

**Section 10-3.3. Request procedures; Responding to requests; Time for processing requests.** — A. The School Board complies with the Virginia Freedom of Information Act. Except as otherwise specifically provided by law, all public records are open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Requests for access to records shall be made with reasonable specificity. Requests shall be directed to Suffolk Public Schools central office at 100 N. Main Street, P.O. Box 1549, Suffolk, Virginia 23439-1549. Requesters should make their requests using Suffolk Public Schools Request for Public Records Form, however use of the form is not mandatory. Requests received at the central office via telephone are transcribed onto the Suffolk Public Schools Request for Public Records Form by central office staff. Written requests other than on required form are appended to a copy of the form by central office staff, who fill out as much of the form as possible.

Officers, employees, and members of the School Board who fail to provide public records as required by FOIA because they altered or destroyed the requested records with the intent to avoid the provisions of FOIA are subject to penalties in their individual capacity of up to \$100 per record altered or destroyed.

Building office personnel shall provide the Request for Public Records Form and a copy of this policy upon request to any person interested in obtaining access to records, and instruct the requester to direct the request to the central office. Telephone inquiries are redirected to the central office. Any written requests received by building personnel are immediately forwarded to the central office with a notation indicating the date and time the request was received.

B. Promptly, but in all cases within five working days of receiving the request, the school division provides the requested records to the requester or makes one of the following responses in writing:

- (a) The requested records are being entirely withheld because their release is prohibited by law or because the Virginia Freedom of Information Act gives their custodian discretion to withhold them. The response will identify with reasonable particularity the volume and subject matter of the withheld records, and, with respect to each category of withheld records, cite the specific Virginia Code section(s) or other law that authorizes the withholding of the records.
- (b) The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records. The response will identify with reasonable particularity the subject matter of the withheld portions and cite, with respect to each category of withheld records, the specific Virginia Code section(s) or other law which authorizes

the withholding of the records. When a portion of a requested record is withheld, the school division deletes or excises only that portion of the record to which an exemption applies and releases the remainder of the record.

- (c) The requested records could not be found or do not exist. If the school division knows that another public body has the requested records, the response includes contact information for the other public body.
- (d) It is not practically possible to provide the records or to determine whether they are available within the five-day period. Such response specifies the conditions which make a response impossible. If the response is made within five working days, one of the preceding responses is provided within an additional seven-day period.

The school division may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search and a response within the time outlined above will prevent the school division from meeting its operational responsibilities. Before proceeding with the petition, the school division will make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

C. When processing the request, the five-day period begins on the first working day following the day the request is received by the central office or by a building office, and ends at the close of business on the fifth working day following receipt of the request. Any time that elapses between the time the requester is notified of an advance cost determination pursuant to the procedures detailed below and the time that the requester responds to that notice is not counted in calculating the five working days.

D. The name and contact information for the person the School Board has designated as its Freedom of Information Act (FOIA) Officer is listed in regulation promulgated by Suffolk Public Schools and posted at the School Board office and on the division's website. The FOIA Officer serves as a point of contact for members of the public in requesting public records and coordinates the School Board's compliance with FOIA. The FOIA officer receives training at least once during each consecutive period of two calendar years beginning on the date on which the FOIA Officer last completed a training session by the School Board's legal counsel or the Virginia Freedom of Information Advisory Council. (Adopted June 9, 2016; Ordinance Number 15/16-113; Effective Date: July 1, 2016; Revised February 8, 2018; Ordinance Number 17/18-50; Effective Date: February 8, 2018; Ordinance Number: 19/20-53; Revised/Effective Date: January 9, 2020)

**Legal Authority** – Virginia Code §§ 2.2-3704, 2.2-3704.2, 2.2-3714 (1950), as amended.