

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, SECTION 10-3.5, ENTITLED "VIRGINIA FREEDOM OF INFORMATION ACT; NOT REQUIRED TO CREATE A PUBLIC RECORD; PENALTIES FOR ALTERING OR DESTROYING PUBLIC RECORDS; SCHOOL FOIA OFFICER; TRAINING REQUIRED" OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD – SECOND READING

BE IT ORDAINED, by the School Board of the City of Suffolk, Virginia that Chapter 10, Article 3, Section 10-3.5, entitled "Virginia Freedom of Information Act; not required to create a public record; penalties for altering or destroying public records; School FOIA Officer; Training required" of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

Section 10-3.5. Virginia Freedom of Information Act; not required to create a public record; penalties for altering or destroying public records; School FOIA Officer; Training required. — A. Suffolk Public Schools and the School Board comply with the Virginia Freedom of Information Act (FOIA). 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 custodian of such records. All requests for information are processed in accordance with School Board Policy Section 10-3.3.

B. Suffolk Public Schools is not required to create a new record if the record does not already exist. However, Suffolk Public Schools may abstract or summarize information under such terms and conditions as agreed between the requester and Suffolk Public Schools. Public records maintained by Suffolk Public Schools in an electronic data processing system, computer database, or any other structured collection of data will be made available to a requester at a reasonable cost, not to exceed the actual cost in accessing, duplicating, supplying, or searching for the requested records.

B. 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.

C. The position and contact information for the person designated by the School Board and Suffolk Public Schools as its Freedom of Information (FOIA) Officer is the Public Information Officer for Suffolk Public Schools. The FOIA Officer serves as a point of contact for members of the public in requesting public records and coordinates the School Board's and Suffolk Public Schools' compliance with FOIA.

D. 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 from the School Board's legal counsel or the Virginia Freedom of Information Advisory Council. (Adopted October 13, 2016; Ordinance Number 16/17-26; Effective Date: July 1, 2017; Ordinance Number 21/22-35; Effective: November 4, 2021)

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

BE IT FURTHER ORDAINED that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the School Board's Policy Manual not amended or repealed shall remain in full force and effect.

FIRST READING: May 12, 2022

SECOND READING: _____

EFFECTIVE DATE: _____

TESTE: _____

CLERK

Approved as to form and content:



Wendell M. Waller, Esquire
School Board Attorney