

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 108.01

DATE: 01 February 2021

**SUBJECT: FREEDOM OF INFORMATION
ACT (FOIA) REQUESTS**

POLICY DIRECTIVE

PURPOSE:

To comply with the public policy of the State of West Virginia that all persons are entitled to full and complete information regarding the affairs of government.

REFERENCE:

WV Code §29B-1-1 *et. seq.*

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 108.01, dated 01 June 2010.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation. This Policy is available for general distribution.

DEFINITIONS:

Custodian: As defined in code, the elected or appointed official charged with administering a public body.

*All other terms have the same meaning as provided in W. Va. Code § 29B-1-2.

POLICY:

- I. The Commissioner is the “custodian” of the West Virginia Division of Corrections and Rehabilitation.
 - A. All requests to inspect or copy any public records shall be made directly to the Commissioner in writing and state with reasonable specificity the information sought.
 - B. The Commissioner or designee shall furnish copies or provide reasonable opportunities for inspection and examination of the requested information in compliance with state code.
 - C. Denials shall be in writing and state the reason for such denial and shall afford the person requesting the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.
- II. Requests for information received by or directed at any person other than the Commissioner shall be forwarded immediately to the Commissioner or designee.

ATTACHMENT(S):

None.

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner

1-11-21
Date