, and less and less cheese around it."

She added: "Here we are voting to add more exemptions to the Freedom of Information Act without having fewer exemptions to offset it. This is about strengthening the most important accountability tool the public has."