WEST VIRGINIA CODE: §15-1B-28

§15-1B-28. Protection of classified and sensitive military information.

While there is a presumption of public accessibility to all public records, the following types of records are specifically exempt from public disclosure, to include any disclosure under §29B-1-1 *et seq.* of this code:

(1) Information that is properly classified to protect national or state security;

(2) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of the Department of Defense, armed forces of the United States, the National Guard, or Department of Homeland Security;

(3) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, the National Guard, the armed forces of the United States, Department of Defense, state and local law enforcement, and other agencies within the U.S. Department of Homeland Security or the W. Va. Department of Homeland Security; and

(4) Sensitive military information the public disclosure of which would threaten public safety, endanger military personnel, or provide a military advantage to an adversary. Such information includes, but is not limited to, deployment, operational or emergency response plans or operations, military tactics, techniques, or procedures, rules for the use of force, rules of engagement, critical infrastructure security information, offensive, defensive, force protection, cyberspace, stability, civil support, freedom of navigation, operations security, domestic operation, personnel and equipment strengths and location of the National Guard, armed forces, or the Department of Defense.

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