

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

The Virginia's Freedom of Information Act (VFOIA) ensures the following individuals have ready access to public records in the custody of a public body or its officers and employees:

- the people of the Commonwealth;
- representatives of newspapers and magazines with circulation in the Commonwealth; and
- representatives of radio and television stations broadcasting in or into the Commonwealth.

The Virginia Lottery also fulfills certain public records requests from:

- out-of-state Lottery prizewinners and
- out-of-state requestors of public information/a public record already posted to a Lottery-owned website/application and/or available at a Lottery venue or other agency website.

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 the estimated amount prior to fulfilling a records request.
- We have the right to require a requestor to pay any past due amount owed (greater than 30 days after billing) 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.

Why would I have to pay for a record?

Pursuant to State law, "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. 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. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of [§2.2-3704](#) of the Code of Virginia."

How do you determine how much to charge me for a record?

We do not charge requestors for the first hour of time spent by a FOIA Officer for producing requested records. Records already published to the Lottery's website or social media platforms and/or contained in certain player databases may be provided by other designated staff members at no charge for the first hour of time spent.

We do charge for all time spent by other staff, and for any time in excess of one (1) hour spent by a FOIA Officer or designated staff members.

VIRGINIA LOTTERY

We use the average of the current hourly wage or salary rate, plus benefits, of each employee involved in producing records responsive to a FOIA request.

Current rates for common record requests:

RECORD TYPE	RATE
Database and Published Document Requests	\$ 35/hour after the first hour
Media-Related Requests <ul style="list-style-type: none">• Media publication records• Records requested by the media	\$ 68/hour after the second hour
Standard Requests	\$ 45/hour after the first hour

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. You will be required to provide your name and physical address.

To request a record via e-mail:

Submit your request to PublicRecords@valottery.com

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 by phone:

Call a Lottery FOIA Officer at 804-692-7132 or 804-692-7133.

To request a record via FAX:

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

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 record(s)*** you requested in their entirety.
2. We will send you an advisement that the record(s) is/are being provided in part and are being withheld in part. We will provide you with the specifics of the record(s) 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 record(s) could not be found or do not exist. If we are confident that another public body holds the requested record(s), 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 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.

*If applicable, we will also determine a mutually beneficial time to review the record(s) at our office.

VIRGINIA LOTTERY

Day one is considered the day **after the request is received. Requests received after 5PM will be considered received on the next business day.

***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 how the record is maintained.

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

Pursuant to the following exemptions, the Lottery withholds the following items from disclosure:

- Lottery winner information other than name, hometown, amount won of \$10 million or less (Va. Code § 2.2-3705.7.17 (if greater than \$10 million, written winner consent to disclose is required)).
- Lottery proprietary information *prior to first day of sales* (Va. Code § 2.2-3705.7.11).
- Personal information in connection with the voluntary exclusion program (Va. Code § 2.2-3705.7.36) or prohibited conduct (Va. Code § 2.2-3705.7.37).
- Information relating to investigations of applicants for licenses and permits and of licensees and permittees (Va. Code § 2.2-3705.3.1).
- Information relating to studies and investigations of lottery agents, vendors, and crimes during an open investigation (Va. Code § 2.2-3705.3.6)
- Lottery Board deliberations in certain licensing appeal actions and certain matters relating to proprietary lottery game information, studies or investigations (Va. Code § 2.2-3711.17).
- Lottery Board deliberations of certain casino gaming operator license actions (Va. Code § 2.2-3711.53) and certain sports betting license actions (Va. Code § 2.2-3711.54).
- Personnel records (Va. Code § 2.2-3705.1.1).
- Records subject to attorney-client privilege (Va. Code § 2.2-3705.1.2) or attorney work product (Va. Code § 2.2-3701.1.3).
- Vendor proprietary information (Va. Code § 2.2-3705.1.6).
- Records relating to the negotiation and award of a contract *prior to the contract being awarded* (Va. Code § 2.2-3705.1.12)

Should you have any additional questions about the public records fulfillment process, please contact a Lottery FOIA Officer using the contact information provided.

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

E-mail: foiacouncil@dls.virginia.gov

Phone: 804-698-1810

Toll free: 866-448-4100

Fax: 804-698-1899

[FOIA Council Online Public Comment Form](#)