

NEW RIVER COMMUNITY AND TECHNICAL COLLEGE

PROCEDURE NO. 26

TITLE: Freedom of Information Act Requests

EFFECTIVE DATE: March 1, 2014

PROCEDURE

1. PURPOSE

To provide guidance for making Freedom of Information Act (FOIA) requests and internal procedures for completion of the request.

2. SCOPE AND APPLICABILITY

This procedure applies to all Freedom of Information Act requests.

3. DEFINITIONS

- A. **Freedom of Information Act (FOIA)** – “entitles the public to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees.”
- B. **Freedom of Information Officer**- The Vice President for Administrative Services will serve as the officer.
- C. **Reasonable Specificity** – This is a common-sense standard not a limit to the volume of records.

4. PROCEDURES

- A. Requesting Information
 - i. The West Virginia Freedom of Information Act (W.Va. Code 29-1-1) requires public bodies to procedure public records in response to requests; unless those records are exempt from disclosure in accordance with the Act. Anyone may request information from the College.
 - ii. The preferred method of requesting information is in writing, email or facsimile to ensure a clear understanding of the information requested.
 - iii. The request should be specific so that no misunderstanding takes place.
 - iv. The request must include the following:
 - a. Requester’s name, mailing address, city, state, zip code, telephone number including area code, and email address.
 - b. Must identify the records requesting with “reasonable specificity.”
 - c. Must request existing records or documents. The College is not required to produce documents that do not already exist.
 - d. The requestor may choose to receive electronic records in any format including email or copies.
 - v. Request for information should be made to:
Vice President for Administrative Services
New River CTC

280 University Drive
Beaver, WV 25813
Phone: 304-929-6701
Fax: 304-929-6707
ltaylor@newriver.edu

B. Responding to the Request

- i. The Freedom of Information Officer will be responsible for reviewing any requests for information and for referral to the appropriate staff member for preparation of material for a response.
 - a. Employees in receipt of a request for information must forward the request immediately to the Freedom of Information Officer. This includes requests for information that do not state a “freedom of information” request.
- ii. The Freedom of Information Officer may consult with the legal division of WVHEPC/WVCTCS to prepare an appropriate response in accordance with applicable statutory requirements and review the information with the President.
- iii. The College will respond within five working days of receipt of the request. Day one is considered the day after receipt of the request.
- iv. The response to a request will be in writing in either granting or denying the request. A written denial must include the specific statutory exemption.

C. Cost for Requested Information

- i. A duplicating charge of thirty (30) cents per page will be charged.
- ii. Under certain circumstances as determined by the Freedom of Information Officer, a time may be arranged for the requestor to review documents at the campus in lieu of providing copies of lengthy documents.
- iii. Fees for responding to requests may be updated periodically.

D. Denial of Request

- i. The requestor may file injunctive or declaratory relief in the Circuit Court.

RELATED POLICIES AND/OR PROCEDURES:

RESPONSIBLE OFFICES: Freedom of Information Officer and President

Approved by: President Cabinet