

	College Response to Requests for Information	POL-102
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102.1 PURPOSE

The purpose of this policy is to provide guidance on how the College will respond to requests for information made under the federal Freedom of Information Act (FOIA) or the Washington State Public Records Act (PRA).

Northwest Indian College is chartered by the Lummi Nation, and therefore is covered by tribal sovereign immunity from state public disclosure laws. Therefore, the College will not release information requested by external parties or organizations under RCW 42.56.

Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as unless there is an overriding public interest against disclosure. Consistent with the exclusions provided for in the federal FOIA, the College will not disclose information to protect against certain harms, such as but not limited to the following:

- invasion of personal privacy;
- related solely to the internal rules and practices of the College;
- financial information that is confidential or privileged;
- privileged communications such as communication with or between agencies which are protected by deliberative process privilege or attorney-work product privilege or attorney-client privilege; and/or
- compiled for or produced during investigations for law enforcement proceedings.

Further, the College will not release information pertaining to:

- employment information such as, but not limited to, salaries, unless the employee waives their rights to keep that information exempt/confidential;
- student information in accordance with the Family Education Rights and Privacy Act of 1974 (FERPA); and
- health care patient information in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

102.2 SCOPE

The scope of this policy relates only to those public disclosure requests made under the federal FOIA or state PRA, and not to other types of requests for information relating to the College that would be considered appropriate and routinely released in the course of College business.

102.3 BACKGROUND

Under the Government Information (Public Access) Act 2009, releasing information to the public is intended to promote open discussion, enhance accountability or contribute to positive and informed debate on issues of public importance; inform the public about policies and practices for dealing with members of the public; ensure effective oversight of the expenditure of public funds; reveal information or substantiate that there has been misconduct or negligence, or improper or unlawful conduct, etc. The FOIA provides guidance on how decisions regarding the release of information will be handled.

102.4 RESPONSIBILITY

The responsibility for complying with this policy rests with the Public Information Officer (PIO) and administrators in various departments in the College.

102.5 DEFINITIONS

- Freedom of Information Act ("FOIA"): Federal Law that governs the public's right to request access to records from any federal entity.
- Public Records Act ("PRA"): Washington State Law that governs the inspection (disclosure) and copyright of public records, which does not apply to Northwest Indian College.
- Public Information Officer ("PIO"): Position within Northwest Indian College responsible for handling and administering the disclosure or non-disclosure of information in response to requests.

102.6 PROCEDURE RELATED TO POLICY

1. Requests received for information from external sources under the FOIA or PDR will be routed to the PIO.
2. The PIO will review the request and determine, in consultation with the appropriate member of the Administrative Team, whether the request:
 - a. Is being made under the federal FOIA or the state PRA.
 - b. Whether the request, in its entirety or portions, includes any of the exceptions appearing in the FOIA.
3. The PIO will respond to the request as appropriate, in consultation with the President's Office, e.g., including denial of the request (in part or whole); inspection of records; partial release of records; unavailable records; and when and how the records will be released (electronically or in

hard copy), as well as whether there will be a charge for the production of the records. The response will include the right to appeal a denial consistent with the FOIA.

4. In the event further communications with the requestor is required, the PIO will handle such communications.
5. The PIO will respond to appeals, as appropriate, in consultation with the President's Office.
6. The PIO will maintain records of requests received and responded to for a period of three (3) years.

102.7 RELATED INFORMATION

102.8 REVIEW DATE

This policy will be reviewed every 3 years.