Title: #VII-8. Procedure Regarding WV Freedom of Information Act (WVFOIA) Requests

Date: April 19, 2011

This procedure is established in accordance with Board of Governors Policy A-56, “West Virginia Freedom of Information Act,” and applies to all employees of West Virginia University at Parkersburg who at any time may receive WVFOIA requests or who have access to responsive materials.

A. Receiving a WVFOIA Request

Any employee of WVU at Parkersburg who receives a WVFOIA request must, immediately upon receipt of the request, deliver the request to the Special Assistant to the President, who serves as the college WVFOIA Officer. The request may also be forwarded via electronic mail to Debbie.Richards@wvup.edu or by fax to 304-424-8204 to the Office of the President.

1. Any employee upon receipt of a WVFOIA request, must immediately review records to identify potentially responsive Public Records. All such records located must be sent to the Office of the President as soon as possible but no later than seventy-two (72) hours, excluding Saturday, Sunday, legal and/or college holidays, from receipt of the WVFOIA request unless otherwise instructed by the WVFOIA Officer.

2. The WVFOIA, generally, does not require the creation of Public Records; thus, employees shall not create Public Records without the consent of the WVFOIA Officer.

3. The WVFOIA Officer, in consultation with general counsel, shall review all responsive Public Records prior to their release to the public.

B. Responding to a WVFOIA Request

WVFOIA mandates that upon receiving a request for Public Records made pursuant to WVFOIA, WVU at Parkersburg shall do one or more of the following, within a maximum of five business days of receipt, not including Saturdays, Sundays, legal and/or college holidays:

1. Furnish copies of the requested Public Records;
2. Advise the person making the request of the time and place at which he or she may inspect and request copies of the Public Records during business hours;

3. Deny the request, in whole or in part, stating in writing the reasons for such denial;

4. Request clarification of the WVFOIA request; or

5. Request an extension of time within which to fulfill the WVFOIA request.

All requests for Public Records made pursuant to WVFOIA must state with reasonable specificity the records sought. It shall be the sole responsibility of the WVFOIA Officer, in consultation with general counsel, to determine if a WVFOIA request is reasonably specific.

For the purposes of this procedure, the five business day response period shall begin on the first business day after the request is received if receipt is during regular business hours. Regular business hours shall be defined as Monday through Friday, 8:00 a.m. to 4:00 p.m.

Under normal circumstances, responsive Public Records shall be provided in paper format. If the person or entity making the request seeks responsive Public Records in magnetic, electronic or computer format and the requested Public Records exist, at the time of the request, in magnetic, electronic or computer format, the requested Public Records shall be provided in the requested format.

The WVFOIA Officer, in consultation with general counsel, shall be responsible for the removal or redaction of information that is not responsive to the request and/or the removal or redaction of information exempt from disclosure by the provisions of the statute or other applicable law, rule or privilege.

If a Public Record exists in magnetic, electronic or computer format, and requires the removal or redaction of information, those Public Records shall not be provided in magnetic, electronic or computer format unless agreed to by the WVFOIA Officer in consultation with general counsel.

The WVFOIA Officer, in consultation with general counsel, shall determine whether any record may not be disclosed pursuant to W.V. Code § 29B-1-4(a).

C. Fees

All fees shall be paid to WVU at Parkersburg prior to the release of the Public Records to the person or entity making the request.
1. No fees shall be charged to persons viewing the responsive Public Records only.

2. For all Public Records requests which result in ten (10) pages or less of responsive Public Records, or which exist, without the need for redaction, in magnetic, electronic or computer format, no fee shall be levied against a person or entity making the request. (Records available in magnetic, electronic or computer format which require redaction will be provided as paper records.)

3. For all Public Records requests which result in more than ten (10) pages of responsive Public Records, WVU at Parkersburg has established a fee of $1.00 per page of responsive Public Records copied.

4. A minimum fee of $10.00 shall be charged per CD-ROM media or Flash media provided to the person or entity making the request.

These fees are reasonably calculated to reimburse WVU at Parkersburg for the actual cost in making reproductions of the requested Public Records.

All responsive Public Records that are mailed will be sent using the United States Postal Service. If a person or entity requests, in writing, an alternate delivery method, such as priority or overnight delivery, the WVFOIA Officer shall deliver the responsive Public Records via the alternate delivery method requested and shall bill the requestor the actual cost of shipping.