

**Fairmont State University Board of Governors
Policy #GA – 05
Effective Date:10/15/2020**

PROCEDURES REGARDING FREEDOM OF INFORMATION ACT REQUESTS

SECTION 1. GENERAL

- 1.1. Purpose. This policy establishes Fairmont State University's procedure regarding the submission of requests made pursuant to the West Virginia Freedom of Information Act (WVFOIA) and the processing of requests made pursuant to the WVFOIA.
 - 1.2. Scope. This Policy applies to all Fairmont State University units and divisions under the jurisdiction of the Fairmont State University Board of Governors and any employees who at any time may receive WVFOIA requests or who have access to possibly responsive documents.
 - 1.3. Authority. West Virginia Freedom of Information Act- W. Va. Code § 29B-1-1.
 - 1.4. Effective Date. _____
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SECTION 2. SUBMISSION OF WVFOIA REQUESTS

- 2.1 For efficient and timely processing, requests shall be submitted directly to the following:

Mail:	FOIA Request Fairmont State University 224 Hardway Hall 1201 Locust Avenue Fairmont, WV 26554
E-mail:	FOIA@fairmontstate.edu
- 2.2 Requests must be submitted in writing via mail, facsimile, or e-mail. All requests must include the name, e-mail address, 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. Requests that seek a range of documents should, at a minimum, include specific parameters such as a start date, an end date, and a subject matter.
- 2.4 Requests shall not consist of question to be answered; rather, requests must seek existing records or documents maintained by the University.

- 2.5 When possible, requests should identify the unit, division, or employee that the requestor has reason to believe maintains the responsive documents.

SECTION 3. PROCESSING A WVFOIA REQUEST

- 3.1 All University employees who receive WVFOIA requests must, immediately upon receipt of the request, forward the request to the Office of General Counsel.
- 3.2 Following the receipt of a valid WVFOIA request and upon request of General Counsel, University employees shall identify and locate potentially responsive Public Records. Such potentially responsive Public Records must be provided to General Counsel in accordance with any instructions given.
- 3.3 Within a maximum of five (5) business days of receipt, not including the day the request is received, a professional staff member from the Office of General Counsel shall, on behalf of the University, coordinate the following action:
- (a) Furnish copies of the requested Public Records;
 - (b) Advise the requestor of the time and place at which they 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 a clarification of the WVFOIA request and set a time frame for such clarification is to be provided; or
 - (e) For requests seeking documents that might reasonably be provided but not within the initial five (5) day response time frame or for requests seeking documents that require additional time to process, inform the requestor that an extension of time is necessary to fulfill the WVFOIA request.
- 3.3.1 For the purposes of this policy, the five (5) 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 a.m. to 4:00 p.m. For the avoidance of doubt, Saturdays, Sundays, legal or state holidays, and any days upon which the University closes, in whole or in part, are not considered a “business day” for purposes of this procedure.
- 3.3.2 Under normal circumstances, responsive Public Records shall be provided to the person or entity making the request following the removal or redaction of information exempt from disclosure by the provision of the WVFOIA or other applicable law, rule, or privilege.



- 3.4 Pursuant to WVFOIA, all responses that have been concluded will clearly state that the request is at an end. In addition, for requests requiring clarification, requests will be considered withdrawn and at an end if no response is received back by the specified deadline or within sixty (60) calendar days for responses with no set deadline.
- 3.5 The University will comply with applicable rules and procedures established by the West Virginia Secretary of State requiring the submission of information related the WVFOIA requests and processed to an end by the University.

SECTION 4. FEES

- 4.1 Typically, all fees due shall be paid to the University prior to the release of any Public Records. In the event that responsive documents are provided to a requestor in advance of payment, no future requests shall be processed until such payments are received.
- 4.2 Unless otherwise provided for by the General Counsel or designee, in their discretion, a reproduction fee of (\$0.10) cents per page of 8½ x 11 inches of paper provided in responsive to a WVFOIA request shall be charged to the requestor.
- 4.2 In the event that the responsive documents are furnished to the requestor on electronic media (e.g., a flash drive), the requestor shall pay all costs of the media.
- 4.4. In the event that it becomes necessary for the University to engage an outside third-party to provide the responsive documents, the requestor shall pay all associated costs.
- 4.5 Some requests may require an estimation of the final fee to be calculated and charged. If the estimated fee exceeds ten dollars (\$10.00), the requestor shall pay a deposit, up to and including the amount of the original estimate, before proceeding with the request.
- 4.6 Reasonable postage fees may be charged when responsive documents or other electronic media are mailed or shipped to requestors.
- 4.7 In the event that a fee or a requested deposit is not paid within fifteen (15) calendar days of the request, the request will be considered withdrawn and at an end. Moreover, the processing of a pending request shall be paused until such deposit is received.

SECTION 5. DISCRETION AND EFFICIENT ADMINISTRATION

- 5.1 To the extent not already expressly stated in this Policy, the General Counsel or designee, in consultation with the President, shall have sufficient latitude and authority to implement any reasonable measure necessary for the fair and efficient administration of the policy. Minor deviations from this procedure are acceptable as long as those deviations are not materially harmful to the purpose of the procedure.