

FREEDOM OF INFORMATION ACT POLICY

The Putnam Public Service District does hereby ADOPT and IMPLEMENT a policy that sets forth procedures for compliance with the West Virginia Freedom of Information Act, W. VA. Code §§ 29B-1-1, et seq. (“FOIA”). The Putnam Public Service District, its departments, employees and agents acting on the Putnam Public Service District’s behalf shall comply with the “FOIA”.

I. DEFINITIONS:

For purposes of this policy, “writing” includes any books, papers, maps, photographs, or other documentary materials regardless of physical form or characteristic.

“Public record” includes any writing containing information relating to the conduct of the public’s business, prepared, owned, or retained by a public body, but does not include the following:

- (1) Information of a personal nature such as those kept in a personal, medical, customer or similar file, where disclosure would violate an individual’s privacy rights;
- (2) Examination data such as test questions or scoring keys used to administer an examination for employment, licensing or certification;
- (3) Records of law-enforcement which deal with the detection and investigation of crime and their internal records and notations that are maintained for internal use in matters relating to law enforcement, with the exception of general criminal incident data where any information relating to the identify of individuals under the ages of eighteen or which may reasonably lead to a juvenile’s identification are redacted;
- (4) Records, archives, documents or manuscripts of historical significance that may be irreparably damaged if handled;
- (5) Internal memoranda or letters received or prepared by any public body;
- (6) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts;

- (7) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of good or materials collected or assembled to respond to terrorists acts or threats;
- (8) Specific intelligence information or investigative records dealing with terrorist acts or threats shared among international, federal, state and local law enforcement agencies and other agencies with the WV Department of Military Affairs & Public Safety and the United States Department of Homeland Security;
- (9) National security records classified under federal executive order and not subject to disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for terrorist acts;
- (10) Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against terrorist acts;
- (11) Architectural or infrastructure designs, maps or other records that show the location or layout of facilities where computing, telecommunications or network infrastructures used to plan against or respond to terrorist acts are located or planned to be located;
- (12) Codes for the above facilities or the facility security systems;
- (13) Security or disaster recovery plans, risk assessments, tests or their results;
- (14) Addresses and telephone numbers of individuals or business which have granted the District an easement for the installation of a water or sewer main or other related appurtenances;
- (15) Addresses and telephone numbers of individuals or business which have agreed to sell the District a parcel of land for the installation of equipment necessary for the betterment of the water or sewer infrastructure; and
- (16) Information specifically exempted from disclosure by law.

“Terrorist acts” means acts that are likely to result in serious bodily injury or damage to property or the environment and are intended to (1) intimidate or coerce the civilian population, (2) influence the policy or conduct of government by intimidation or coercion, or (3) retaliate against government for its policy or conduct.

II. PROCEDURES:

When the custodian of public records receives a request from any person which requests to inspect or copy any public record, and the request states with reasonable specificity the information sought, the custodian shall, within five business days of receipt of the request, not including Saturdays, Sundays or legal holidays:

- (1) Determine the reasonable cost of reimbursement in making the reproductions, including the custodian’s time, and request payment therefore in advance of furnishing the person copies of the requested information;
- (2) Advise the person of a time between the usual business hours of the custodian’s office during which the person may be given a proper and reasonable opportunity to inspect and examine said records;
- (3) If the records are filed with non-disclosable material or contain material which must first be redacted, estimate the reasonable cost of reimbursement in making the records disclosable, including the custodian’s time, and request payment therefore in advance of setting a time for the person to appear and inspect the records; or
- (4) Advise the person in writing that the request is denied, the reasons therefor and that the person may appeal the decision to the Putnam County Circuit Court.

If the custodian receives a request that is not reasonably specific, the custodian shall respond in writing within said five days of receipt of the request, advising the person that the request is not sufficiently specific as to qualify for FOIA treatment and suggesting the person narrow or specify the request.

If the custodian has any questions regarding the disclosure of any material or the procedures of this policy or the FOIA, the custodian should consult the Putnam Public Service District's Attorney.

III. REIMBURSEMENT COSTS:

In calculating costs for reimbursement, the custodian's time shall be computed in fifteen minute increments valued at one-fourth the custodian's hourly rate, if the custodian is not the General Manager's Administrative Assistant, the hourly rate shall be billed at the highest paid. However, there shall be no charge for the first fifteen minutes; provided that, the person makes no additional request within the said five days.

The fees for copies shall be similar to those charges by the Putnam County Clerk's office or other county or state office similarly situated to the custodian's, but a minimum shall be \$1.50 for the first two pages being no larger than legal sized paper of 8.5" x 13" and in black and white color, and \$1.00 each additional page being no larger than 8.5" x 13" and in black and white color, but \$20.00 for an entire accident or incident report, not including pictures. The cost for color copies on paper no larger than legal size is \$5.00 per page. The cost for a plat is \$5.00. The cost for a 2' X 3' map in black and white is \$10.00. The cost for the 2'x 3' map in color is \$40.00. The cost for reproducing maps at a commercial establishment shall be billed at cost. The cost for a floppy-disc or a CD-Rom is \$15.00.

If a person requests documents that may be filed with non-disclosable material or to review documents that contain material which must first be redacted, the person must first submit payment to cover the estimated cost of the custodian's time in making the documents available for public inspection.

Although the custodian (or any other employee), in order to maintain the integrity of the public records, may be present while the person inspects documents, the labor cost of the custodian for merely observing the inspection shall not be recoverable against the person as long as the custodian or other employee is able to undertake other tasks simultaneously. If the observation period requires the custodian or employee to dispense with normal day to day duties, the person may be required to reimburse the District for the custodian or employee's time computed at the above-described rate.

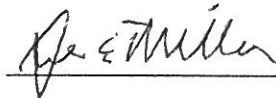
IV. RESERVATION:

This policy or any provision hereof is not applicable where doing so may violate the law. The Putnam Public Service District reserves the right to modify this policy at any time and without advance notice.

IT IS SO ORDERED.

ENTERED this 15th day of December 2011.

THE PUTNAM PUBLIC SERVICE DISTRICT

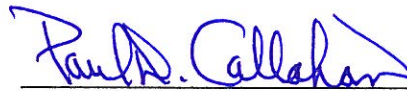


Joe E. Miller, Chairman

SEAL



Calvin L. Hatfield, Treasurer



Paul D. Callahan, Secretary