



## INSTITUTIONAL POLICY: GA-34

Category: General Administration  
Subject: Public Record Requests – West Virginia Freedom of Information Act  
Effective Date: April 19, 2016  
Updated: May 15, 2018

### GA 34-1. Authority

W. Va. Code § 18B-1-6

### GA 34-2. Purpose and Scope

- 2.1 The West Virginia School of Osteopathic Medicine (“WVSOM”), as an agency of the State of West Virginia, is subject to the West Virginia Freedom of Information Act (“FOIA”). This policy sets forth WVSOM’s requirements for receiving, processing, and responding to public record requests as required by FOIA.
- 2.2 This policy applies to all WVSOM employees who receive a FOIA request or have access to public records.

### GA 34-3. Definitions

- 3.1 “Public record” means any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public's business. As used in this definition, “writing” means any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.
- 3.2 “Regular business hours” means 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays or other days on which WVSOM is officially closed.

### GA 34-4. Submitting FOIA Requests

- 4.1 Requests to inspect or copy any public record of WVSOM shall be made in writing and submitted to the WVSOM Vice President for Legal and Governmental Affairs and General Counsel (“VP/General Counsel”) at the following address:

VP for Legal and Governmental Affairs and General Counsel  
West Virginia School of Osteopathic Medicine  
400 Lee Street North  
Lewisburg, WV 24901

- 4.2 All requests for information must state with reasonable specificity the information sought. If known, requests should include the specific public record(s) sought, the period of time

applicable to the information requested, and the WVSOM department or employee believed to maintain the information. Requests should also include the name and contact information of the requestor, including telephone number, mailing address, and e-mail address.

#### **GA 34-5. Processing and Responding to FOIA Requests**

- 5.1 Any WVSOM employee who receives a written FOIA request shall, immediately upon receipt, stamp the request with the date of receipt and forward it to the VP/General Counsel. The VP/General Counsel shall review the request and respond in writing within five business days of receipt.
- 5.2 For purposes of calculating the five business day response deadline in Section 5.1, the response period shall begin on the first business day after WVSOM's receipt of the FOIA request, if the request was received during regular business hours.
- 5.3 For each FOIA request, the VP/General Counsel shall:
  - 5.3.1 Furnish copies of the requested public records. If the records requested exist in magnetic, electronic, or computer form, copies shall be made available on magnetic or electronic media, if so requested. If compiling the records may reasonably require more than five business days to complete, the VP/General Counsel shall state in the response that additional time is needed to complete the request and specify a projected completion date;
  - 5.3.2 Advise the requestor of the time and place at which he or she may inspect and copy the records. The records shall be made available for inspection in a reasonable location for making memoranda or abstracts therefrom, during WVSOM's regular business hours; or
  - 5.3.3 Deny the request stating the reasons for such denial. The denial shall include a statement that WVSOM's responsibility to produce the requested records or documents is at an end, and shall advise the requestor that he or she may initiate proceedings for injunctive or declaratory relief in the Circuit Court of Greenbrier County or in the circuit court in the county where the records are kept.

#### **GA 34-6. Fees**

- 6.1 Copies of public records provided in response to FOIA requests are subject to reproduction fees. The fee for paper copies is \$0.25 per page. Records maintained electronically are available on CD-ROM at a cost of \$5.00 per disk.
- 6.2 WVSOM shall not release the public records to the requestor until all reproduction fees have been paid.

#### **GA 34-7. Reports to the West Virginia Secretary of State**

The VP/General Counsel shall submit electronic reports of FOIA requests to the West Virginia Secretary of State as required by FOIA and applicable regulations, including the date WVSOM received the request, the name of the person or entity making the request, the information or items requested, whether the request was granted or denied, the reason for any denial, the date of final

completion of the request, and the amount of any charges to the person or entity making the request. The required information must be entered into the West Virginia Secretary of State's online database by the tenth day of the month following completion of the request.

#### **GA 34-8. References**

8.1 Freedom of Information Act, W. Va. Code §§ 29B-1-1, *et seq.*

8.2 Freedom of Information Act Database, W. Va. Code R. § 153-52