



Marion County Department of Homeland Security & Emergency Management & E911

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RECORD REQUESTS CALL TRANSCRIPTS AND RECORDINGS

WEST VIRGINIA CODE

§29B-1-3. Inspection and copying of public record; requests of Freedom of Information Act requests registry.

(a) Every person has a right to inspect or copy any public record of a public body in this state, except as otherwise expressly provided by section four of this article.

(b) A request to inspect or copy any public record of a public body shall be made directly to the custodian of such public record.

(c) 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. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his or her duties. If the records requested exist in magnetic, electronic or computer form, the custodian of the records shall make copies available on magnetic or electronic media, if so requested.

(d) All requests for information must state with reasonable specificity the information sought. The custodian, upon demand for records made under this statute, shall as soon as is practicable but within a maximum of five days not including Saturdays, Sundays or legal holidays:

- (1) Furnish copies of the requested information;
- (2) Advise the person making the request of the time and place at which he or she may inspect and copy the materials; or
- (3) Deny the request stating in writing the reasons for such denial. A denial shall indicate that the responsibility of the custodian of any public records or public body to produce the requested records or documents is at an end, and shall afford the person requesting them the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(e) The public body may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of records.

WEST VIRGINIA CODE

§24-6-13. Confidentiality of certain calls to county answering points and records; retention of records.

(a) Except as provided by the provisions of this section, calls for emergency service to a county answering point are not confidential. All calls for emergency service reporting alleged criminal conduct which are recorded electronically, in writing or in any other form are to be kept confidential by the county answering point receiving the call and may be released only pursuant to an order entered by a court of competent jurisdiction, a valid subpoena or through the course of discovery in a criminal action requiring the release of the information: *Provided*, That nothing contained in this section may be construed as preventing the county answering point from releasing information to a responding agency as may be necessary for that agency's response on a call or the completion of necessary reports relating to that call.

(b) Upon proper request and payment of a reasonable fee set by the center director to cover the cost of production, a person or entity may obtain, without court order or a valid subpoena, a transcription of a call for emergency service reporting alleged criminal conduct. The answering point shall exclude from the transcription any information relating to the identity of the caller including, but not limited to, the caller's name, address, telephone number or his or her location in relation to the alleged offense or the alleged perpetrator. If the transcript of a call is such that it cannot be successfully redacted so as to protect the identity of the caller, the answering point may decline to provide the transcript. In that case, the person requesting the transcription may apply to a court of competent jurisdiction for a court order releasing the transcript.

(c) All calls for emergency service which are recorded electronically, in writing or in any other form are to be maintained for a period of at least two years or longer if required by an order entered by a court of competent jurisdiction or a valid subpoena.

(d) A county answering point may release information to bonafide law-enforcement agencies, the prosecuting attorney of a county or a United States attorney pursuant to a lawful criminal investigation. Nothing in this article may be construed as prohibiting a freedom of information request under §29B-1-1 *et seq.* of this code for information relating to the operation of the center or to calls for emergency service which do not involve reporting of alleged criminal conduct.

(e) Nothing in this article requires disclosure of any information that is specifically exempt from disclosure by statute. Except as otherwise provided in this article, nothing prohibits disclosure of information that is not specifically exempted from disclosure under a provision of this code.

(f) Every county answering point shall, within 90 days of the effective date of this section, promulgate a written policy, available to the public, reflecting its compliance with the provisions of this section.

(g) No answering point or center personnel may be civilly liable for any injury arising from disclosure of information pursuant to the provisions of this section.

MARION COUNTY 911 POLICY

- (1) All requests for transcripts of calls or electronic recording of such calls that have been received by this agency must be made in writing, by the request form or by subpoena, and should include as much information as possible to locate the call.

- (2) Once the request is received by the Director, a determination will be made within five (5) business days whether the request will be denied or approved. If denied, the requestor will be contacted via U.S. mail stating the reason for denial. If approved, the requestor will be able to pick up the requested transcripts and/or DVD/CD. All copies must be picked up, in person, at the 911 center during normal business hours, by the requestor. Proper identification may be required when picking up such records.
 - (a) Information relating to the identity of the caller including, but not limited to, the caller's name, address, telephone number or his or her location in relation to the reported incident, may be excluded from records.

- (3) The requestor must pay the fee, as stated on page one, before the copies of such records will be released. Exempt from fee: County Prosecuting Attorney, law enforcement officers, and responding agencies.
 - (a) Check or money order should be made payable to: Marion County DHSEM/911.

For more information regarding transcripts, retention of records, electronic copies, and review of records, call (304) 366-3620 or send an email to records911@marioncountywv.com. The mailing address for this agency is: Marion County DHSEM/911, 50 Centerview Dr., Fairmont WV 26554.