

		West Virginia Department of Health and Human Resources			
		MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES			
Section	Administration	Date	February 8, 1985	Procedure #	A-20
Subject	Freedom of Information Act (FOIA) and Nuisance Complaint Investigation			Page	1 of 1

The question regarding the duty of the department to protect or to disclose the identity of a person making a complaint and whether there is a requirement to disclose such information under the Freedom of Information Act (FOIA) is discussed in the attached memorandum from Steven J. Knopp to Robert Wheeler dated December 28, 1984.

Your attention is called to the following points:

- I. The Freedom of Information Act is a disclosure statute which requires the disclosure of information unless it is subject to specific exemption.
- II. The decision to withhold or release the identity of confidential sources is a matter of agency discretion. Any challenge to a decision would probably be subject to review under an abuse of discretion standard.
- III. Complaints filed with the health department in which the complaint was offered confidentially are to be exempt from disclosure as described in the attached memorandum.

The Freedom of Information Act as found in the West Virginia Code §29B-1-1, et seq. must be followed in dealing with any request for information. Reference should also be made to the WV Dept. of Health Administrative Policy 5610.

References

History

Attachments

[Memorandum from Assistant Attorney General Steven J. Knopp
RE: FOIA and Nuisance Complaint Investigation](#)