

# BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE BOARD OF GOVERNORS

**SERIES:** 1 | **General**  
**RULE:** 12.1 | **West Virginia Freedom of Information Act**

**Scope:** This rule shall apply to all units, schools, divisions, and departments under the jurisdiction of the Blue Ridge Community and Technical College Board of Governors; and their employees who at any time may receive WVFOIA requests or who have access to responsive materials.

**Authority:** W.Va. Code § 18B-1-6; W.Va. Code § 29B-1 *et seq.*

**Approval Date:** September 2, 2015

**Effective Date:** September 4, 2015

**Revision History:** This written rule originally implemented September 3, 2014 was amended September 2, 2015 and enacted by the Blue Ridge CTC Board of Governors specifically related to requests for public records made pursuant to the WVFOIA.

## **SECTION 1. Purpose.**

- 1.1 To establish a Blue Ridge Community and Technical College Board of Governors rule regarding requests made for public records pursuant to chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act (“WVFOIA”)).

## **SECTION 2. Definitions**

- 2.1 **Public Record.** A public record is “any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public’s business.” (W.Va. Code § 29B-1-2(4))
- 2.2 **Writing.** A writing is defined as any book, paper, map, photograph, card, tape, recording or other documentary materials regardless of physical form or characteristics. (W.Va. Code § 29B-1-2(5))
- 2.3 **Exemptions.** Those records which the College, in the sole discretion of the Office of the President, could withhold pursuant to W. Va. Code § 29B-1-4(a).
- 2.4 **Custodian.** WVFOIA Officer shall be the Custodian as defined by W. Va. Code § 29B-1-2(1).
- 2.5 **Covered Entities.** All units, schools, divisions, and departments under the jurisdiction of the Blue Ridge Community and Technical College Board of Governors; and their employees.

## **SECTION 3. Rule**

- 3.1 The West Virginia Freedom of Information Act is a state law that allows any person to inspect, view or copy any public record that is prepared, owned and maintained by a public body. As a public entity, Blue Ridge Community and Technical College (BRCTC) will respond to all requests for public records made pursuant to WVFOIA in accordance with its obligations under the law.
- 3.2 Some records in the possession of a public body are specifically exempt from disclosure under WVFOIA.

- 3.2.1 Information of a personal nature such as that kept in personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance; Provided, that nothing in this article shall be construed as precluding an individual from inspecting his or her own personal, medical or similar file.
- 3.2.2 Text questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination.
- 3.2.3 Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located.
- 3.3 All BRCTC employees are obligated to comply with the directives of the WVFOIA Officer.
- 3.4 WVFOIA Officer: The WVFOIA Officer is located within the Division of Enrollment Management. A professional staff member shall serve as the WVFOIA Officer and shall perform the duties outlined below. The WVFOIA Officer shall be the Custodian as defined in W. Va. Code § 29B-1-2(1).
  - 3.4.1 Ensure compliance with the WVFOIA, this rule and any related procedures.
  - 3.4.2 Assist in understanding and applying this rule and any related procedures.
  - 3.4.3 Train faculty and staff on key aspects of the WVFOIA, this rule and any related procedures.

**SECTION 4. Responsibility for Interpretation**

- 4.1 Responsibility for interpretation of this rule rests solely with the Office of the President.

**SECTION 5. Responsibility for Application/Development of Procedures**

- 5.1 Responsibility for application of this rule, as well as the development of specific procedures, rests with the Office of the President. Any procedures developed by the Office of the President or material changes thereto shall be posted for ten (10) working days before the procedures become effective.
- 5.2 For additional information regarding the application of this rule, please refer to WVFOIA Administrative Procedure AP1201.
- 5.3 Each public body that in receipt of a freedom of information request shall provide information to the Secretary of State relating to, at a minimum:
  - 5.3.1 The nature of the request;
  - 5.3.2 The nature of the public body's response;
  - 5.3.3 The timeframe that was necessary to comply in full with the request; and
  - 5.3.4 The amount of reimbursement charged to the requestor of information request.

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Board of Governors Chair

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Date

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President

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Date