



# C O M P R E F O R M

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# A C T I O N B U L L E T I N

## **Bulletin No. 30**

TO: Agency Human Resource Directors

FROM: Sara Redding Wilson, Director  
Department of Human Resource Management

DATE: November 20, 2001

SUBJECT: Freedom of Information Act and Comp Reform

DHRM has received questions regarding how to respond to Freedom of Information Act (FOIA) requests related to Comp Reform. Following are some general DHRM guidelines that may be helpful. We strongly recommend, however, that you consult your agency's assigned Assistant Attorney General for additional guidance whenever you receive a FOIA request.

As is the usual practice in responding to FOIA requests, agencies should release information to certain third parties in accordance with DHRM Policy 6.05, Personnel Records Disclosure (III.A.). A third party is anyone who is not the subject of the record or the subject's supervisor or higher management level in the subject's management chain. For public officials or employees whose annual rates of pay exceed \$10,000, agencies must disclose records pertaining to the following information:

- the employee's position;
- the employee's role;
- salary or reimbursements (including bonuses) paid to the employee; and
- the employee's past salaries.

Please Note: Increases are reflected in the final reported salaries – the reasons for these salary actions are not subject to disclosure.

Many agencies also are interested to know whether they would be required to provide information in the specific format requested. Although agencies are not required to produce records from an electronic database in a format that they do not regularly use, agencies "shall make reasonable efforts to provide records in

any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs” (Code of Virginia, §2.2-3704.G).

The Office of the Attorney General would like to review agency-developed salary management tools, such as reports and spreadsheets, in order to determine whether this information is subject to FOIA disclosure. Toward this end, you should work through your agency’s Assistant Attorney General if you receive a request for these kinds of documents.

We would like to develop a "clearinghouse" of sample topics and related responses to assist agencies in complying with these types of similar FOIA requests. Please let us know if you have information that you would like to share. To protect the confidentiality of proprietary material, we would not identify agencies or persons participating in this information exchange.

If you have any questions about this document, please contact Pam Hill, Compensation Consultant, at 804-786-4385 or [phill@dhrm.state.va.us](mailto:phill@dhrm.state.va.us).

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Agency Heads