

WEST VIRGINIA STATE TREASURER'S OFFICE

FREEDOM OF INFORMATION ACT (FOIA) REQUEST POLICY

The West Virginia State Treasurer's Office (WVSTO) is committed to ensuring requests pursuant to the West Virginia Freedom of Information Act (FOIA) are timely reviewed and responses timely provided in accordance with *W. Va. Code §29B-1-1*. Since January 1, 2016, information on all requests is submitted by the WVSTO General Counsel to the Office of the West Virginia Secretary of State for inclusion in the FOIA Database on its website.

Submission of FOIA requests:

FOIA requests submitted to the WVSTO shall be in writing and sent to the General Counsel for response. Requests do not have to explain the reason for the request or the expected use of the records requested. All requests to the WVSTO for records will be treated as FOIA requests. On its website, the WVSTO shall include this Policy, information on where to send a request and a form to submit requests by email.

While requests by email are preferred, the WVSTO will also accept requests by U.S. Mail. Email and mailing information for FOIA requests is:

	General Counsel
U.S. Mail:	West Virginia State Treasurer's Office 1900 Kanawha Boulevard, East, Room E145 Charleston, WV 25305
Email:	FOIA@wvsto.com

Records that may be obtained:

Public records are obtainable through a FOIA request, and include "any writing containing information prepared or received by a public body, the content or context of which, judged by either the content or context, relates to the conduct of the public's business." This includes records maintained in an electronic format ("electronic records").

FOIA does not require the WVSTO to create records or to answer questions. Requests must seek existing records for which the WVSTO is the custodian with reasonable specificity so that the WVSTO may easily determine which records are sought. The WVSTO may ask questions of the requester to clarify the request.

The WVSTO will not provide records or data it maintains on behalf of another governmental entity; the request must be made to the governmental entity that is the custodian of those records or data. If the WVSTO is not the "custodian" of the public record requested, it will make an effort to notify the requester of a possible custodian.

If the WVSTO determines preparing and providing a response is unduly burdensome, the WVSTO will notify the requester and ask the requester to narrow or reduce the request. If the request remains unduly burdensome, the WVSTO will issue a written statement explaining the reasons why it is not providing the records, in whole or in part.

Electronic records on state computer systems are not viewable on the systems by requesters. The WVSTO shall print or make electronic records available in an electronic media format (on CD ROM, in Adobe, etc.). The WVSTO will make a reasonable effort to provide the records requested in the format requested if it does not cause an undue burden on the WVSTO.

If a requester asks to inspect available records, a mutually acceptable date and time will be set for inspection at the WVSTO offices. WVSTO staff will remain with the records during any inspection. Hours for inspection of records will be during the hours of 9:00 am through 4:00 pm on state business days. No fees will be assessed for requests to view records.

The WVSTO reserves the right to assert any exemption allowed by law. If a record requested contains information exempt from disclosure under the FOIA, the WVSTO shall attempt to redact the exempt information. If an entire record is exempt from disclosure, the WVSTO will deny the request. The WVSTO will state the reason for any denial in its response. If the WVSTO is not the custodian of a record requested, the WVSTO shall deny the request and then attempt to provide information to assist the requester in locating the records.

Fees:

There are no fees to submit a FOIA request or to request records normally distributed to the public by the WVSTO, e.g., reports on the WVSTO website www.wvsto.gov. However, the WVSTO reserves the right to assess fees if production of the response is burdensome or expensive.

The following fees are charged by the WVSTO for providing records:

Copying and Duplication in black and white	\$0.50 per page
Postage and/or Shipping if more than the Postage cost for a one (1) ounce envelope	Actual Cost
Electronic Communication (Email response or providing a link)	No Charge
Electronic Media – CD ROM	\$10.00 per CD

If the fees for all of the records provided is less than \$10.00, the fees will be waived.

Requesters will be informed of the fees prior to production of the records. Make checks payable to “**State of West Virginia**” and send to the above address. Fees must be paid in advance before the records will be produced, unless otherwise determined by the WVSTO General Counsel. At his or her discretion, the WVSTO General Counsel may waive any fees.

Responses:

Responses will be provided within five (5) state business days (day 1 is the state business day following the state business day the request is received). Within five (5) state business days, the WVSTO will provide the records requested (in whole or in part), deny the request (in whole or in part), and/or inform the requester that the records (in whole or in part) cannot be provided within the five (5) business days.

Relief from Denial:

If the requester believes the WVSTO has wrongfully denied the request, the requester may institute proceedings for injunctive or declaratory relief or otherwise seek redress in the Circuit Court of Kanawha County, West Virginia.

Requests from other state entities or law enforcement:

The WVSTO will use its best effort to provide records requested by other state entities or law enforcement without charge.

Requests for Unclaimed Property Owner Records and Audit Records:

The WVSTO regularly receives requests for unclaimed property records. In accordance with *W.Va. Code §36-8-25*, unclaimed property records are exempt from disclosure. However, upon receipt of a FOIA request, the WVSTO will provide a link with the name of the property owner and the city of the owner’s last known address for items of unclaimed property held by the WVSTO. A requester may ask this information be provided on CD ROM for \$10.00. Requests for information pertaining to unclaimed property audits are exempt from disclosure pursuant to *W.Va. Code §36-8-20(d)*.

Requests for State Check Records:

Records pertaining to state checks not presented for payment for more than six (6) months from issuance are exempt from disclosure pursuant to *W.Va. Code §12-3-1(d)*. Records pertaining to state checks issued less than six (6) months from disclosure are subject to FOIA and will be provided. However, the WVSTO will not provide a list of checks issued on behalf of a specific state agency.