

New River Policy



POLICY NAME	Freedom of Information Act Requests	POLICY NO.	NR 1.2
RESPONSIBLE OFFICE	President	EFFECTIVE DATE	March 1, 2014
DATE OF LAST REVISION	July 27, 2021	DATE OF NEXT REVIEW	July 2024
		DATE APPROVED	August 3, 2021

SCOPE

Freedom of Information Act requests

Compliance – Legislative Rule

WV Code Section 29B-1-1 through 29B-1-7
“Freedom of Information”

POLICY STATEMENT

§ 29B-1-1. Declaration of policy.

Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the state of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article shall be liberally construed with the view of carrying out the above declaration of public policy. (1977, c. 147.)

PURPOSE

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

GENERAL PROVISIONS

Public records maintained by the College in the course of regular business, unless otherwise expressly provided by law, “are subject to the public policy that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” “Every person has a right to inspect or copy any public record of a public body in the State of West Virginia,” except as otherwise expressly provided by law.

TERMS AND DEFINITIONS

TERM	DEFINITION
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.”

Freedom of Information Officer-	Executive Secretary to the President will serve as the officer.
Reasonable Specificity	This is a common-sense standard not a limit to the volume of records.

SECTION 1: Requesting Information

1. 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.
2. The preferred method of requesting information is in writing, email or facsimile to ensure a clear understanding of the information requested.
3. The request should be specific so that no misunderstanding takes place.
4. 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.
5. Requests for information should be made to:

Executive Secretary to the President
New River CTC
280 University Drive
Beaver, WV 25813
Email: lmidkiff@newriver.edu
Phone: 304-929-5472
Fax: 304-929-6707

SECTION 2: Responding to the Request

1. 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.
2. 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.
3. The College will respond within five working days of receipt of the request. Day one is considered the day after receipt of the request.
4. 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.

SECTION 3: Cost for Requested Information

1. A duplicating charge of thirty (30) cents per page will be charged.
2. 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.

3. Fees for responding to requests may be updated periodically.

SECTION 4: Denial of Request

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

EXCEPTIONS/EXCLUSIONS

Exemptions from disclosure under the provisions of the Freedom of Information Act (FOIA) are set forth in Federal and State laws.

REVIEW

This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend that the policy be amended or repealed.

APPROVAL SIGNATURES

DocuSigned by:
Bonny B. Copenhagen
President

Date

RELATED POLICIES, OTHER REFERENCES AND ADDITIONAL NOTES

ASSOCIATED FORMS

HISTORY		
REVISION DATE	DESCRIPTION OF CHANGE	VICE PRESIDENT APPROVAL
7/27/2021	New policy format. Updated WV Code reference and Freedom of Information Officer.	

New River Community and Technical College expects all faculty, staff and students to be familiar with and adhere to all applicable college policies.