

Town of Nutter Fort

Procedure for Processing Requests for Public Records

West Virginia Freedom of Information Act

1. A request for any public records means any books, papers, maps, photographs, cards, tapes, recordings, and other documentary materials, regardless of physical forms or characteristics, containing information relating to the conduct of the Town's business which are proposed, owned, and retained by the Town, and which are not held in confidence pursuant to federal or state laws.
2. Requests for public records should be documented on the Town Freedom of Information Act Request Form. If the person requesting the record(s) refuses to complete the form, then the Town employee receiving the request should do so.
3. The Town shall, immediately upon receipt of a properly filed request, affix the date of receipt, initiate a search for the requested information, and send the request to the Town Attorney.
4. The Town shall respond to each request, in writing, as soon as practicable, but within a maximum of five (5) working days of receipt of the request. Such response shall:
  - (a) Provide the requested information,
  - (b) Advise the requestor of the time and place at which he/she may inspect and/or copy the information,
  - (c) Advise the requestor that the description of the information sought is not sufficient to allow the Town to identify and locate the information and that the request cannot be further processed until additional information is made available to the Town. Upon receipt by the Town of additional information, the five (5) day time limit shall begin anew; or
  - (d) Deny the request stating in writing the reason for such denial and informing the requestor that he/she may appeal the Town's action in accordance with W. Va. Code §29B-1-5. The basis for denial shall include, but not be limited to, the following:
    - i. (1) The requested record is not known to exist,
    - ii. (2) The record is not in the City's possession, and/or
    - iii. (3) The record is exempt from disclosure under W. Va. Code §29B-1-4 of the Act or other provisions of federal or state law.
5. The Town may decline to honor requests which require the creation of a record containing a compilation of records, extraction of information from other records, or any statistical analysis of records.

6. The cost for copying records in a paper form is \$.50 per page. Documents maintained electronically are typically available on CD-ROM at a cost of \$25.00. E-mailed documents are free of charge.
7. The five (5) day time limit shall not begin until the request is properly filed with the Town as detailed in paragraphs 2 and 3 above.

This policy, effective August 9, 2022, duly adopted by a quorum vote at the regularly scheduled Council Meeting of the Town of Nutter Fort held August 9, 2022.

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Sam Maxson, Mayor

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Rezin Hudkins, Recorder