# WEST VIRGINIA CODE: §5A-8-24A

**§5A-8-24a. Protection of Personal Residential Information of Certain Public Officials.**

(a) For purposes of this section:

"Covered individual" means any person who is or was previously elected, appointed, served, or employed as a judicial officer, prosecutor, public defender, law-enforcement officer, elected official, or campaign treasurer and includes any immediate family member residing in the same household as that individual.

“Controlling agency” means the state agency, county, municipality, or political subdivision that is in possession or control of a publicly accessible website, database, or record, containing personal residential information.

“Immediate family member” means spouse, child, parent, or any other family member related by blood or by law to the covered individual, and who resides in the same residence as the covered individual.

“Judicial officer” means a justice of the United States Supreme Court, any federal judge, a justice of the Supreme Court of Appeals of West Virginia, a state circuit judge, a family court judge, a magistrate, a state or federal administrative law judge, a municipal court judge, or any other judge established by state law.

“Law-enforcement officer” has the same meaning as that term is defined in §30-29-1 of this code and includes those individuals defined as “chief executive” in §30-29-1 of this code.

"Personal residential information" means a covered individual’s home street address, personal residential telephone number, personal cellular telephone number that is not issued by an employing agency, or name when the name is associated with the home street address.

“Prosecutor” means the United States Attorney or his or her assistant United States attorneys, any other prosecutor established by federal law, the Attorney General or his or her assistant attorneys general, a county prosecuting attorney or his or her assistant prosecuting attorneys, or any other prosecutor established by state law.

“Record” means a publicly and remotely accessible website or database.

(b) If a covered individual provides a written request to the controlling agency and the covered individual identifies a specific record with personal residential information, the controlling agency shall remove or redact the covered individual’s personal residential information from the specified record and shall make reasonable efforts to remove the information from all other records within the controlling state agency.

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(c) If a covered individual provides a written request to the controlling state agency to have personal residential information removed or redacted and the controlling agency fails to remove or redact the information on the specified record, the covered individual may bring a civil action for injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the controlling agency responsible for the violation may be required to pay reasonable attorneys' fees and other litigation costs reasonably incurred by the covered individual, as applicable and appropriate.

(d) This section does not prohibit disclosure of personal residential information for the following:

(1) Internal government use;

(2) Disclosures required by federal law;

(3) Disclosures to a consumer reporting agency, as defined in the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*;

(4) Disclosures required pursuant to §15-12-1 of this code *et seq.*;

(5) Disclosures to local, state, or federal law-enforcement agencies;

(6) Disclosures subject to a valid subpoena or lawful discovery request;

(7) Disclosures required pursuant to §17A-2A-7 of this code;

(8) Physical documents affecting the title of real property recorded and indexed by a county;

(9) Disclosures to a title insurance company, title insurance agent, attorney, mortgage guarantee insurance company, mortgage loan originator, real estate broker, or realtor;

(10) Records associated with Uniform Commercial Code filings and financing statements;

(11) Information provided to the Secretary of State, or his or her designee, or the chief local election officers, or their designees, for the purposes of enforcing election law; and

(12) Disclosures to electoral opponents, or the local chairperson of a political party, of covered individuals for the purpose of challenging a candidate's eligibility.

(e) At the time of the written request, the covered individuals shall affirm in writing that he or she understands the redaction may cause the individual to forfeit certain legal, promotional, or official notices that otherwise would be provided but for the redaction or nondisclosure.

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