

Piedmont Virginia Community College

Section II – General Administrative Services Policies

II – 80.0 Freedom of Information Act

Effective Date: March 2012

Last Revised: March 2026

Responsible Dept.: Vice President of Finance & Administrative Services

1. Purpose

The Virginia Freedom of Information Act (FOIA) located § 2.2-3700 et. seq. of the Code of Virginia guarantees citizens of the Commonwealth and representatives of the media 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.

2. Policy Statement

The policy of FOIA states that the purpose of FOIA is to promote 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.

2.1 Your FOIA Rights

- a) You have the right to request to inspect *or* receive copies of public records or both.
- b) You have the right to request that any charges for the requested records be estimated in advance.
- c) If you believe your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

PVCC does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. View the full nondiscrimination statement and find contacts at pvcc.edu/nondiscrimination.

3. Definitions

Types of Records Subject to FOIA: The public records PVCC maintains include, but are not limited to, personnel records, scholastic records, contracts, and records related to academic programs. The following is a general description of the types of records held by PVCC:

- a) Accounts Payable and Accounts Receivable
- b) Accreditation
- c) Admission and Enrollment
- d) Athletic, including required NJCAA records
- e) College reports and meeting minutes
- f) Capital Project
- g) Contracts
- h) Emergency Operations Plan
- i) Financial
- j) Fundraising
- k) Inventory
- l) Parking/Transportation
- m) Personnel
- n) Procurement
- o) Risk Management
- p) Scholastic
- q) Workers' Compensation

4. Applicability

This policy applies to all FOIA requests received by the College.

5. Responsibilities

5.1 PVCC's Responsibilities in Responding to Your Request

PVCC must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.

The reason behind your request for public records from PVCC is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow PVCC to ask you to provide your name and legal address.

FOIA requires that PVCC make one of the following responses to your request within the five-day time period.

- a) We provide you with the records that you have requested in their entirety.
- b) We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you 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 us to withhold the records.
- c) We provide some of the records that you have requested but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.
- d) We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.
- e) If it is practically impossible for PVCC to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven additional working days to respond to your request, giving us a total of 12 working days to respond to your request.

If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

6. Procedures for Implementation

6.1 Commonly Used Exemptions

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

- a) Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- b) Scholastic records (VA. Code § 2.2-3705.4 (1))
- c) Records subject to attorney-client privilege (VA. Code § 2.2-3705.1 (2)) or attorney work product (Va. Code § 2.2-3705.1 (3)).
- d) Records relating to the negotiation and award of a contract before a contract are awarded (Va. Code § 2.2-3705.1 (12)).
- e) Vendor proprietary information (VA. Code § 2.2-3705.1 (6)).

6.2 Making a Request for Records from PVCC

- a) You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA. From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect not to put it in writing.
- b) Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
- c) Your request must ask for existing records or documents. FOIA gives you the right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of PVCC, nor does it require PVCC to create a record that does not exist.
- d) You may choose to receive electronic records in any format used by PVCC in the regular course of business. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records.
- e) If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, 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 we may need to discuss your request with you to ensure that we understand what records you are seeking.

6.3 Costs

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

You may have to pay for the records that you request from PVCC. FOIA allows us 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.

If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request do not include the time between when we ask for a deposit and when you respond.

You may request that we estimate the charges for supplying the records you requested in advance. This will allow you to know about any costs upfront or allow you to modify your request to lower the estimated costs. The five (5) days that we have to respond to your request do not include the time between when we send you the estimate and when you respond. If you do not respond within 30 days, PVCC may require payment of the past-due bill before it will respond to your FOIA request.

Any costs incurred by the public body in estimating the cost of supplying the requested records must be applied toward the charges to be paid by the requester with a cost estimate if requested. Public bodies may not charge the actual cost of providing scholastic records to a student 18 years or older or a minor student's parent. When the public body may charge for the actual cost of providing other (non-scholastic) records, the public body must make all reasonable efforts to supply the requested records at the lowest possible cost.

6.4 Policy Regarding Fees

It is PVCC's policy to charge for the actual cost of responding to FOIA requests. We charge for staff time spent searching for, reviewing, copying, scanning, and redacting the requested records, copying costs, or any other costs directly related to supplying the requested records.

PVCC does not charge a fee to provide scholastic records that must be made available for inspection pursuant to the Family Educational Rights and Privacy Act (FERPA) if the request for scholastic records is made by a parent or legal guardian of a minor student or by a student 18 years old or older, or for the first hour of time to respond to a FOIA request.

Copying costs shall be assessed on public records that are printed, but not on public records that are provided electronically.

Public records are provided at the costs specified below:

- a) Paper copies from the paper original (B&W) = \$0.25 per page
- b) Larger than legal size paper copies = \$1.00 per page
- c) Video, CD, DVD, etc. = Cost of reproduction
- d) Staff time at a full-time hourly rate (average) = \$25.00 per hour

PVCC also may charge for the actual cost of the medium by which the information is provided (e.g., CD, DVD, flash drive, etc.) if that minimum is requested, and for the actual cost of mailing the requested records if the cost is above the cost of the standard-sized flat rate envelope.

PVCC will apply any costs we incur in estimating the costs of providing the requested records toward the overall costs to be paid by the requester.

7. Sanctions for Violation of Policy

N/A

8. Other General Information

If you are unsure whether PVCC has the record(s) you seek, please contact the FOIA Officer directly at:

Scott Jefferies, Ed.D.

Vice President for Finance and Administrative Services

501 College Drive, Charlottesville, VA 22902-7589

Phone: (434) 961-5207

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