



WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS
1124 Smith Street, Suite B-300, Charleston, WV 25301
Telephone: 304-558-4012 / Toll Free: 877-609-9869 / Fax: 304-957-0177
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Following is an excerpt from WV Code, Chapter 29B, Article 1, Freedom of Information

Chapter 29B, Freedom of Information
Article 1. Public Records

§ 29B-1-1. Declaration of policy.

Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the state of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article shall be liberally construed with the view of carrying out the above declaration of public policy.

To review the complete statute, visit the WV Legislature's website:

(<http://www.legis.state.wv.us/WVCODE/Code.cfm>)

Additional information regarding the Freedom of Information Act is readily available on the website of the West Virginia State Attorney General's Office:

(<http://www.wvago.gov/publicresource.cfm>)



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HOW TO FILE A FREEDOM OF INFORMATION REQUEST IN WEST VIRGINIA

Preliminary Questions:

- 1) Are you seeking information from a "public body" as defined by the Act?**
This includes any public body which is created by or primarily funded by state or local authority.
- 2) Is the information a "public record" under the Act?**
It must be "prepared, owned and retained by a public body."
- 3) Who is the "custodian" of the record?**
In other words, whose record is it, and who is the elected or appointed administrator of that public body?
- 4) Do you want to inspect or copy the record?**
There may be a charge for copies, while inspections may take place at their office during business hours.

Statutory guidelines: W. Va. Code § 29B-1-3 Inspection and copying.

This section of the statute provides details and guidance on the right to inspect documents, and states in part:

- 1) Every person has a right to inspect or copy any public record of a public body in this state, with some exceptions.
- 2) A request to inspect or copy a public record must be made directly to the custodian of the record.
- 3) The custodian of any public records, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his or her office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them.



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- 4) The request must state with reasonable specificity the information sought. The custodian must furnish copies of the requested information; advise the person making the request of the time and place at which he or she may inspect and copy the materials; or, deny the request stating in writing the reasons for such denial.
- 5) The public body may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of such records.

There is no statutory requirement that the request be in writing; however, a written document is helpful to prove that the request was made and to provide clarity related to the requested information.

Exemptions from disclosure are detailed within W. Va. Code § 29B-1-4 Exemptions, and can be reviewed by visiting the WV Legislature's website:

<http://www.legis.state.wv.us/WVCODE/Code.cfm>

Procedural tips:

- 1) Be sure you are asking the right person or department for the record.**
If possible, make a telephone call to find out who has the information you are seeking, and address your request to them.
- 2) The request should be in writing.**
The request can be hand delivered with a copy for the custodian to sign indicating date of receipt; sent by certified mail, return receipt requested; or by facsimile showing proof of receipt.
- 3) Be as specific as possible.**
For example, don't ask to see the records of all payments made by a public body, if you are only interested in payments to a specific individual or company.
- 4) State in the request whether you want to inspect or copy of the record(s).**
If you are not sure, ask for a time and place where you can review them, and request



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- 5) Remind the custodian that they have five (5) business days to respond to your request.**
- 6) Provide a telephone number where you may be reached during business hours.**

This is vital in the event the custodian of the records has questions or needs additional information from you to prepare the requested information with accuracy.

Common Problems:

- 1) No such record exists.**

A public body is under no obligation to create a document that contains the information you seek. However, they may be able to produce one if you are willing to pay for it, (including programming and personnel costs).

- 2) Request was made of the wrong person or public body.**

The person responding to your request does not have to tell you where you can obtain the information you seek, even if he or she knows. You should ask for this information, if you are not sure you are requesting the records from the right person or public body.

- 3) No response.**

If you do not receive an answer within three working days after the statutory time period has run, follow up on your request, in writing. Remind them of the civil and criminal enforcement provisions of the statute should they fail to provide you with a timely answer.

- 4) Request is refused under a claimed statutory exemption from disclosure.**

If you do not agree that the exemption applies, ask for the name, address and telephone number of their attorney and contact him/her directly. If that effort fails, seek legal counsel to enforce the Freedom of Information Act (FOIA) in the circuit court of the county where the record is kept.

Note: *This information is provided as a tool when submitting a Freedom of Information Act (FOIA) request for your assistance. It does not constitute an administrative rule or regulation and is solely intended to serve as a guideline when submitting a FOIA request.*



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**West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners
Freedom of Information Act (FOIA) Request**

Send completed form to:

Jamie Browning, Executive Director
West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners
1124 Smith Street, Suite B-300
Charleston, WV 25301
Mobile: 304-687-5292 Toll Free: 877-609-9869 Fax: 304-787-3030 Jamie.S.Browning@wv.gov

Requester's Name: _____

Requester's Address: _____

Requester's City, State, Zip: _____

Requester's Telephone Number (include area code): _____

Requester's Email Address: _____

Request Date: _____

Pursuant to the West Virginia Freedom of Information Act (FOIA), I am requesting the following public records maintained by the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners, (it is important that you be as specific as possible and include additional pages if needed):

I am willing to pay a reasonable fee for the cost of reproducing these records. If the cost will exceed \$_____, please contact me to let me know the cost before you make copies. (For documents known to be available on CD-ROM, the requester might insert \$21.00).

Requestor's Signature: _____ Date: _____