

**WEST VIRGINIA UNIVERSITY
OFFICE FOR LEGAL AFFAIRS
WVFOIA PROCEDURE 1**

Section 1. General

- 1.1 **Purpose.** - To establish a procedure for the implementation of the West Virginia Freedom of Information Act (“W. Va. FOIA”) by establishing reasonable rules and regulations related to the submission of a request made pursuant to the W. Va. FOIA and the processing of requests made pursuant to the W. Va. FOIA.
- 1.2 **Authority.** - **WVU-BOG Policy 55 – West Virginia Freedom of Information Act**
- 1.3 **Scope.** - This procedure shall apply to all units, colleges, and divisions under the jurisdiction of the West Virginia University Board of Governors (“University”) and all University employees who at any time may receive W. Va. FOIA requests or who have access to potentially responsive materials.
- 1.4 **Effective Date.** - December 11, 2009; amended May 20, 2014; amended June 16, 2015; amended July 10, 2017.

Section 2. Procedure for Submitting a W. Va. FOIA Request

- 2.1 For efficient and timely processing, requests shall be submitted directly to the following:
- Regular Mail: FOIA Request
West Virginia University
105 Stewart Hall
P.O. Box 6204
Morgantown, WV 26506-6204
- Fax: 304.293.5752
- Email: foia@mail.wvu.edu
- 2.2 Requests must be submitted in writing, via U.S. Postal mail, facsimile, or email. All requests must include the name and mailing address of the requestor.
- 2.3 All requests shall state with specificity the information being requested such that an unreasonable effort is not required to locate, review, and process the responsive documents; in other words, requests that seek a range of documents should, at a minimum, include specific parameters such as a start date, an end date, and a subject matter.

- 2.4 Requests shall not consist of questions to be answered; rather, requests must seek existing records or documents maintained by the University.
- 2.5 When possible, requests should identify the unit, college, division, or employee that the requestor has reason to believe maintains the responsive documents.

Section 3. Procedure for Processing a W. Va. FOIA Request

- 3.1 FOIA Officer - Professional staff member(s) designated by the General Counsel, or designee, to carry out the duties contemplated by WVU BOG Policy 55. FOIA Officer is empowered to designate other University employees to perform specific duties and functions hereunder. Nothing precludes the University from having more than one FOIA Officer.
- 3.2 Receiving a W. Va. FOIA request- All University employees who receive W. Va. FOIA requests must, immediately upon receipt of the request, forward the request to the Office of General Counsel.
 - (a) Upon receipt of a W. Va. FOIA request, a FOIA Officer, or designee, will review and determine a reasonable plan to respond to the request; this review shall, among other things, consider whether the request seeks Public Records and whether the request is reasonably specific.
 - (b) A FOIA Officer, or designee, working in cooperation with other University employees and representatives, assists the University in locating and providing the requested records.
 - (c) Upon request of a FOIA Officer, or designee, University employees shall identify and locate potentially responsive Public Records. All potentially responsive Public Records that are identified and located must be sent to the General Counsel's Office in accordance with any instructions given by a FOIA Officer, or designee.
 - (d) A FOIA Officer, or designee, shall review all potentially responsive Public Records prior to the release of any documents pursuant to a W. Va. FOIA request.
- 3.2 Responding to a W. Va. FOIA request- Within a maximum of five business days of receipt, not including the day the request is received, Saturdays, Sundays, legal and/or WVU holidays, a FOIA Officer, or designee, on behalf of the University shall:
 - (a) Furnish copies of the requested Public Records;
 - (b) 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;

- (c) Deny the request, in whole or in part, stating in writing the reasons for such denial;
 - (d) Request clarification of the W. Va. FOIA request; or
 - (e) For requests seeking documents that might reasonably be provided but not within the initial five day response time frame or for requests seeking documents that require additional time to process, inform the requestor that an extension of time is needed within which to fulfill the W. Va. FOIA request.
- 3.2.1 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, 8:15 am to 4:45 pm.
- 3.2.2 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 the requested format, the requested Public Records shall be provided in the requested format to the extent reasonable.
- 3.2.3 Under normal circumstances, responsive Public Records shall be provided to the person or entity making the request following 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 W. Va. FOIA or other applicable law, rule or privilege.
- 3.2.4 Under normal circumstances a Public Record that exists in magnetic, electronic or computer format shall not be provided in such a format when it requires the removal or redaction of information that is exempt from disclosure by the provisions of the W. Va. FOIA or other applicable law, rule or privilege.
- 3.3 Ending a W. Va. FOIA request- Pursuant to the W. Va. FOIA, all responses that have been concluded will clearly state that the request is at an end.
- 3.4 Submission to the West Virginia Secretary of State- The University will comply with applicable rules and related procedures established by the West Virginia Secretary of State requiring the submission of information related to W. Va. FOIA requests received by the University.

Section 4 Fees

- 4.1 All fees shall be paid to the University prior to the release of the Public Records, unless otherwise provided for by a FOIA Officer in his or her discretion.
- 4.2 Unless otherwise provided for by a FOIA Officer in his or her discretion, a reproduction fee of \$0.05 cents per page of 8½x11 paper provided in response to a W. Va. FOIA request shall be charged to the requestor.
- 4.3 In the event that the Responsive Documents are furnished to the requestor on electronic media (e.g., DVD or a flash drive), the requestor shall pay all costs of the media.
- 4.4 In the event that it becomes necessary for the University to engage a third party vendor to provide the Responsive Documents, the requestor shall pay all associated costs.
- 4.5 Some requests may require a FOIA Officer to estimate the fee to be charged. If the estimated fee exceeds \$10.00, a FOIA Officer may require the requestor to pay a deposit, up to and including the amount of the original estimate, before proceeding with the request.
- 4.6 Reasonable postage fees may be charged when responsive documents or other electronic media are mailed or shipped to requestors.

Section 5 Discretion and Efficient Administration

- 5.1 To the extent not already expressly stated in this Procedure, the General Counsel and/or his or her designee shall have sufficient latitude and authority to implement any reasonable measures necessary for the fair and efficient administration of this procedure and minor deviations from it are acceptable as long as those deviations are not materially harmful to the purpose of the procedure.