

SALUDA COUNTY

FREEDOM OF INFORMATION POLICY

I. Compliance with Act

All requests for access to and copies of public records involving County government, shall be processed and governed by the letter and spirit of the South Carolina Freedom of Information Act, S.C. Code 1976, §30-4-10 et. seq. Specifically, but not exclusively, any requesting party shall be given the widest possible access to public records of the County, consistent with principles of good government and the specific exclusions contained in the Freedom of Information Act.

This policy is applicable to all departments under the supervision of the Saluda County Director, and to any board or commission whose members are appointed by Saluda County Council, the governing body of Saluda County. This policy is recommended for adoption and use by county-wide elected officials, officials appointed by the Governor or other outside agency.

II. Responding to a FOIA Request

The first and primary purpose of every County department is to provide the public service for which that department was established; therefore, ancillary services, such as providing copies of public records, must be accommodated within the overall goal of meeting the department's main mission objective. A department is not required to create an electronic version of a public record when one does not exist to fulfill a records request. All departments are governed by the Freedom of Information Act requirement that upon written requests for records, shall within ten days (excepting Saturdays, Sundays and legal public holidays) of the receipt of the request, notify the person making the request of its determination and the reasons for it; provided, however, that if the record is more than twenty-four months old at the date the request is made, the department has twenty days (excepting Saturdays, Sundays and legal public holidays) of the receipt to make this notification.

If the request is granted, the record must be furnished or made available for inspection or copying no later than 30 calendar days from the date on which the final determination was provided, unless the records are more than twenty-four months old, in which case the public body has no later than thirty-five calendar days from the date on which the final determination was provided.

The following public records must be made available for inspection and/or copying during normal hours of operation. A written request is not required when the person requesting such information appears in person:

1. Minutes of meetings of the public body for the preceding six (6) months;
2. All reports identified in §30-4-50 (A)(8) for at least the fourteen (14) day period before the current day;
3. Documents identifying persons confined in a jail, detention center, or prison for the preceding three (3) months; and
4. All documents produced by the public body or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding six-month period.

Caution must be exercised in the release of the items described in II 2 and 3. If the report contains information exempt from disclosure as otherwise provided by law, the department should delete the protected information from the report.

III. Responsibility for Expenses

While the general intent is to provide the widest possible access to public records, it should be understood both by County Departments and by requesting parties that where the requests are substantial, it should be the requesting party, which bears the expense of responding to such requests. Each request's cost is calculated on the estimated time that it will take to search for and prepare information; the costs of CD's, mailers, copies, postage or any other actual cost.

The South Carolina Freedom of Information Act indicates that documents may be furnished when appropriate without charge or at a reduced charge where the department determines that waiver or reduction of the fee is in the public interest. In those circumstances where the information requested is of a de minimis nature (10 pages of copied material or less, and where the only labor involved in responding to the request is actually making copies), it shall normally be the policy of the County to waive all fees or charges for the material requested. Further, even when the volume of material requested is greater than 10 pages or if there is some labor involved in responding to the request, if furnishing the information can be considered as primarily benefiting a purely personal or commercial interest, the fees or charges may be waived or reduced. The latter situation will be a case-by-case determination, made by the administrator, and based upon a balancing of the amount of information requested and the time spent in responding to such a request as opposed to the amount of public interest and public good to be served by responding to such request.

In all cases not addressed above or by other state or local laws dictating a specific fee or cost for a particular service or record, the County department involved will collect fees not to exceed the actual costs of searching for and making copies of the records requested. These fees, payable to the County, are to be rendered to the Clerk to County Council or collected by the department to whom the request is made, a receipt given and all funds remitted to the Treasurer's office. A fee schedule will be posted on the county website.

The fees charged must be uniform for copies of the same record or document. In every instance, the fees charged must be the lowest possible that will actually cover actual costs involved. Because the costs of providing copies must include not only the direct reproduction costs, such as paper, supplies and electricity, but must include indirect costs such as depreciation of equipment, it will normally be presumed that \$0.25 per copy will be the minimum amount charged for reproduction of County records. If the records require more expensive reproduction, such as in the case of oversized documents or special reproduction, then the actual full costs of reproduction will be charged. Copy charges may not apply to records that are transmitted in an electronic format. If records are not in electronic format and the County agrees to produce them in electronic format, the County may charge for the staff time required to transfer the documents to electronic format.

Further, with regard to labor costs, all personnel costs of searching for and making copies of records by County employees will be quantified, calculated and charged to the requesting party. The fee for search, retrieval, and redaction of records shall not exceed the hourly salary of the lowest paid employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request. In normal instances in which costs are charged, an estimate of the charges will be provided to the requesting party, with further direction of the requesting party the work shall/shall not be performed, and upon payment by the requestor, as indicated above, the documents will be provided to the requestor.

In the event of a broad range request, as determined by the County Director or County Attorney, in which costs are charged, an estimate of the charges should be provided to the requesting party showing the cost for copies and the personnel costs. A deposit not to exceed 25% of the total reasonably anticipated cost for reproduction of the records may be required prior to searching for and/or copying records. If a deposit is required, the record must be furnished or made available for inspection or copying no later than thirty calendar days from the date on which the deposit is received, unless the records are more than twenty-four months old, in which case the public body has no later than thirty-five calendar days from the date on which the deposit was received to fulfill the request. Upon payment as indicated above, the work shall be performed. Actual records of time and materials are to be kept and an adjustment positive or negative made to the requesting party. Upon full payment by the requestor, the documents are to be provided to them.

IV. Form of Records; Examination of Public Records

In every instance, records must be provided in a form that is both convenient and practical for use by the person requesting the record, if it is equally convenient for the County to provide the records in such form. There shall be no cost charged to any individual for examination (not copying) of public records, unless any such request requires actual expenditure of labor to search for the requested records. In the latter case, charges will be imposed and collected in accordance with the provisions of this policy.

V. Commercial Solicitation (FOIA Section 30-2-50)

Please note that obtaining or using personal information for commercial solicitation directed to any person in South Carolina is prohibited, and is subject to criminal prosecution under S.C. Code of Laws §30-2-50.

A person knowingly violating the provisions is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.

VI. Miscellaneous

All departments of Saluda County that are subject to the provisions of the Freedom of Information Act, shall designate a person or staff member to coordinate all requests under the Freedom of Information Act. This person shall serve as the primary contact for the person making a request.

All departments shall fully and completely document all activity on requests and responses made pursuant to the Freedom of Information Act. In the event any department is unsure of the request made or the response required, they shall immediately contact the County Director or the County Attorney for further direction and advice.

VII. Fee Schedule

Hourly fee for staff to search for and make copies of records	\$11.72
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Cost per copy	.25
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Reproduction of oversized documents or special reproduction will be the amount the department currently charges for such documents or the actual costs of such reproduction.

Actual costs of other supplies needed/used

This policy adopted by Saluda County Council on March 9, 2020.

**SALUDA COUNTY
FREEDOM OF INFORMATION ACT
REQUEST FORM**

Mail completed form to: Saluda County Council Office, 400 W. Highland St., Saluda, SC 29138
When completing the form below please print the requested information.

Name: _____ Date of Request: _____

Address: _____

City: _____ State _____ Zip _____

Phone Number: _____ Email Address: _____

When completing the request, it is VERY important to be as SPECIFIC AS POSSIBLE. Your request may be delayed if you are not clear about the information you are seeking.

Pursuant to the S.C. Freedom of Information Act, S.C. Code Section 30-4-10 and following sections, I request a copy of the following records (attach additional pages as necessary): _____

Warning:

§30-2-50 prohibits a person or private entity from knowingly obtaining personal information from a state agency, a local government, or other political subdivision of the State for commercial solicitation. Violators are guilty of a misdemeanor and, upon conviction, are subject to a fine not to exceed \$500 or imprisoned for a term not to exceed one year, or both. By signing below you are acknowledging that you have read the above statement regarding §30-2-50.

Signature: _____

For Office Use Only:

Request assigned to: _____

Date of assignment: _____

Date response due: _____

Date of Completion: _____

Fee for Services: _____

Method of Payment: _____