GLENVILLE STATE COLLEGE POLICIES

POLICY 48

FREEDOM OF INFORMATION ACT REQUESTS

48.1. General

1.1. Scope - This policy establishes Glenville State College’s process regarding requests made for public records pursuant to Chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act (“WVFOIA”)). This policy shall apply to all Glenville State College units and divisions under the jurisdiction of the Glenville State College Board of Governors; and their employees who at any time may receive WVFOIA requests or who have access to responsible materials.

1.2. Authority – W.Va. Code §18B-1-6, §29B-1-1 et seq.

1.3. Effective Date – April 13, 2011

1.4. Revision of Former Rule. Revises and replaces Glenville State College Policy 48 [2011]. This policy supersedes any or all previous Glenville State College policies in reference to West Virginia Freedom of Information Act requests.

48.2. Definitions

2.1. Public Record – A public record is “any writing containing information relating to the conduct of the public’s business, prepared, owned and retained by a public body.” A writing is defined as any book, paper, map, photograph, card, tape, recording or other documentary materials regardless of physical form or characteristics. (WV Code §29B-1-2(4-5))

2.2. Exemptions – Those records which the College could withhold pursuant to WV Code §29B-1-4(a).

2.3. Custodian – The President’s Office shall be the Custodian as defined by WV Code §29B-1-2(1).

48.3. Policy

3.1. The WVFOIA 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, Glenville State College will respond to all requests for public records made pursuant to WVFOIA in accordance with its obligations under the law.
3.2. The Office of the President will serve as the WVFOIA contact for Glenville State College. The President’s Office shall be the Custodian as defined in WV Code §29B-1-2(1) and ensure compliance with the WVFOIA and this policy. The President’s Office shall be responsible for reviewing any requests for information and for referral to the appropriate staff member for assistance in the preparation of a response. Any department, unit, or employee other than the President’s Office receiving WVFOIA requests shall immediately hand deliver the request to the President’s Office.

3.3. 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.

3.4. Upon receiving a W. Va. FOIA request, 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:

   3.4.1. Furnish copies of the requested Public Records;
   3.4.2. 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;
   3.4.3. Deny the request, in whole or in part, stating in writing the reasons for such denial;
   3.4.4. Request clarification of the W. Va. FOIA request; or
   3.4.5. 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.

For the purposes of this policy, 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 4:00 pm.

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 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.

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 President at his or her discretion.
For requests where the responsive obligations of the College require more than two (2) hours to search for, including the time taken to compile the information (compiling documents includes but is not limited to the time taken to retrieve documents and to redact information), a search fee of $25.00 per hour attributed to the necessary time to search for and compile the requested records shall be charged.

For all Public Records requests which require more than two (2) hours to search for and compile, the search and compile fee shall be paid by the person requesting the records regardless of whether the person's or entity's request is to view the documents in person, to have the College make copies of the documents or any other the method of production;

If a person or entity's request includes copying documents, a per page fee for responsive Public Records copied shall be charged commensurate with the College's current fee schedule in effect at the time the College receives the request.

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.

Some requests may require the College to estimate the total fee (search and compile fee and copy fee) to be charged. If the estimated total fee exceeds $50.00, the College 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.

If a person or entity requests, in writing, an alternate delivery method that requires additional shipping cost, the College shall deliver the responsive Public Records via the alternate delivery method requested and shall bill the person or entity making the request the actual cost of shipping.

All fees shall be paid to GSC prior to the release of the Public Records, unless otherwise provided for by the President at his or her discretion.

Any individual requesting information must submit requests to the Office of the President. The President's Office will schedule a time and location to review the documents on campus between the hours of 8:00 am – 4:00 pm, Monday through Friday. In the event the requestor will accept copies of the original documents, documents will be provided. Glenville State College may charge established fees in accordance with its current fee schedule to reimburse it for its actual cost in making reproductions of records requested pursuant to WVFOIA. All fees must be paid by check or money order to Glenville State College on the date of service or in advance if copies are being provided to the requestor.

3.45. The President’s Office should consult with the legal division of the Higher Education Policy Commission to prepare an appropriate response in accordance with applicable statutory requirements. All WVFOIA request responses, either granting the request or giving written reasons for its denial, must be written and sent to the requestor via United States Postal Service, certified mail with return receipt within five working days of receipt of the request.
Some records in the possession of a public body are specifically exempt from disclosure under WVFOIA as defined in sections 2.2 of this policy.

Approvals:

____________________________________  _____________
President  Date

____________________________________  _____________
Chair of the Board  Date