

SALUDA COUNTY, SOUTH CAROLINA
FREEDOM OF INFORMATION POLICY

I. Compliance with the South Carolina Freedom of Information Act

The South Carolina Freedom of Information Act, Sections 30-4-10, *et. seq.* of the Code of Laws of South Carolina 1976, as amended (“FOIA” or the “Act”) provides members of the public access to certain public records for the purpose of inspection or copying. Therefore, all requests for access to or copies of public records created or maintained by the public bodies of Saluda County (comprehensively referred to herein as the “County”) shall be processed and governed by the letter and spirit of the Act. 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 Act.

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

FOIA provides access to public records created or retained by public bodies only. FOIA does not obligate public bodies to create records that do not exist or obtain records not in their possession. For this reason, all FOIA requests seeking answers to questions, as opposed to documentary materials, or the creation of a document compiling data from various locations that does not independently exist, shall be denied.

II. Submitting a FOIA Request

All FOIA requests governed by this policy shall be made in writing using the form available on the County’s website and in the County Administration Building, located at 400 West Highland Street, Saluda, South Carolina 29138. That written FOIA request shall then be submitted directly to the Assistant County Administrator/Clerk to Council for processing. The Assistant County Administrator/Clerk to Council shall then be the requesting party’s only point of contact for information regarding the request.

III. Responding to a FOIA Request

All FOIA requests shall be submitted directly to the Assistant County Administrator/Clerk to Council for response. Should a different County official or employee receive a FOIA request, it must be transmitted to the Assistant County Administrator/Clerk to Council as soon as reasonably possible. The Assistant County Administrator/Clerk to Council shall then lead efforts to process and respond to the request.

Within ten days (excepting Saturdays, Sundays and legal public holidays) of the receipt of a

FOIA request, the County will notify the person making the request of its determination as to the public availability of the requested record(s) and the reason(s) for that determination; 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 requested public record is publicly available, the record must be furnished or made available for inspection or copying no later than thirty 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 months;
2. All reports identified in Section 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 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, 3, and 4. If the report contains information exempt from disclosure as otherwise provided by law, the County should delete the protected information from the report.

IV. Responsibility for Expenses

While the general intent of FOIA and this policy is to provide the widest possible access to public records, the requesting party typically bears the expense of response. This expense is calculated using the fee schedule set forth in Section VII hereto and posted on the County's website. These fees shall be payable to the County and rendered to the Assistant County Administrator/Clerk to Council no later than the date the requested public records are available for production. The Assistant County Administrator/Clerk to Council shall then provide the payor with a receipt and remit the funds to the Treasurer's office,

The County Administrator has the authority to waive or reduce the fees set forth in Section VII. In circumstances where the information requested is of a de minimis nature (ten pages of copied material or less and the associated labor is limited to making copies), the associated fees may be waived or reduced. The fees may also be waived or reduced when the County Administrator determines, after balancing the amount of information requested and time spent responding against the public good served by the production of the material, whether waiver or reduction is in the public interest because furnishing the information primarily benefits the general public.

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 amount covering the actual costs involved. Because the costs of providing copies must include not only the direct reproduction costs, such as paper, supplies and electricity, but also indirect costs such as depreciation of equipment, it is normally presumed that \$0.25 per copy will be the amount charged for the reproduction of County records. If the records require more expensive reproduction, such as the reproduction of oversized documents or other specialized reproduction, then the actual full costs of reproduction will be charged. Copy charges do 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, retrieving, and redacting 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 County Administrator, 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 Administrator 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.

V. 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.

VI. 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 subject to criminal prosecution under Section 30-2-50 of the Code of Laws of South Carolina 1976, as amended.

A person knowingly violating this provision 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.

VII. Fee Schedule

Pursuant to Section 30-4-30(B) of FOIA, the County Council has established the fee schedule below, which must at all times be made available on the County's website. Costs for staff time necessary to respond to a FOIA request may not exceed the prorated hourly salary of the lowest cost employee of Saluda County who, based upon the advice of the County Administrator, has the training necessary to fulfill the request. The amount charged per the fee schedule set forth below will never be greater than the actual cost to Saluda County of searching for and making copies of requested public records. Costs shall not be charged for time spent examining records to determine whether they may be disclosed, however, costs will be charged for the time required to redact records, including any time spent by the County Attorney with respect to such redactions.

Labor Costs

Each department providing records in response to a FOIA request is responsible for providing an estimate of the number of hours required to complete the response to Administration, and the final number of hours actually required to complete such response. The number of hours charged for time spent by Saluda County staff in producing the requested records will be rounded down to the nearest quarter hour. The labor cost will be calculated according to the Fee Schedule below.

Copying and Other Costs

When physical copies of the records are requested, the County shall provide the requestor the current rate of the County's copying cost per page. The charge for copying must reflect the actual costs incurred by the County. The charges in this Section do not include records that are provided electronically to the requester.

The County may charge for the actual cost of the medium used to provide the records including, but not limited to, thumb drive, CD, or DVD, and for the actual cost of postage and packaging associated with mailing the responsive records.

Copying and other costs will be calculated according to the Fee Schedule below.

Fee Schedule for Staff Time and Copies

Description	Charge
A minimum charge to pay costs for responding to all FOIA requests	\$5.00 (paid upon receipt of records)
Charge per page for hard copy of records	\$0.25 per copy
Charge for reproduction of oversized documents or special reproduction	Actual reproduction cost
Charge for staff time to search, retrieve, or redact records	Prorated hourly salary of the lowest paid employee

	that, in the reasonable discretion of the County Administrator, has the necessary skill and training to perform the request.
Charge for other media used to provide records	Actual media costs
Deposit	¼ of estimated costs
At the discretion of the County Administrator, any portion of the rate may be waived	

Cost Waiver

The County may, in the sole discretion of the County Administrator, waive the costs associated with a FOIA request when the cost of producing the response is less than \$25.00. A waiver shall not be applied when a requester, or anyone associated with the requester, submits a second request for public records within seven calendar days of the first request, and the requests are of the same nature.

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

This policy amended by Saluda County Council on February 10, 2025.

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

Mail or email completed form to: Saluda County Council Office, 400 W. Highland St., Saluda, SC 29138 or PublicInfo@SaludaCounty.SC.Gov.

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) and would request to receive the response by method of (Circle One): **Mail Email Pickup**

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 Completion: _____

Date of assignment: _____ Fee for Services: _____

Date response due: _____ Method of Payment: _____