

**BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS
POLICY NO. GA-616**

TITLE: WEST VIRGINIA FREEDOM OF INFORMATION ACT REQUESTS

SECTION 1. GENERAL

- 1.1 Scope: To establish a policy 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. This policy shall apply to all units, schools, and divisions under the jurisdiction of the Bluefield State 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 policy shall apply to all requests submitted to all units, schools, and divisions under the jurisdiction of the College.
- 1.2 Authority: West Virginia Freedom of Information Act
- 1.3 Effective Date: October 23, 2014, June 18, 2015
- 1.4 Filing Date: December 1, 2014, October 28, 2015
- 1.5 BSC Policy Monitor: Freedom of Information Act Officer

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”) whose contact information is as follows:
- Regular Mail: Freedom of Information Act Officer
Bluefield State College
Office of Human Resources
219 Rock St.
Bluefield, WV 24701
- Fax: 304-327-4321
- Email: FOIA@bluefieldstate.edu
- 2.2 Requests should 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, 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 Receiving a W.Va. FOIA request - All College employees who receive W.Va. FOIA requests must, immediately upon receipt of the request, forward the request to the FOIA Officer.

- (a) 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.
- (b) 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. It is the responsibility of the Department Head tasked with producing the responsive Public Records to ensure the information provided to the FOIA Officer is appropriate to the request, in accordance with WV Code provisions, and provided in a timely manner.
- (c) 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.
- (d) The FOIA Officer will facilitate via the respective Department Head(s) the gathering of potentially responsive Public Records prior to the release of any documents pursuant to a W.Va. FOIA request. It is the responsibility of the Department Head(s) to review responsive Public Records prior to the release of any documents pursuant to a W.Va. FOIA request.

3.2 Responding to a W.Va. FOIA request - 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 BSC holidays:

- (a) 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;

- (b) Furnish copies of the requested Public Records;
- (c) Deny the request, in whole or in part, stating in writing the reasons for such denial and notifying the requestor that, subject to all other applicable jurisdictional and non-jurisdictional requirements, he or she may institute an action for injunctive or declaratory relief in the Circuit Court of Mercer County, West Virginia;
- (d) Request clarification of the W.Va. FOIA request; or
- (e) 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.

3.2.1 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.

3.2.2 In general, 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. If the public records exist in multiple formats, Bluefield State College at its discretion may decide which format is more efficient and reasonable to the typical requestor, and disclose it in that format.

3.2.3 After consultation with the FOIA Officer, the respective BSC Department Head(s) responsible for maintaining the requested information shall be the party(ies) 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.

3.2.4 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. The removal or redaction of information from a Public Record generally requires that a paper copy of the record be made for this purpose and a \$0.25 per page copy fee will be applied, even if the Public Records are later scanned and sent in magnetic or electronic format to the requestor.

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

SECTION 4. FEES

- 4.1 All fees shall be paid to BSC prior to the release of the Public Records, unless otherwise provided for by the FOIA Officer at his or her discretion.
- 4.2 For requests that generate responsive Public Records, a fee of \$0.25 cents per page of responsive Public Records copied shall be charged (a page is considered copied when there is document duplication on paper). When the Public Record requested involves the removal or redaction of information the general process will require that a paper copy of the record be made for this purpose and a \$0.25 per page copy fee will be applied, even if the Public Records are later scanned and sent in magnetic or electronic format to the requestor.
- 4.3 For all requests that require 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, and in addition to associated copying fees, if any.
- 4.4 Some requests may require the FOIA Officer to estimate the fee to be charged. If the estimated fee equals or exceeds \$50.00 (such as two-hundred (200) pages of copies), the FOIA Officer may require the person or entity making the request to pay a deposit, not to exceed the amount of the estimate, before proceeding with the request. The five days that BSC has to respond to a FOIA request does not include the time between when BSC asks for a deposit and when the requestor responds.
- 4.5 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.
- 4.6 If a FOIA requestor owes BSC money from a previous FOIA request that has remained unpaid for more than 30 calendar days, Bluefield State College will require payment of the past-due bill before it will respond to the requestor's new FOIA request.

SECTION 5. DISCRETION

- 5.1 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.