

**WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS
POLICY 55**

West Virginia Freedom of Information Act

Section 1. General

- 1.1 **Purpose.** - To establish a West Virginia University Board of Governors policy regarding requests made for public records pursuant to chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act (“WVFOIA”)).
- 1.2 **Authority.** - W.Va. Code § 18B-1-6; W.Va. Code § 29B-1 *et seq.*
- 1.3 **Scope.** - This policy shall apply to all units, colleges, and divisions under the jurisdiction of the West Virginia University Board of Governors; and their employees who at any time may receive WVFOIA requests or who have access to responsive materials.
- 1.4 **Effective Date.** – December 11, 2009
- 1.5 **Revision History.** - This is the first written policy enacted by the West Virginia University Board of Governors specifically related to requests for public records made pursuant to the WVFOIA.

Section 2. Definitions

- 2.1 **Public Record.** – A public record is “any writing containing information relating to the conduct of the public's business, prepared, owned and retained by a public body.” (W.Va. Code § 29B-1-2(4))
- 2.2 **Writing.** – A writing is defined as any book, paper, map, photograph, card, tape, recording or other documentary materials regardless of physical form or characteristics. (W.Va. Code § 29B-1-2(5))
- 2.3 **Exemptions.** – Those records which the University, in the sole discretion of the Office for Legal Affairs, could withhold pursuant to W. Va. Code § 29B-1-4(a).
- 2.4 **Custodian.** – WVFOIA Officer shall be the Custodian as defined by W. Va. Code § 29B-1-2(1).
- 2.5 **Covered Entities.** – All units, colleges, and divisions under the jurisdiction of the West Virginia University Board of Governors; and their employees.

Section 3. Policy

- 3.1 The West Virginia Freedom of Information Act is a state law that allows any person to inspect, view or copy any public record that is prepared, owned and maintained by a public body. As a public entity, West Virginia University (WVU) will respond to all requests for public records made pursuant to WVFOIA in accordance with its obligations under the law.
- 3.2 West Virginia University may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of records requested pursuant to WVFOIA.
- 3.3 Some records in the possession of a public body are specifically exempt from disclosure under WVFOIA.
- 3.4 All WVU employees are obligated to comply with the directives of the WVFOIA Officer.
- 3.5 WVFOIA Officer: The WVFOIA Officer is located within the Office for Legal Affairs. A professional staff member shall serve as the WVFOIA Officer and shall perform the duties outlined below. The WVFOIA Officer shall be the Custodian as defined in W. Va. Code § 29B-1-2(1).
 - 3.5.1 Ensure compliance with the WVFOIA, this Policy and any related Procedures.
 - 3.5.2 Assist in understanding and applying this Policy and any related Procedures.
 - 3.5.3 Train faculty and staff on key aspects of the WVFOIA, this Policy and any related Procedures.

Section 4. Responsibility for Interpretation

- 4.1 Responsibility for interpretation of this policy rests solely with the Office for Legal Affairs.

Section 5. Responsibility for Application/Development of Procedures

- 5.1 Responsibility for application of this policy, as well as the development of specific procedures, rests with the Office for Legal Affairs. Any procedures developed by the Office for Legal Affairs or material changes thereto shall be posted for ten (10) working days before the procedures become effective.
- 5.2 For additional information regarding the application of this policy please refer to [WVFOIA PROCEDURE 1.](#)