

TITLE: PUBLIC INFORMATION

PROCEDURES FOR POLICY: 4-15

REVISED DATE: 05/25/2023

I. Purpose:

To provide guidance for complying with requests for information by the general public in a uniform and consistent manner. *The procedures for implementation of this policy are provided below.*

II. Procedure and/or Process Definitions:

Work days: any day of the week that the college is opened for business, except for holidays and other official closings.

III. Procedures:

A. Public information requests

1. Inquiries from students or the general public are to be referred to the appropriate office by the individuals receiving the inquiry.
2. If a request comes from a student or the general public, with the exception of Virginia Freedom of Information Act requests, the decision to release or retain requested information rests with the administrative supervisor whose area of responsibility normally maintains the information. Questions or assistance in determining if a request is a Virginia Freedom of Information Act request should be directed to FOIA@reynolds.edu.
3. Media requests for information are to be immediately brought to the attention of the Communications Office.
4. Material of an informative nature intended for release to the press is to be forwarded to the Communications Office at least two (2) weeks before the requested release date.
5. Upon receipt of a draft announcement from a college office or individual employee, the Communications Office will determine the most appropriate method of disseminating the information to the general public or media. The Communications Office will ensure that a uniform editorial style is maintained.
6. All college offices and employees who desire to initiate contact with representatives of the media will coordinate their efforts through the Communications Office.

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7. The Communications Office will maintain a file of all press releases, statements to the press, and background materials.
 8. In responding to inquiries from the public or the news media, the Communications Office will maintain an attitude of positive cooperation and will respect confidentiality in appropriate situations.
 9. In matters of a controversial nature, the Office of the President will be given advance notification of the content and form of all released information that is provided to the requester in accordance with the Virginia Freedom of Information Act.
- B. Rights of requestors and the responsibilities of Reynolds under the Virginia Freedom of Information Act

The Virginia Freedom of Information Act (FOIA) § [2.2-3700](#) et seq. of the *Code of Virginia*, guarantees citizens of the Commonwealth and representatives of the media (hereafter referred to as citizens) access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording, regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format, that is prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business. All public records are presumed to be open and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

1. Citizens' FOIA rights
 - a. Citizens have the right to request to inspect or receive copies of public records, or both.
 - b. Citizens have the right to request that any charges for the requested records be estimated in advance. Reynolds must notify the requester in writing that Reynolds may make reasonable charges not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether they would like to request a cost estimate in advance of supplying the requested records.
 - c. Any citizen who believes that their FOIA rights have been violated may file a petition in district or circuit court to compel compliance with FOIA.

Alternatively, the FOIA Council can be contacted for a nonbinding advisory opinion.

2. Making a request for records from Reynolds

- a. Citizens may request records by U.S. mail, email at foia@reynolds.edu, in person, or over the phone. FOIA does not require that the request be in writing, nor does it need to specifically state that the request is covered under FOIA.

It is recommended that the request be put in writing to foia@reynolds.edu. This allows the requester to create a record of the request. It also gives the college a clear statement of what records are being requested so that there is no misunderstanding over a verbal request. However, the college cannot refuse to respond to a FOIA request if the requester elects to not put it in writing.

- b. The request must identify the records that are being sought with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that are being requested; instead, it requires that the requester be specific enough so that the college can identify and locate the records that are being sought.
- c. The request must ask for existing records or documents. FOIA gives the requester the right to inspect or copy records; it does not apply to a situation where the requester is asking general questions about the work of Reynolds, nor does it require Reynolds to create a record that does not exist.
- d. The requester may choose to receive electronic records in any format used by Reynolds in the regular course of business.

For example, if the requested records are maintained in an Excel spreadsheet, the requester may elect to receive those records electronically, via email or flash drive, or to receive a printed copy of those records.

- e. If the college has questions about the request, requesters are expected to cooperate with staff's efforts to clarify the type of records that are being sought or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but the college may need to discuss the request with the requester to ensure an understanding of what records are being sought.
3. To request records from J. Sargeant Reynolds Community College (Reynolds) or ask questions about requesting records, citizens are to contact the vice president of finance and administration at (804) 523-5132; foia@reynolds.edu; or PO Box 85622 Richmond, Virginia 23285-5622.

In addition, the Freedom of Information Advisory Council is available to answer any questions citizens may have about FOIA. The council may be contacted by email at foiacouncil@dls.virginia.gov, by phone at (804) 698-1810, or toll free at (866) 448-4100.

4. Reynolds' responsibilities in responding to a request
 - a. Reynolds must respond to a request within five (5) work days of receiving the request. "Day one" is considered the day after the request is received. The five-day period does not include weekends, holidays or other days when Reynolds is closed for business.
 - b. The reason behind a request for public records from Reynolds is irrelevant, and the requester does not have to state why they want the records before the college responds to the request. FOIA does, however, allow Reynolds to ask the requester to provide their name and legal address.
 - c. FOIA requires that Reynolds make one of the following responses to a request within the five-day time period:
 - (1) The college provides the requester with the records that have been requested in their entirety.
 - (2) The college withholds all of the records that have been requested because all of the records are subject to a specific statutory exemption. If all the records are being withheld, the college must send the requester a response in writing. That writing must identify the volume and subject matter of the records being withheld and state the specific section of the *Code of Virginia* that allows the records to be withheld.
 - (3) The college provides some of the records that have been requested, but withholds other records. The college cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, the college may redact the portion of the record that may be withheld and must provide the requester with the remainder of the record. The college must provide a written response stating the specific section of the *Code of Virginia* that allows portions of the requested records to be withheld.
 - (4) The college informs the requester in writing that the requested records cannot be found or do not exist. If Reynolds knows that another public body has the requested records, the college must include contact information for the other public body in its response to the requester.

- (5) If it is practically impossible for Reynolds to respond to a request within the five-day period, the college must state this in writing within the five-day period, explaining the conditions that make the response impossible. This provides seven (7) additional work days to respond to a request, giving a total of twelve (12) work days to respond to a request.
 - d. If the request is for a very large number of records, and the college thinks that it cannot provide the records within twelve (12) work days without disrupting other organizational responsibilities, the college may petition the court for additional time to respond to the request. However, FOIA requires that the college make a reasonable effort to reach an agreement with the requester concerning the production of the records before going to court in order to ask for more time.
- 5. Costs
 - a. The college may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. The college shall make all reasonable efforts to supply the requested records at the lowest possible cost. The college shall not impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining or transacting the general business of the college. Prior to conducting a search for records, the college shall notify the requester in writing that the college may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether they would like to request a cost estimate in advance of supplying the requested records.
 - b. Citizens may have to pay for the records that are requested from Reynolds. FOIA allows the college to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.
 - c. If it is estimated that it will cost more than \$200 to respond to a request, the requester may be required to pay a deposit, not to exceed the amount of the estimate, before proceeding with the request. The five (5) work days that the college has to respond to a request does not include the time between when the deposit is requested and received.
 - d. Citizens may request an estimate in advance of the charges for supplying the records that have been requested. This will allow the requester to know about any costs upfront or give the requester the opportunity to modify their request in an attempt to lower the estimated costs. The five (5) work days that the college has to respond to a request does not include the time between when the estimate is sent and when the requester responds. If the

requester does not respond within thirty (30) days, then the request will be deemed to be withdrawn.

- e. If the requester owes money to the college from a previous FOIA request that has remained unpaid for more than thirty (30) days, Reynolds may require payment of the past due bill before the college will respond to a new FOIA request.

6. Commonly used exemptions

The *Code of Virginia* allows any public body to withhold certain records from public disclosure. Reynolds commonly withholds records subject to the following exemptions:

- a. personnel records (§ [2.2-3705.1](#) [1] of the *Code of Virginia*)
- b. records subject to attorney-client privilege (§ [2.2-3705.1](#) [2]) or attorney work product (§ [2.2-3705.1](#) (3))
- c. vendor proprietary information (§ [2.2-3705.1](#) [6])
- d. records relating to the negotiation and award of a contract, prior to a contract being awarded (§ [2.2-3705.1](#) [12])

IV. Other Information:

With respect to student education records, the policy governing review and release is covered by the Family Education Rights and Privacy Act of 1974, as well as [Reynolds Policy No. 1-26](#), Student Privacy and Release of Student Information.

References

[Code of Virginia, Freedom of Information Act \(FOIA\) §2.2-3705.1](#), Exclusions to application of chapter

[Virginia Freedom of Information Act \(FOIA\), Title 2.2, Chapter 37](#)

[Reynolds Policy No. 1-26](#), Student Privacy and Release of Student Information