



# COMMONWEALTH OF VIRGINIA

Colonel Gary T. Settle  
Superintendent

(804) 674-2000

## DEPARTMENT OF STATE POLICE

Post Office Box 27472  
Richmond Virginia 23261-7472

Lt. Colonel Tracy S. Russillo  
Deputy Superintendent

September 4, 2019

Tom Nash

Re: FOIA Request dated August 26, 2019– Request for “emails, letters, memos or other records of consultations regarding public records requests (FOI/FOIL/FOIA etc.) with either the Department of Justice, including the Federal Bureau of Investigations and Drug Enforcement Agency components”

Dear Mr. Nash:

Thank you for your correspondence to the Virginia Department of State Police (the Department). As you may be aware, requests for records of the Commonwealth, its agencies and political subdivisions are governed by the *Virginia Freedom of Information Act* (FOIA), §§ 2.2-3700 *et seq.* of the Code of Virginia. Under FOIA the Department is not required to answer questions or create documents that do not already exist.

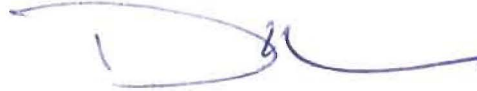
Based on your request, the Department has formulated an approximate advance estimate of the anticipated charges. Under the Virginia Freedom of Information Act, we have determined that the estimated charges for searching or accessing, by manual search across the geographic offices occupied by the Department, “emails, letters, memos and other records of consultations” will be \$8000.00. Your request would require individual searches by approximately 2600+ Department members. This amount is necessary due to the fact that many records possessed by the Department, which may be responsive to your request, are not automated and will require a manual search. Thus, a manual search is required for responsive historic information which might be contained on individual computers throughout the state.

Please be advised that for emails prior to March 2018, the Department does not have a unified server to search for the requested emails. Responsive documents may be contained on individual computers used by Department members in geographic areas throughout the state. Thus, your request would require individual searches by all Department members. Additionally, voluminous amounts of potentially responsive emails may be contained on backup tapes stored remotely. In order to access the potentially responsive emails which are stored remotely, approximately 30 eight-hour days of manpower will be required to index the tapes for content. We estimate this cost to be \$20,400. Further, additional infrastructure (tape library and Exchange Servers) will need to be procured and implemented before the information can be restored. Additional unknown man-hours will also need to be expended to search the data to determine if it is responsive to your request. The Department estimates this cost to be \$120,000.00.

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Before continuing to process your request and pursuant to § 2.2-3704 (F), we require that you agree to the payment of a deposit in the amount of \$148,400.00. The deposit will be credited toward the final cost of supplying the requested records. The time period for producing the records or making a response under the Virginia Freedom of Information Act is tolled for the amount of time that elapses between the notice of the advance determination and your response. Please advise us if you would like to pay the estimated charges and we will then proceed with further processing your request.

David L. Ostwinkle

A handwritten signature in blue ink, appearing to read "D. Ostwinkle", with a long horizontal flourish extending to the right.

First Sergeant Attorney  
Office of Legal Affairs  
Bureau of Administrative  
& Support Services

DLO/

cc: Legal Office