

FREEDOM OF INFORMATION POLICY

1. **Purpose and Scope:** This Freedom of Information Act Policy (the “Policy”) is adopted by the City of Parkersburg (“City”) to make reasonable rules and regulations necessary for the protection of the City’s public records and to prevent interference with the regular discharge of duties by public officials and employees. The Policy applies to all requests for public records of the City. The Mayor is the chief administrative officer of the City and is designated the Custodian consistent with definitions on this Policy.

2. **Authority:** The Policy is adopted in accordance with the West Virginia Freedom of Information Act. West Virginia Code Chapter 29B, Article 1 (“WVFOIA”).

3. **Definitions:** The terms in this Policy shall have the same meanings as provided in WVFOIA except as this Policy specifically provides otherwise. The following terms shall have the meanings given:

- *Custodian* shall mean the Mayor of the City of Parkersburg or such persons as they may designate to act in such capacity.
- *Person* includes any natural person, corporation, partnership, firm or association.
- *Public Record* means any writing containing information prepared or received by the City, the content or context of which, judged either by content or context, relates to the conduct of the public’s business.
- *Request* means a request for a Public Record submitted with information as required by this Policy.
- *Requestor* means the person who has submitted a Freedom of Information request, or if such request is submitted by a corporation, partnership, firm or association, the identity of the person authorized to review or obtain documents requested by any such entity.
- *Writing* includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristic.

4. **Submitting a Request:**

- WVFOIA Request Form: A Request for Public Record must be submitted to the Custodian by delivering it by email to foia@parkersburgwv.gov or by United States mail, postage prepaid, to City of Parkersburg, c/o Custodian of Public Records, PO Box 1627, Parkersburg, WV 26102.
- Minimum Requirements for Request: The City may accept requests delivered by means other than described in the preceding paragraph but the City's duty to respond to a request under WVFOIA does not begin until Custodian actually receives the request. Any such request must prominently identify in the subject line of an email or heading of correspondence "Freedom on Information".
- The City will not accept or process any request that does not meet all of the following requirements:
 - (a) Prepared in writing.
 - (b) Include the legal name of the person making the request.
 - (c) If the request is being made on behalf of a corporation, partnership, firm, association or other legal entity, identify the legal name of the entity, and include the name of an individual who can be contacted regarding the request.
 - (d) Include a valid email address for the person or entity making the request so that the City's response may be delivered by email.
 - (e) Include a valid mailing address for the person or entity making the request so that the City's response may be delivered by mail.
 - (f) Specifically identify the Public Records and information requested, including the time period or scope, if applicable.
- (a) Limitations: Requests may not include questions seeking narrative response. Only requests specifically identifying the Public Record requested and capable of producing responsive Public Records will be accepted. The City is not required to create records responsive to the request if such records do not already exist. In order to serve the purpose of this Policy and prevent interference with the regular discharge of duties by public officials

and employees, requests that would impose an unreasonably high burden on public resources or expense of public funds will not be accepted.

5. **Responding to a Request:**

- Any employee or officer of the City who receives a public records request must forward the request to the Custodian. This obligation of the City employees and officers does not relieve the duty of the person or organization requesting Public Records to submit the request directly to the Custodian as required by this policy.
- After receipt of the request, the Custodian will review the request and, if the request is properly submitted, direct the appropriate City departments or individuals to conduct a reasonable search of public records necessary to respond to the request, and they should notify the Custodian if the search required would interfere with their regular duties, is overly burdensome, or may require an extended period of time.
- The Custodian, or designee, shall provide a response to the request on behalf of the City within five business days after receiving a properly submitted request under this Policy, and do one or more of the following:
 - (a) Furnish copies of the requested information by mail, email or other means;
 - (b) Identify the time and place at which the City anticipates that responsive public records can be provided or may be inspected and designated for copying, after considering the time that will be necessary in order to search for, review, copy and otherwise make available for inspection the Public Records requested [Note: Any anticipated date may be extended by the Custodian or designee as circumstances dictate];
 - (c) Deny the request in whole or part, stating in writing the reason(s) for denial, and identify specific statutory exemptions that apply;
 - (d) Request clarification of the request; but in any request for clarification will also either deny the request as submitted based on failure to specify the records request, or inability of the City to reasonably identify all responsive records and fulfill the request,

or will also provide an anticipated date and place at which the City expects any responsive records can be provided for inspection and designation for copying;

- The five business day time period to respond to a request will begin on the first business day after the request is received. A request is deemed received on the business day it is delivered to the Custodian under this Policy during the normal business hours (8:00am to 4:30pm). Any request received after normal business hours is deemed received on the following business day;
- The City shall reserve sufficient time to enable all documents to be reviewed in order to ensure that all appropriate redactions are made and exemptions are applied. The City may remove or redact information that is not responsive to a request or is exempt from disclosure by WVFOIA or other applicable law, rule, regulation, or privilege. The City is not required to collect or produce any non-public record as defined or interpreted in accordance with WVFOIA. The City will generally provide records by any means it determines will minimize the expenditure of time involved in search, collection, review, tracking, and/or furnishing of records, and it may choose to produce records in a format that ensures information can be effectively removed or redacted in accordance with this Policy or applicable law, rule, regulation, or privilege.
- The protocol for making documents available for inspection and copying shall be as follows:
 - (a) If the volume of documents responsive to a request is 50 pages or less, the Custodian will 1) if the documents are stored or retained in digital form, provide copies by email or other digital means; 2) If the documents are not stored or retained in digital form, provide hard copies by mail to an address provided by the requestor.
 - (b) If the volume of documents responsive to the request exceeds 50 pages, the Custodian will cause the documents to be made available for viewing at a designated location within the Parkersburg Municipal Building between the hours of 9:00am and 3:00pm on any day that the building is open to the public. If the documents responsive to the request exist and are retained in digital form, the same may be reviewed at a terminal from which the requestor may designate hard copies and retrieve the same

upon payment of the applicable fees. If the documents exist but are not retained in digital form, the requestor may view the same and designate copies to be made and paid for in the same manner described above.

- (c) The requestor shall be notified of the dates upon which the documents will be available to be reviewed and instructions as to protocol and contact information to enable the review to commence. The review shall take place within 30 calendar days of the date upon which the documents are first made available. If the requestor, or representative identified in writing by the requestor to review the documents, does not avail themselves of the opportunity to review the documents within 30 days, the request shall be deemed abandoned by the requestor and the matter shall be closed.
- (d) The Custodian may, in his or her sole discretion, waive the requirement for in person review under limited circumstances in which the administrative burden to the City would be reduced, and the documents can be made available by other means without any undue risk of accidental or inadvertent disclosure of documents which would otherwise be exempt under West Virginia law.
- (e) In the event a requestor has received or obtained any document he or she reasonably believes contains personal or private identifying information, or other information exempt from disclosure under West Virginia law, he or she shall;
 - Notify the Custodian within 5 business days of the receipt or discovery of such document;
 - Upon making such notification, immediately confer with the Custodian to facilitate the immediate return of any hard copies of such documents, and/or any thumb drives, discs, or other means by which such documents have been stored;
 - If necessary in order to fulfill the City obligations with respect to access to public records, the Custodian shall provide the requestor a properly redacted copy of the document, thumb drive, disc, or other storage media with copies of documents responsive to the request, following

the Requestor's return of the documents containing confidential information. The Custodian, or designee, will notify the Requestor within five business days of the return of the documents whether any documents will be provided, and, if so, the anticipated date and location where they will be provided, and otherwise will notify the Requestor that the City's obligation with respect to the request is complete;

- Requestor shall certify, in writing under oath, that he or she has not retained, copied or digitally stored any such documents, and no documents have been digitally or otherwise been provided to any other person or entity.
 - In the event that the Custodian discovers or becomes aware that a document provided to a requestor discloses personal or private identifying information which would otherwise be exempt under West Virginia law, the Custodian shall notify the requestor, and requestor shall be obligated to follow the same protocol as outlined above.
- WVFOIA does not require creation of public records, narrative responses to questions, or, in most circumstances, retrieval of records not already maintained by the City or that are already available to the person making a request. Further, if the records or information sought is contained upon any website operated by the City and available to the general public, reference to such website is a sufficient response. The City is not required to produce copies of or make available for inspection any records which can be accessed on the City's website. Responses to requests under this Policy will be limited to public records in the possession or control of the City, as prescribed by applicable law.
 - When any request is denied: The City will notify the person making the request of the denial, state that its responsibility in handling the request is complete, and notify the person making the request that they may seek declaratory or injunctive relief in the Circuit Court of Wood County, West Virginia. The City may include this notice even when it is not denying a request.
 - Retention of information of reporting: The Custodian will identify and maintain the following information for the purpose of making reports

regarding public records requests to the West Virginia Secretary of State as required by law:

1. Request Date
2. Completion Date
3. Fee Charged
4. Requestor's Organization
5. Requestor's First Name
6. Requestor's Last Name
7. Subject of Request
8. Resolution of Request

- Reporting to West Virginia Secretary of State: The Custodian will comply with applicable rules and related procedures established by the West Virginia Secretary of State requiring the submission of information related to the requests under WVFOIA.

6. Fees:

- Each individual making a request for public records shall be responsible for paying all charges prescribed by the applicable City of Parkersburg ordinance, rule, regulation, or schedule.

The City of Parkersburg will not charge a search or retrieval fee, or otherwise seek reimbursement based on a man-hour basis as part of costs associated with making reproduction of records.

- All fees shall be paid to the City prior to the release of records, unless otherwise permitted by the Custodian in their discretion. Fees shall be paid by individual or entity making the request to the City as directed by the Custodian.

No fee will be charged for copying documents with a total page count of 50 pages or less.

- A fee of \$0.10 per page shall be charged for copies of documents provided to a requestor in digital or hard-copy format having a total page count of more than 50 pages, or in such other amount as authorized by ordinance duly adopted by the City.

The City may charge additional fees reasonably calculated to reimburse the City for its actual cost in providing digital or hard copies of documents on thumb drives, discs, or other storage media.

- For requests that will require payment costs, the Custodian may require the person making the request to submit a deposit in an amount up to the full expected amount of the total cost of producing the records, before proceeding with the request.
7. **Administration:** The Custodian is responsible for interpreting and applying this Policy and may adopt any related policies, rules, or guidance helpful to accomplishing those responsibilities. The Custodian may perform duties or responsibilities under this Policy directly or by a designee or multiple designees that the Custodian may designate from time to time in their discretion.