

## 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 – WV Code §18B-1-6; §29B-1-1 *et seq.*; Title 153 Legislative Rule, Series 52

1.3. Effective Date – April 6, 2016

1.4. Revision of Former Rule. Revises and replaces Glenville State College Policy 48 [2015].

##### 48.2. Definitions

2.1. **Public Record** – “Public Record” includes 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.** (WV Code §29B-1-2(4))

2.2. **Writing** – “Writing” includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of Physical form or characteristics. (WV Code §29B-1-2(5))

2.3. **Exemptions** – Those records and/or information which the College could withhold pursuant to WV Code §29B-1-4(a, b, and c).

2.4. **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. Requests must be made in writing to the President's Office. 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 Secretary of State shall maintain an electronic database of notices of requests as required by WV Code §29B-1-3a. The database shall be made available to the public via the Internet and shall list each freedom of information request received and the outcome of the request. The Secretary of State shall provide on the website a form for use by a public body to report the results of the freedom of information request, providing the nature of the request and the public body's response thereto, whether the request was granted, and if not, the exemption asserted under WV Code §29B-1-4, to deny the request. (WV Code §29B-1-3(f)).

3.4. Beginning January 1, 2016, each public body that is in receipt of a freedom of information request shall provide information to the Secretary of State relating to, at a minimum, the nature of the request, the nature of the public body's response, the time-frame that was necessary to comply in full with the request; and the amount of reimbursement charged to the requester for the freedom of information request: *Provided*, That the public body shall not provide to the Secretary of State the public records that were the subject of the FOIA request. (WV Code §29B-1-3a(a)).

In compliance with Title 153 Legislative Rule, Series 52 Freedom of Information Act Database, Glenville State College must enter information in section 3.4. of this policy into the Secretary of State's FOIA database by the tenth day of the month following completion of the request.

3.5. The WVFOIA, generally, does not require the creation of Public Records nor, in most circumstances, does the WV FOIA require the retrieval of documents not already maintained by the College.

3.6. Upon receiving a WVFOIA 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:

3.6.1. Furnish copies of the requested Public Records;

3.6.2. 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 or provide the requesting party with an opportunity to schedule a time to inspect and/or make copies during regular business hours;

3.6.3. Deny the request, in whole or in part, stating in writing the reasons for such denial;

3.6.4. Request clarification of the WVFOIA request; or

3.6.5. 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 WVFOIA 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 on days the college is open for business. 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.

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.

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.

3.7. The President's Office may consult with legal counsel 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.

Approvals:

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President

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Date

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Chair of the Board

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Date