

**Morgantown Monongalia Metropolitan Planning Organization  
(MMPO)**

**Freedom of Information Act Response Policy and Procedures**

**Section 1. General**

- 1.1 Purpose-**To establish policies and procedures for implementation of the West Virginia Freedom of Information Act (WVFOIA)
- 1.2 Effective Date-**June 16, 2011
- 1.3 Scope-**These Policies and Procedures shall apply to all MMMPO documents deemed to be applicable for disclosure under the WVFOIA

**Section 2. Policy**

- 2.1 Principle-**As a public agency MMMPO should encourage as much transparency as possible in its activities. In general the MMMPO should treat all information generated as being public information.
- 2.2 Policy-**It is the policy of the MMMPO that its employees and officers should be prepared to share all correspondence and documentation related to the MPO with the public unless it is deemed appropriate to exclude such information such as personnel or proprietary information or otherwise as allowed under WVFOIA.

**Section 3. Procedures**

- 3.1 Responsible Parties-**The Executive Director and in his absence the Chairman of the MPO Policy Board shall be the responsible parties for implementing and ensuring compliance with the provisions of WVFOIA and these Policies and Procedures.
- 3.2 Receipt of a Request-**For the purposes of these policies and procedures, the five business day response period shall begin on the first business day after the request

is received. If receipt is during regular business hours defined as 8:30 am to 5:00 pm.

**3.2 Responsible Requests-**All requests for Public Records made pursuant to WVFOIA must state with reasonable specificity the records sought. It shall be the sole responsibility of the MPO Executive Director in consultation with the MPO's Legal Counsel, to determine if a WVFOIA request is reasonable.

**3.3 Responding to a FOIA Request-**WVFOIA mandates that upon receiving a request for Public Records made pursuant to WVFOIA the Executive Director shall do one or more of the following, within a maximum of five business days of receipt not including Saturdays, Sundays, and legal holidays.

- (a) Furnish copies of the requested records
- (b) Advise the person making the request of the time and place at which he or she may inspect and request copies of the Public records during business hours
- (c) Deny the request, in whole or part, stating in writing the reason for the denial;
- (d) Request clarification of the request;
- (e) Request an extension of the time within which to fulfill the WVFOIA request

**3.3.1** Under normal circumstances, responsive Public Records shall be provided electronically. If the person requesting the documents requests paper copies or digital media copies of the documents they shall be provided under the provisions outlined in the next section.

**3.3.2** The Executive Director in consultation with legal counsel shall be responsible for redaction or removal of non-responsive or exempt portions of requested documents regardless of format.

**3.3.3** Exemptions-The Executive Director in consultation with legal counsel shall advise with regard to any record that may not be disclosed.

## **Section 4 Fees**

**4.1 Intent-**It is the intent of the MPO to only charge those fees which may be seen to recover the MPO's actual cost for the collection and dissemination of the requested Public Records as allowed under WVFOIA. These fees may be reasonably calculated to reimburse MPMPO for the actual cost of making the reproductions of the requested Public Records. No fees may be charged to persons viewing the responsive public data. Only cash or checks will be accepted in payment of fees.

- 4.2 Payment-**All fees may, upon request of the Executive Director, be paid to MMMPO prior to the release of the public records.
- 4.3 Physical Media-**The MMMPO shall charge the following fees for the various physical media:
- (a) If the requested documents number less than 20 pages copies shall be provided at no charge to the requesting party
  - (b) If the requested documents number more than 20 pages then there shall be a twenty five cent (.25) charge for every page exceeding 20 pages
  - (c) If digital media such as DVD or CD is requested there is a minimum \$10 charge per disc.

All physical media shall be made available at the MPO's Office. If it is requested that the information be mailed it shall be mailed utilizing the US Postal Service, all costs for mailing the information beyond the cost of first class letter postage shall be the responsibility of the requesting agency or individual.

- 4.4 Electronic Media-**The MMMPO will not charge for the transmittal of information which currently exists as electronic information via electronic media such as email, except for a fee of \$15 for providing access to File Transfer Protocol (FTP) sites or similar facilities that require special access. If transferring the document electronically requires conversion of a paper document to an electronic format such as a PDF by copying it, then the twenty five cent (25 cent) per page fee for copying is applicable.
- 4.5 Estimated Charges-**Some requests may require the Executive Director to estimate the fee for the person or entity making the request. If the Executive Director estimates that responding to the request will require in excess of four staff hours, the MPO will charge the person or entity making the request the responding staffs' hourly rate including the cost of benefits for the time spent which exceeds four hours. If the estimated fee exceeds \$200, the Executive Director may require the person or entity making the request to pay a deposit, up to and including the amount of the original estimate, before proceeding with the request.