

WEST VIRGINIA NORTHERN COMMUNITY COLLEGE
ADMINISTRATIVE PROCEDURE NC-1002
Freedom of Information Act

Section 1. General

- 1.1 **Purpose** - To establish an administrative procedure for the implementation of the WV state or US federal Freedom of Information Act (FOIA”) by establishing reasonable processes related to the submission and processing of a FOIA request for information.
- 1.2 **Authority – WVNCC BOG Rule NC-1002 – Freedom of Information Act**
- 1.3 **Scope** - This administrative procedure shall apply to all units, divisions and offices under the jurisdiction of the WVNCC Board of Governors (“College”); and its employees who at any time may receive FOIA requests or who have access to responsive materials. Additionally, this procedure shall apply to all requests for information submitted to all units, divisions and offices of the College.
- 1.4 **Effective Date** – June 4, 2025

Section 2. Procedure for Submitting a FOIA Request for Information

- 2.1 For efficient and timely processing, requests shall be submitted directly to the WVNCC President (“FOIA Officer”) whose contact information is as follows:

Regular Mail: WVNCC President -- Freedom of Information Act Request
West Virginia Northern Community College
1704 Market Street
Wheeling, WV 26003

Email: presidentsoffice@wvncc.edu
- 2.2 Requests must be submitted in writing, via U.S. mail or email. All requests must include the name and mailing address of the requestor.
- 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 division, office, or employee that the requestor has reason to believe maintains the responsive documents.

Section 3. Procedure for Processing a FOIA Request for Information

3.1 Receiving a FOIA request - All College employees who receive FOIA requests must, immediately upon receipt, forward the request to the President's Office.

- (a) Upon receipt of a 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.
- (c) The FOIA, generally, does not require the creation of Public Records nor, in most circumstances, does the FOIA require the retrieval of documents not already maintained by the College.
- (d) The FOIA Officer shall review all potentially responsive Public Records prior to the release of any documents pursuant to a FOIA request.

3.2 Responding to a FOIA request - FOIA mandates that upon receiving a request for Public Records made pursuant to FOIA, the College shall do one or more of the following, within a maximum of five business days of receipt, not including the day the request is received, Saturdays, Sundays, legal and/or College holidays:

- (a) Furnish copies of the requested Public Records;
- (b) Advise the requestor of the time and place at which he or she may inspect and request copies of the Public Records during business hours;
- (c) Deny the request, in whole or in part, stating in writing the reasons for such denial;
- (d) Request clarification of the 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 FOIA request.

3.2.1 For the purposes of this procedure, 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, 8:30 am to 4:30 pm.

- 3.2.2 Under normal circumstances, responsive Public Records shall be provided in paper format. If the requestor seeks responsive Public Records in magnetic, electronic or computer format and the requested Public Records exist, at the time of the request, in the requested format, the requested Public Records shall be provided in the requested format to the extent reasonable.
- 3.2.3 The FOIA Officer shall be 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 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.

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

3.4 Submission to the West Virginia Secretary of State - The FOIA Officer will comply with applicable rules and related procedures established by the West Virginia Secretary of State requiring the submission of information related to FOIA requests received by the College.

Section 4. Fees

- 4.1 No fees shall be charged to requestors who wish only to view Public Records. Photographs of Public Records are not permitted.
- 4.2 Unless otherwise provided for by the FOIA Officer in his or her discretion, Public Records provided in response to a FOIA request shall be charged to the requestor as follows:

Letter size (8 ½ x 11) B&W paper copies in excess of ten (10) pages	\$0.25/page
Larger than letter size paper copies	\$1.00/page
Flash drives, videos, CD, DVD, etc.	Cost of reproduction
Staff time beyond the first hour	\$50.00/hour
Postage & shipping	USPS or FedEx rates

- 4.3 The College's Business Office will issue an invoice for FOIA fees, payable by cash, check or credit card.

- 4.4 All fees shall be paid to the College prior to the release of the Public Records, unless otherwise provided for by the FOIA Officer in his or her discretion.
- 4.5 In the event that it becomes necessary for the College to engage a third-party vendor to provide the Responsive Documents, the requestor shall pay all associated costs.
- 4.6 Some requests may require the FOIA Officer to estimate the fee to be charged. If the estimated fee exceeds \$10.00, the FOIA Officer may require the requestor to pay a deposit, up to and including the amount of the original estimate, before proceeding with the request.

Section 5. Discretion and Efficient Administration

- 5.1 To the extent not already expressly stated in this procedure, 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.