



**WEST VIRGINIA
SECRETARY OF STATE**

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ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2016 9:45:47 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 6 -- NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY Secretary Of State

RULE TYPE Legislative AMENDMENT TO EXISTING RULE No TITLE-SERIES 153-

RULE NAME Freedom of Information Act Database 52

CITE AUTHORITY 29B-1-3a(b)

HOUSE OR SENATE BILL NUMBER
HB 1017

SECTION
64-9-46

PASSED ON
06/16/2016

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE

Friday, July 01, 2016

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 153-52



Rule Id: 9776



Document: 27616

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 52
FREEDOM OF INFORMATION ACT DATABASE

§153-52-1. General.

1.1. Scope. -- This rule governs the creation and maintenance of a publicly accessible database for the reporting by public bodies of Freedom of Information Act request information, the forms and procedures for submission of the information, and other procedures and policies consistent with W.Va. State Code §29B-1-3a.

1.2. Authority. -- W. Va. Code § 29B-1-3a(b).

1.3. Filing Date. -- June 22, 2016.

1.4. Effective Date. -- July 1, 2016.

§153-52-2. Creation and Maintenance of Database.

2.1. The Secretary of State shall maintain a database, accessible via the internet for the purposes of reporting and displaying information about requests made to public bodies under the provisions of W.Va. State Code §29B-1-1, *et seq.*

2.2. A public body must enter the required information into the database by the tenth day of the month following completion of the request. For example, any request completed in April must be entered into the database by the following May 10.

2.3. Data relating to a request will be accessible on the website to the public for a period of five (5) years.

§153-52-3. Procedures for Submission of Information.

3.1. Information must be entered into the database through a web-based portal.

3.2. The Secretary of State may not accept information to be entered into the database in any other manner; *Provided*, that tangible copies of data may be accepted if the database is inaccessible and the inaccessibility will cause the public body to violate the deadline for submission in subsection 2.2 of this rule.

3.3. Prior to entering any information into the database, a public body must designate, on a form provided by the Secretary of State, the name(s) of any individual(s) authorized to enter information on behalf of the public body.

3.3.a. If an individual authorized to enter information into the database on behalf of a public body is no longer authorized to do so, the public body shall notify the Secretary of State within five (5) business days.

3.4. The Secretary of State shall require each individual authorized to enter information on behalf of a public body to have a unique username and password to access the database.

3.5. Information required to be entered into the database shall be the following:

- 3.5.a. The date the public body received the request;
- 3.5.b. The name of the person or entity making the request;
- 3.5.c. The information or items requested;
- 3.5.d. Whether the request was granted or denied;
- 3.5.e. The reason for any denial;
- 3.5.f. The date of final completion of the request; and
- 3.5.g. The amount of any charges to the person or entity making the request.

3.6. The database shall capture and store the following information in addition to the fields listed in subsection five of this section:

- 3.6.a. The date the information was entered;
 - 3.6.b. The username and associated user information of the individual entering the information;
- and
- 3.6.c. The name of the public body for whom the individual is entering the information.