

## INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA REVERSES CIRCUIT COURT'S DECISION IN FOIA REQUEST

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The Intermediate Court of Appeals of West Virginia in *Gray Media Group, Inc. d/b/a WSAZ v. West Virginia Department of Health and Human Resources*, No. 23-ICA-283 (May 23, 2024), reversed the decision of the Circuit Court of Kanawha County, West Virginia, concluding that the disclosure of an April 2022 termination letter from William Crouch, Secretary of the WV DHHR, to Jeremiah Samples, Deputy Secretary of the WV DHHR, in response to a Freedom of Information Act (FOIA) request would constitute an unreasonable invasion of privacy and that the letter was, therefore, exempt from disclosure under W.Va. Code § 29B-1-4(a)(2) (2021). The Intermediate Court of Appeals determined that although the letter at issue involved some minimal privacy concerns, after weighing all the relevant factors, the public disclosure of the letter did not constitute an unreasonable invasion of privacy and was, therefore, required by FOIA.

Erica Baumgras was local counsel for Gray Media Group, Inc. d/b/a WSAZ.

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