
Motor Vehicle Dealer Board Freedom of Information Act Compliance Release of Information

To provide Motor Vehicle Dealer Board employees direction when responding to request for information according to the Freedom of Information Act

A. Responding to An Information Request (§ 2.1-342)

It shall be understood that in all cases, a written response must be sent to the requestor within 5 working days.

- All requests for information and photocopies submitted to the Motor Vehicle Dealer Board Office shall identify the type of record being requested with reasonable specificity. (§ 2.1-342.B)
- Requested records will be disclosed in their entirety, in part, or entirely withheld depending whether law prohibits the release of such records. (§ 2.1-342.B.1 and 2.1-342.B.2)
 - If records are disclosed in part or withheld in their entirety, then MVDB staff shall prepare a response in writing that identifies what information is being withheld and staff shall also cite the Code section authorizing the withholding of the record. (§ 2.1-342.B.3)
- Response to a request shall be made within 5 working days of the date of the request.
 - In the event the request can not be filled within 5 working days, then an additional 7 working day extension may be made to the requestor, in writing, explaining the delay.
However, the request for extension must be made within the original 5 working day period and identify the reason the request can not be filled during the 5-day limit. (§ 2.1-342.B.4)
- Public records maintained in an electronic data processing system, computer database, or other structured collection of data shall be made available to a requester provided any information specifically stated in this policy to be excluded has been removed. (§ 2.1-342.G)
 - A computer database index shall be compiled and updated annually. (§ 2.1-342.H)
- Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of the Freedom of Information Act. (§ 2.1-342.E)
- Questions shall be directed to the Executive Director for final resolution.

B. Specific Disclosure/Types of Information Requested.

- Applications and License Information
 - The Freedom of Information Act exempts certain records from mandatory disclosure but these records can be disclosed at the discretion of the Executive Director unless some other law such as the Privacy Protection Act or §58.1-3 prohibits the disclosure.

- Copies of applications and related correspondence may be released and made available to law enforcement if the information is to be used in conjunction with a criminal investigation.
 - These requests are to be made in writing on the official letterhead of the requesting law enforcement agency.
 - When filling the request, a letter must accompany the information package stating the MVDB is releasing this information “for investigative purposes only.”
- Board Meeting Minutes
 - Board meeting minutes are available to the general public upon request.
 - Draft minutes may be disclosed but must be marked “draft.”
 - Audiotapes of Board meetings may be disclosed.

- Bond Information

Information related to bonds required for licensure, to include the amount of the bond and the issuer, shall be released upon request.

- Complaint Files

- Before releasing documents, remove the following:
 - * Any document that may have been prepared and discussed in executive session may not necessarily mean it should be excluded from disclosure. Consult the Executive Director for final resolution.
 - * Any document prepared by the Attorney General’s Office considered or marked “attorney/client privilege.”
 - * Any information specifically stated to be excluded in this policy.
 - * Any information specifically marked “confidential” provided to the MVDB by another State agency or office.

- Financial Records

Note: A written response or request for extension must be submitted within the original 5 working day limit regardless of any internal reviews necessary.

Request for MVDB financial records shall be forwarded to and approved by the Executive Director before being released.

- Personnel Records

Note: A written response or request for extension must be submitted within the original 5 working day limit regardless of any internal reviews necessary.

- Certain personal personnel information can be disclosed to a third party without the knowledge or consent of the employee:
 - * position title
 - * job classification title
 - * dates of employment
 - * annual salary or rate of pay, if pay exceeds \$10,000 per year
- Request for administrative staff information shall be forwarded to the Executive Director.
- Request for staff information shall be forwarded to the Office Manager.

- Request for field representative staff information shall be forwarded to the Supervisor-Field Operations.
- Transaction Recovery Fund Records
 - Request for Transaction Recovery Fund Records shall be disclosed provided any information specifically stated in this policy to be excluded has been removed.
 - Request for Transaction Recovery Fund Records shall be forwarded to the Transaction Recovery Analyst.

C. Disclosure of Information via the Telephone

- The following information may be released to the general public over the telephone:
 - license/certificate number as a means of confirmation. Meaning if the caller is requesting you to confirm the number they provide you with for a specific dealership they name. You do not provide the number of a dealership for a caller in cases where the caller can only provide you with a dealer name.
 - status of license/certificate (active or inactive)
 - license/certificate classification (franchise, independent, dealer-operator, sales, or dealer)
 - initial and expiration dates
 - employer
 - closed complaints
 - bond information
- Any information specifically stated as being excluded in this policy shall not be disclosed over the telephone.

D. Specific Information Not to be Disclosed to the General Public

- Under any circumstances shall the following be disclosed to the general public:
 - social security numbers
 - federal (IRS) tax identification numbers
 - credit card numbers
 - bank account numbers

E. Disclosure of Information between Commonwealth of Virginia Agencies

The Executive Director shall have the discretion and approval for releasing any information specifically stated as being excluded in this policy to another Commonwealth of Virginia agency.

F. Cost of Processing

A requestor may be charged a fee for the processing of a request. The fee shall not exceed the actual cost of processing the request.