

**TITLE 82  
PROCEDURAL RULE  
CULTURE AND HISTORY**

**SERIES 6  
ARCHIVES AND HISTORY LIBRARY  
SERVICES AND FEE GUIDELINES**

**§ 82-6-1. General.**

1.1. Scope. - These procedural rules set forth policies and procedures concerning the availability to the public of all records and informational materials generated, developed, or held by Archives and History.

1.2. Authority. - W. Va. *Code* § 29-1-6

1.3. Filing Date. – October 16, 2017

1.4. Effective Date. – November 15, 2017

1.5. Repeal of former rule. - This procedural rule repeals and replaces WV 82CSR6 “Archives and History Library Services and Fee Guidelines” filed November 24, 2009, and effective January 4, 2010.

**§ 82-6-2. Definitions.**

2.1. *Emergency requests* are research inquiries involving the immediate health and well-being of a patron, such as documentation necessary for acquiring or sustaining health benefits.

2.2. *Research requests* are inquiries for information submitted in writing to Archives and History.

2.3. *Rush requests* are research inquiries needed on an immediate basis, but not involving the health and well-being of a patron. These inquiries typically will be responded to within two days.

2.4. *Specialized collections* consist of any one of the following Archives and History collections: archives collections, manuscript collections, special collections, photograph collections, audiovisual archives, maps, state documents, rare books, and other materials requiring staff assistance.

**§ 82-6-3. Public Availability and Use.**

3.1. Availability of records.

Archives and History's administrative/office records are available to the greatest extent possible in keeping with the spirit and intent of the Freedom of Information Act. Requestors should address their requests to the state archivist. The person making the request need not have a particular interest in the subject matter, nor provide justification for the request except to the extent necessary to determine the requestor's category for fee assessment purposes. The FOIA requirement that records be available to the public refers only to records in existence when the request is submitted. The act does not require an agency to compile or create information or records in response to an FOIA request.

### 3.2. Applying exemptions.

The Freedom of Information Act need not be invoked to obtain access to accessioned collections. Archives and History will restrict access to a collection or a portion of a collection on which restrictions have been placed by the donor, or if materials in a collection contain confidential information or information that would violate privacy laws. To obtain access to a restricted collection, patrons are required to apply directly to the donor. Archives and History will not withhold a record unless there is a compelling or legal reason to do so.

### 3.3. Records of other agencies.

In some instances, Archives and History maintains on deposit, but does not accession, the records of other state government agencies. If Archives and History receives a request to make available such unaccessioned records on deposit, it shall refer the request to the agency concerned for appropriate action.

## **§ 82-6-4. Hours of Use.**

Hours for the Archives and History Library are established within the operating hours of the Culture Center.

## **§ 82-6-5. Availability of Records and Donated Historical Materials.**

### 5.1. General provisions.

Researchers will normally use documents in the Archives and History Library. Original documents will not normally be made available when microfilm, photocopies, or other alternative copies of the documents are available.

### 5.2. Research procedures and rules.

5.2.a. All patrons must sign and complete the guest book in full at the entrance desk each day upon initial entry. All patrons must also complete a library registration form in full. Refer to Form #1, WVAH-01, "Library Registration Form West Virginia Archives and History." Patrons will only have to complete the library registration form on one occasion, but may be asked periodically for updates to registration information.

5.2.b. All researchers using specialized collections will complete a specialized collections use form. Refer to Form #2, WVAH-02, "Specialized Collections Use Form West Virginia Archives and History."

5.2.c. Patrons may bring only the following personal items into the library: pencils, paper pads and spiral notebooks, blank sheets of unbound paper, index cards and loose personal papers (for example: genealogy charts, notes, printouts); necessary medication and personal medical devices; laptop computer with power cord, mouse and memory stick or flash drive; silenced cell phones, pagers or similar devices; money, checkbooks, identification cards and monetary cards; and clear plastic bags to contain allowable items. Coats and other outerwear are permitted, but pockets must be empty. All materials are subject to inspection upon departure from library.

5.2.d. Prohibited items include but are not limited to: all liquids, food, candy, gum, tobacco products, umbrellas, purses, waist packs, tote bags, backpacks, suitcases, computer bags and brief cases; opaque plastic and paper bags; binders of any type; pens, mechanical pencils, colored pencils, markers, highlighters and/or marking devices; self-adhesive notes, tape and stickers; scissors, knives and box cutters; file boxes, file folders, envelopes and report covers; and personal reference books.

5.2.e. Patrons will be provided with pencils, blank paper, bookmarks, one-page genealogy charts, tissues and clear plastic self-closing bags.

5.2.f. Division of Culture and History lockers are available on a first-come, first-serve basis. Archives and History is not responsible for items placed in lockers.

5.2.g. All persons and belongings are subject to inspection before departure.

5.2.h. Use of any tobacco products, eating, and drinking are prohibited in all library and collections areas. Prohibition includes candy, gum and all liquids.

5.2.i. Staff is available at the reference desk to assist patrons.

5.2.j. Patrons are responsible for their personal property. Archives and History assumes no responsibility for lost or stolen personal belongings or property.

5.2.k. Use of scanning or mechanized copying equipment by patrons is prohibited in all library and microfilm rooms. Such equipment includes but is not limited to photocopiers and scanning devices.

5.2.l. Cell phones or other personal communication devices that are on a silent setting or turned off may be brought into the library, but all calls must be answered and placed outside the library.

5.2.m. Only pencils may be used by researchers. Use of pens, highlighters, and other writing and/or marking devices is prohibited.

5.2.n. Patrons will not apply self-adhesive removable notes, tape, paper clips, staples, or similar objects to any items in the collections.

5.2.o. Patrons may pull books, materials and microfilm in the library and microfilm storage rooms. Call slips, with all requested information printed legibly, must be submitted at the reference desk for materials not shelved in these rooms. Materials may be used in the library and microfilm reading rooms only and may not be removed. Patrons are not to reshelve any materials but are to return them to designated areas.

5.2.p. Arrangement of the materials is to be retained and all materials are to be treated with great care so as to avoid marking, folding, or damaging in any way.

5.2.q. Patrons who find damaged materials should inform Archives and History staff immediately so that repair and preservation work can be initiated.

5.2.r. During the last one-half hour of operation, no materials will be pulled from the closed stacks.

5.2.s. All photocopying will be done by staff.

5.2.t. Some materials at Archives and History are protected by copyright and other restrictions. Archives and History will only photocopy materials within the provisions of “fair use” provided in copyright law of the United States (Title 17, U.S. *Code*). Archives and History reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law. Patrons who copy materials at reader-printers or from the public-access computers in the library are responsible for determining any restrictions that may apply to those materials. Patrons also assume all responsibility for possible infringement of copyright and invasion of privacy or other rights that may arise in the use they make of the materials copied.

### 5.3. Use of specialized collections.

5.3.a. To provide quality access to the specialized collections, researchers should make an appointment with Archives and History staff at least one week in advance and provide information on research topic.

5.3.b. To access the specialized collections, researchers must complete an application form, which will be kept on file by Archives and History. Refer to Form #2, WVAH-02, “Specialized Collections Use Form West Virginia Archives and History.”

5.3.c. Conditions for the use of photographic copies. Refer to Form #3, WVAH-03, “Conditions for the Use of Photographic Copies West Virginia Archives and History,” and Form #5, WVAH-05, “Permission for Use of Photographs and Moving Images West Virginia Archives and History.”

5.3.d. Conditions for the use of moving images footage. Refer to Form #4, WVAH-04, “Conditions for the Use of Moving Images Footage West Virginia Archives and History,” and Form #5, WVAH-05, “Permission for Use of Photographs and Moving Images West Virginia Archives and History.”

5.3.e. Conditions for the use of personal cameras. Refer to Form #12, WVAH-12, “Conditions for the Use of Personal Cameras,” and Form #13, WVAH-13, “Photo Log.”

5.3.f. When material from the specialized collections is used in a publication, broadcast, film, exhibition, website, etc., credit must be given as follows: “West Virginia State Archives.” When a specific collection name is provided by Archives and History, that name must also appear in the credit line.

5.3.g. Researchers assume all responsibility for questions of copyright and invasion of privacy or other rights that may arise in the reproduction or use of materials from the specialized collections.

5.3.h. Reproduction by others of photographic copies and moving images footage from the West Virginia State Archives is not permitted. Nor is it permitted to donate these materials, or other copies of specialized collections materials, to other archival institutions without the written permission of the West Virginia State Archives.

5.3.i. Specialized collections materials displayed on the West Virginia Archives and History website are covered by the rules discussed in 5.3.c., 5.3.d, 5.3.e, 5.3.f, 5.3.g, and 5.3.h.

#### 5.4. Use of Archives and History website materials.

5.4.a. Materials on the Archives and History website are for research, teaching, and private study purposes only. For such purposes, except as provided in subsection 5.3, users may reproduce (print or download) single copies of materials from this website without prior permission, on the condition that proper attribution of the source is provided in all copies. Users may also make additional photocopies of materials that are not protected by copyright for teaching purposes without prior permission, on the condition that proper attribution of the source is provided in all copies.

5.4.b. For copyrighted materials on the website that are owned by West Virginia Archives and History, such as *West Virginia History*, the making of multiple copies requires the written permission of the director of Archives and History.

5.4.c. For other uses of materials from this website, such as printed or online publications, broadcast, film, exhibition, website, etc., advance written permission from West Virginia Archives and History is required.

5.4.d. Permission to reprint articles from *West Virginia Archives and History News* is granted, provided: (1) The reprint is not used for commercial purposes, and (2) the

following notice appears at the end of the reprinted material: “Previously published in *West Virginia Archives and History News*, [Volume and issue numbers], [Month, Year], a publication of the West Virginia Division of Culture and History.”

5.4.e. Some materials on the Archives and History website are protected by copyright or other restrictions. Researchers assume all responsibility for questions of copyright and invasion of privacy or other rights that may arise in the reproduction or use of these materials.

#### **§ 82-6-6. Requests for Services.**

6.1. Research requests and copy requests must be submitted in writing to the Archives and History Library and must be accompanied by the applicable minimum research fee as outlined in § 82-6-7. Research requests must be limited to two (2) specific requests for information per letter. Staff research time is set at one-half hour per letter. If more than one-half hour of staff time is required, an additional fee will be assessed. If requests will require excessive research time, a list will be provided of individuals who conduct genealogical and historical research for a fee.

6.2. A copy request is defined as one of the following:

6.2.a. Uncertified county record: name on record, specific county record book and page number must be provided.

6.2.b. West Virginia land grant: specific citation from *Sims Index to West Virginia Land Grants* must be provided. Statutory fee is included. Up to two grants may be obtained per fee payment.

6.2.c. Obituary: name, date of death and town, county or newspaper to be searched must be provided for staff to search up to four issues of up to two newspapers per fee payment.

6.2.d. Uncertified state birth or death certificate: name and year of record must be provided. Statutory fee is included.

6.2.e. Newspaper article: subject or title of article, name of town/county or newspaper, and date of event must be provided.

6.2.f. Vertical File article: full citation from West Virginia Memory Project database must be provided. Up to three articles will be copied per fee payment.

6.3. All research and copy requests are assigned in the order of the date of receipt, with the exception of emergency requests and rush requests.

6.4. Rush and emergency requests may be placed by phone or facsimile transmission, but must be accompanied by confirmation guaranteeing payment prior to any work on the order. A

rush request may be denied if staff commitments preclude the completion of said request in the time specified.

## **§ 82-6-7. Fees.**

### 7.1. Library fees.

7.1.a. A fee of twenty dollars (\$20.00) must accompany each and every out-of-state research request. This fee is non-refundable and must be paid in advance. This entitles patrons to one-half hour of staff research time and two dollars and fifty cents (\$2.50) in copy work and postage and handling. If additional costs for copies, postage and handling, statutory document fees, and/or additional research time are incurred, patrons will be billed.

7.1.b. A fee of ten dollars (\$10.00) must accompany each and every in-state research request. This fee is non-refundable and must be paid in advance. This entitles patrons to one-half hour of staff research time and two dollars and fifty cents (\$2.50) in copy work and postage and handling. If additional costs for copies, postage and handling, statutory document fees, and/or additional research time are incurred, patrons will be billed. The fee may be adjusted for West Virginia primary and secondary school students.

7.1.c. A fee of eight dollars (\$8.00) must accompany each and every out-of-state copy request for a copy of an obituary, newspaper article, land grant, or uncertified county record or state certificate as defined in § 82-6-6.2. For any out-of-state copy request that results in extended research, patron will be billed the difference between the initial copy request fee and the full out-of-state research fee of twenty (\$20.00).

7.1.d. A fee of five dollars (\$5.00) must accompany each and every in-state copy request for a copy of an obituary, newspaper article, land grant, or uncertified county record or state certificate as defined in § 82-6-6.2. For any in-state copy request that results in extended research, patron will be billed the difference between the initial copy request fee and the full in-state research fee of ten dollars (\$10.00).

7.1.e. If emergency requests can be filled, they will be assessed a ten dollar (\$10.00) fee in addition to the applicable minimum research fee, any additional research and copy costs, and postage and handling. Emergency requests are limited to single specific requests. Such requests may be subject to review and restrictions.

7.1.f. Rush requests will be assessed a twenty-five dollar (\$25.00) fee in addition to the applicable minimum research fee, any additional research and copy costs, and postage and handling. Rush requests are limited to single specific requests. Such requests may be subject to review and restrictions.

7.1.g. Requests requiring excessive staff time will be assessed a fee of twenty dollars (\$20.00) per hour for all work exceeding the first half hour, plus all other applicable charges.

7.1.h. The black and white photocopying cost for all 8 ½" x 11" and 8 ½" x 14" paper is twenty-five cents (\$.25) per sheet. The black and white photocopying cost for 11" x 17" paper is fifty cents (\$.50) per sheet.

7.1.i. The color photocopying cost for all 8 ½" x 11" and 8 ½" x 14" paper is seventy-five cents (\$.75) per sheet. The color photocopying cost for 11" x 17" paper is one dollar and fifty cents (\$1.50) per sheet.

7.1.j. The microfilm reader/printer copy cost is fifty cents (\$.50) per sheet for 8 ½" x 11" and one dollar (\$1.00) per sheet for 11" x 17" when staff is required to make the copies. When patrons make their own copies, using self-service reader/printers, the cost is twenty-five cents (\$.25) per sheet for 8 ½" x 11" and fifty cents (\$.50) per sheet for 11" x 17".

7.1.k. The computer printer copy cost is twenty-five cents (\$.25) per sheet.

7.1.l. Uncertified Vital Registration birth and death certificates printed by staff are two dollars and fifty cents (\$2.50) per copy.

7.1.m. Land grant records are one dollar and fifty cents (\$1.50) for the first page and one dollar (\$1.00) for each subsequent page of the same grant.

7.1.n. Certification of a copied record, as a true and accurate copy of the said record for historical purposes only, is two dollars and fifty cents (\$2.50) for each use of the seal, each page of a document to be certified individually. Only copies made by staff can be certified.

7.1.o. Notarization of a copied record, as a true and accurate copy of the said record for historical purposes only, is two dollars and fifty cents (\$2.50) for each use of the seal, each page of a document to be notarized individually. Only copies made by staff can be notarized.

7.1.p. Oversized items that cannot be copied by Archives and History, which must be copied off the Capitol Complex, will be assessed a twenty dollar (\$20.00) fee, plus the cost of copies, and postage and handling, if applicable.

7.1.q. Submission of a claim form for a Union Civil War medal must be accompanied by a fifty dollar (\$50.00) non-refundable payment, which includes the verification process, notification of acceptance or rejection, return of documentation, and certified mailing of the medal to successful claimants. Refer to Form #10, WVAH-10, "How to Apply for a Civil War Medal at West Virginia Archives and History," and Form #11, WVAH-11, "Claim Application for Civil War Medals."

## 7.2. Photograph fees.

7.2.a. The requestor must accept all charges in advance and payment may be required prior to reproduction or use of photographs.



7.2.b. Reproduction fees. Refer to Form #6, WVAH-06, “Photograph Reproduction Fees West Virginia Archives and History.”

7.2.c. Use fees. Refer to Form #7, WVAH-07, “Photograph Use Fees West Virginia Archives and History.”

7.2.d. Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

### 7.3. Audiovisual Archives fees.

7.3.a. The requestor must accept all charges in advance and payment may be required prior to transfer, duplication, or use of moving images, audio or microfilm.

7.3.b. Transfer and duplication fees. Refer to Form #8, WVAH-08, “Audiovisual Archives Transfer & Duplication Fees West Virginia Archives and History.”

7.3.c. Use fees. Refer to Form #9, WVAH-09, “Audiovisual Archives Use Fees West Virginia Archives and History.”

7.3.d. Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

### 7.4. Payment of fees.

Fees may be paid in cash, by check, money order, or credit card. Remittances from outside the United States must be made by credit card, international money order, payable in U.S. dollars, or a check drawn on a U.S. bank.

### 7.5. Non-Payment of fees.

Non-payment of fees nullifies any additional requests for copies or use of collections until full payment of outstanding obligations has been made.