

Allegany College of Maryland

FREEDOM OF INFORMATION ACT POLICY

REVISION PENDING - ANTICIPATED IN FY18

Background

As a publicly-funded institution, Allegany College of Maryland is a responsible steward of taxpayer dollars and recognizes its obligation to comply with numerous state laws, policies, and procedures including the Maryland Public Information Act. This act identifies what constitutes public records, who has access to them, under what circumstances a public entity must provide access to the records, and under what circumstances a public entity may deny access to the records. Allegany College of Maryland adopts this FOIA* Policy to ensure its compliance with both the letter and the spirit of the law.

*FOIA stands for Freedom Of Information Act, the federal sister law to Maryland's PIA; FOIA is a more common reference to requests for public records and, therefore, should be more easily understood by both College employees and the public.

POLICY

I. Statement of Principle

Allegany College of Maryland welcomes inquiries for information from any person, group, organization, business, or entity. Allegany College of Maryland will provide the requested information (or means of access to the requested information) where such disclosure is mandated by law, does not violate other laws, is properly made, and is capable of being disclosed. Allegany College of Maryland will respond to inquiries within a reasonable period of time and at minimal or no cost to the requestor.

II. Scope of Policy

Allegany College of Maryland's FOIA Policy applies to all records, data, information, documents, reports, and the like which are maintained by the College in furtherance of its institutional purpose in the regular course of business unless the item(s) sought satisfy an identified exception:

- the information is protected by laws and/or regulations;
- the information is protected by legally recognized confidentiality/privilege;
- the information constitutes intra-college communications;
- the information is related to a pending investigation;
- the information's release creates a foreseeable and likely safety risk for the College or any person;
- the information's release causes substantial injury to the public interest;
- the request is vague or item(s) is non-existent
- the request is contrary to an order of a court of record; or
- ACM's legal counsel issues written advisory against release of the information.

Private property of an employee or student is not covered by this policy.

III. Procedure for Making Requests

Individuals/entities, hereinafter referred to as “applicants” for consistency with Maryland law, who seek information/data/records maintained by Allegany College of Maryland shall **first** determine if the information is available via existing publications, the College’s website, and/or other sources readily available to the public. If the information is not thusly available, the applicant shall **then** submit a written request to the College’s FOIA officer or his/her designee. The request shall sufficiently describe the information sought to enable the College to efficiently respond to the request.

Any College employee who receives a request shall promptly forward the request to the FOIA officer. Applicants are encouraged to use Allegany College of Maryland’s FOIA request form whenever possible; if the request is submitted in another written format, the FOIA officer shall complete the FOIA request form and attach the original submission to the FOIA form. If the request is made *verbally* to a College employee and the individual/entity is unable to submit the written request, the College employee shall complete the FOIA Request Form.

IV. Procedure for Responding to Requests

All requests shall be forwarded to the College’s FOIA officer or his/her designee. Upon receipt, the request will be date-stamped and assessed to verify that the information is not readily available via an existing College publication, website, etc. and that the information can be provided. As noted above, the requested information shall be provided unless a valid exception exists. The applicant shall not be required to provide a reason, purpose, or intended use of the request.

If the information can be provided, see Provision V below.

If the information cannot be provided, see Provision VI below.

If the FOIA officer has any question as to whether the information can be provided, s/he shall consult the appropriate College official – including legal counsel when necessary.

If the FOIA officer is unclear what information is requested, s/he shall contact the applicant for clarification. If the request is not adequately clarified, the FOIA officer will deny the request pursuant to Provision VI below.

V. Procedure for Providing Records

Upon determining that the request can be met under this policy, the FOIA officer shall either (a) comply with the request if s/he is the custodian *or* (b) forward the request to the appropriate administrator, department head, or program chair deemed to be the custodian of the information. The custodian will ensure the requested information is obtained (or otherwise made available to the applicant) and forwarded to the FOIA officer in a timely manner. Allegany College of Maryland will comply with the request no later than thirty (30) days from its receipt by the FOIA officer.

Where additional time is needed, the FOIA officer will notify the applicant *before* the expiration of thirty (30) days and provide the applicant of an estimated date the information will be available.

In complying with the request, the custodian shall ensure that no extraneous and/or exempt information is provided/made available. Where redacting is necessary, the custodian will provide a written explanation.

Costs: Allegany College of Maryland reserves the right to charge necessary or nominal fees to cover costs related to research, duplication, assembly, postage, staff consultation, legal consultation, etc. The College shall maintain a fee schedule which shall be provided to the applicant upon request. Costs incurred shall be identified at the time of billing. Payment in full is due by the applicant within thirty (30) days. An applicant who can demonstrate a financial inability to pay may request a fee waiver; waivers will be approved/denied on a case-by-case basis by the President.

VI. Procedure for Denying Records

Upon determining that the request cannot be met under this policy, the FOIA officer shall promptly notify the applicant (no later than thirty (30) days after receiving the request). Notice shall be in writing. The FOIA officer shall note the reason for the denial and describe the appeal procedure from Provision VII below.

VII. Procedure for Appealing Denials

When an applicant's request is denied by the FOIA officer, the applicant may appeal the denial by submitting a letter detailing the specific reason (and citing any relevant authority) the request should be approved to the FOIA officer within thirty (30) days of the denial. Upon receipt, the request and appeal shall be forwarded by the FOIA officer to the College President. The President shall review the original request, the FOIA officer's reason for denying the request, and the applicant's reason(s) for believing the denial was in error. The President shall consult with appropriate Vice President, other College official(s), and/or legal counsel before responding to the appealed request. This final decision (including compliance with the request if the President determines that the denial was in error) shall be made within thirty (30) days and shall be in writing.

No fees related solely to the appeal will be assessed.