

City of Elkins FOIA Response Protocol

Approved by council: November 5, 2015

General Procedures

For the purposes of W. Va. Code §29B-1-1 et seq., as amended (commonly known as the Freedom of Information Act, or FOIA):

1. The “custodian of public records” for the City of Elkins is the City Clerk.
2. All persons requesting public records from any city department or city employee shall be referred to the City Clerk.
3. In consultation with the City Attorney, as needed, the City Clerk will manage the city’s response to all FOIA records, including by notifying other appropriate city personnel of the request and the deadline for responding thereto.
4. The City Clerk will issue all outgoing and be notified of all incoming correspondence related to FOIA requests.
5. The City Clerk will maintain the city’s central record of FOIA requests and responses.
6. Fees for FOIA requests will be charged in accordance with the attached FOIA Fees Schedule.
7. The following information will be entered into the W. Va. Secretary of State’s online FOIA database by the tenth day of the month following completion of the request, in accordance with W. Va. Secretary of State Legislative Rule 153-52.
 - a. The date the request was received;
 - b. The name of the person or entity making the request;
 - c. The subject of the request;
 - d. Whether the request was granted or denied and the reason for any denial;
 - e. The date of final completion of the request; and
 - f. The amount of any charges to the person or entity making the request.

FOIA Fees Schedule

In the event of a request for the inspection and copying of city records under W. Va. Code §29B-1-1 et seq., as amended (commonly known as the Freedom of Information Act):

- a. Copying or printing costs shall be ten cents (\$0.10) per page; provided that the first 5 pages are free (limit: one free request per quarter);
- b. No charge will be made if the total fee to process a request is fifty cents (\$0.50) or less;
- c. The charge for copying materials that must be reproduced outside of city hall facilities shall be the actual cost to reproduce the record;
- d. Mailing or delivery charges may be charged, at the city's actual cost, in connection with sending the requested information to a requester;
- e. Diskette, tape, flash drive or other storage media will be provided at the city's actual cost;
- f. An invoice for the total amount of fees will be sent to the requester. Payment shall be made by check or money order payable to "City of Elkins";
- g. Total or partial pre-payments may be required if the cost to reproduce the information will exceed twenty-five dollars (\$25);
- h. Total or partial pre-payments may be required if there are unpaid fees on one or more request by the same requester that exceed twenty-five dollars (\$25); and
- i. Any requester who claims that he or she cannot afford to pay the fees established by this rule may file an affidavit with the city clerk stating the reason the requester cannot afford to pay. If the city clerk agrees, the request will be processed in accordance with this rule and as if the fees have been paid.

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