

BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE ADMINISTRATIVE PROCEDURE

SERIES: 1 | **General Rules**
NUMBER: AP1201 | **West Virginia Freedom of Information Act**

Scope: This procedure shall apply to all units, schools, divisions, and departments under the jurisdiction of the Blue Ridge Community and Technical College Board of Governors (the "College"); and its employees who at any time may receive W. Va. FOIA requests or who have access to responsive materials. Additionally, this procedure shall apply to all requests submitted to all units, schools, divisions, and departments under the jurisdiction of the Blue Ridge Community and Technical College Board of Governors.

Authority: West Virginia Freedom of Information Act

Approval Date: September 3, 2014

Effective Date: September 3, 2014

SECTION 1. Purpose

- 1.1 To establish a procedure for the implementation of the West Virginia Freedom of Information Act ("W. Va. FOIA") by establishing reasonable rules and regulations related to the submission of a request made pursuant to the W. Va. FOIA and the processing of requests made pursuant to the W. Va. FOIA.

SECTION 2. Procedure for Submitting a W. Va. FOIA Request

- 2.1 For efficient and timely processing, requests shall be submitted directly to the Freedom of Information Act Officer ("FOIA Officer") who contact information is as follows:

Regular Mail: Freedom of Information Act Officer
Blue Ridge Community and Technical College
Office of the Vice President for Enrollment Management
13650 Apple Harvest Drive
Martinsburg, WV 25403
Fax: 304.260.1786
Email: lsee@blueridgectc.edu

- 2.2 Requests must be submitted in writing or via email.
- 2.3 All requests shall state with specificity the information being requested such that an unreasonable effort is not required to locate, review, and process the responsive documents.
- 2.4 Requests shall not consist of questions to be answered; rather, requests must seek existing records or documents maintained by the College.
- 2.5 When possible, requests should identify the unit, school, division, department, or employee that the requestor has reason to believe maintains the responsive documents.

SECTION 3. Procedure for Processing a W.Va. FOIA Request

- 3.1 All College employees who receive WV FOIA requests must, immediately upon receipt of the request, forward the request to the FOIA Officer.

- 3.1.1 Upon receipt of a W. Va. FOIA request, the FOIA Officer will review and determine a reasonable plan to respond to the request; this review shall, among other things, consider whether the request seeks Public Records and whether the request is reasonably specific.
- 3.1.2 College employees shall, upon request of the FOIA Officer, identify and locate potentially responsive Public Records. All potentially responsive Public Records that are identified and located must be sent to the FOIA Officer in accordance with any instructions given by the FOIA Officer.
- 3.1.3 The W. Va. FOIA, generally, does not require the creation of Public Records nor, in most circumstances, does the W.Va. FOIA require the retrieval of documents not already maintained by the College.
- 3.1.4 The FOIA Officer shall review all potentially responsive Public Records prior to the release of any documents pursuant to a W.Va. FOIA request.

SECTION 4. Responding to a W. Va. FOIA Request

- 4.1 W. Va. FOIA mandates that upon receiving a request for Public Records made pursuant to W. Va. FOIA, the College shall do one or more of the following, within a maximum of five business days of receipt, not including Saturdays, Sundays, legal and/or College holidays:
 - 4.1.1 Furnish copies of the requested Public Records;
 - 4.1.2 Advise the person making the request of the time and place at which he or she may inspect and request copies of the Public Records during business hours;
 - 4.1.3 Deny the request, in whole or in part, stating in writing the reasons for such denial;
 - 4.1.4 Request clarification of the W. Va. FOIA request; or
 - 4.1.5 For requests seeking documents that might reasonably be provided but not within the initial five day response time frame or for requests seeking documents that require additional time to process, inform the requestor that an extension of time is needed within which to fulfill the W.Va. FOIA request.
- 4.2 For purposes of this procedure, the five business day response period shall begin on the first business day after the request is received if receipt is during regular business hours. Regular business hours shall be defined as Monday through Friday, 8:00 am to 4:30 pm.
- 4.3 Under normal circumstances, responsive Public Records shall be provided in paper format. If the person or entity making the request seeks responsive Public Records in magnetic, electronic or computer format and the requested Public Records exist, at the time of the request, in magnetic, electronic or computer format, the requested Public Records shall be provided in the requested format.
- 4.4 The FOIA Officer shall be responsible for the removal or redaction of information that is not responsive to the request and/or the removal or redaction of information exempt from disclosure by the provisions of the W.Va. FOIA or other applicable law, rule or privilege.
- 4.5 If a Public Record exists in magnetic, electronic or computer format, and requires the removal or redaction of information, those Public Records shall not be provided in magnetic, electronic or computer format unless agreed to by the FOIA Officer at his or her discretion.

SECTION 5. Ending a W. Va. FOIA Request

- 5.1 Pursuant to the W.Va. FOIA, all responses that have been concluded will clearly state that the request is at an end.

SECTION 6. Fees

- 6.1 All fees shall be paid to Blue Ridge CTC prior to the release of the Public Records, unless otherwise provided for by the FOIA Officer in his or her discretion.
- 6.2 No fee shall be charged for Public Records requests which result in two hundred (200) pages or less of responsive Public Records and require less than two (2) hours to search, retrieve, and compile.
- 6.3 For requests that generate responsive Public Records that exceed two-hundred (200) pages, or where the responsive obligations of the College require more than two (2) hours to search and compile, a fee of \$0.25 cents per page of responsive Public Records copied shall be charged, and a fee of \$25.00 per hour attributed to the necessary time to search for or compile requested records shall be charged.
- 6.4 For all requests that require that a CD/DVD or other flash media be furnished to the party making the request, a minimum fee of \$10.00 shall be charged per CD/DVD or other flash media provided, in addition to the search fee, if any.
- 6.5 For all Public Records requests which require more than two (2) hours to search and compile, the search fee shall be paid by the person requesting the records regardless of the person's request to have the College make copies of the documents or the manner in which the documents are produced.
- 6.6 Some requests may require the FOIA Officer to estimate the fee to be charged. If the estimated fee exceeds \$50.00 (two-hundred (200) pages and/or more than two (2) hours to search, retrieve, and compile), the FOIA Officer may require the person or entity making the request to pay a deposit, up to and including the amount of the original estimate, before proceeding with the request.
- 6.7 If a person or entity requests, in writing, an alternate delivery method that requires additional shipping cost, the FOIA Officer shall deliver the responsive Public Records via the alternate delivery method requested and shall bill the requestor the actual cost of shipping.

SECTION 7. Discretion

- 7.1 The FOIA Officer shall have sufficient latitude and authority to implement any reasonable measures necessary for the fair and efficient administration of this procedure and minor deviations from it are acceptable as long as those deviations are not materially harmful to the purpose of the procedure.

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