

YORK COUNTY FREEDOM OF INFORMATION ACT POLICY

Policy Title: Freedom of Information

Effective Date: October 1, 2008

I. PURPOSE

To establish a policy that complies with the South Carolina Freedom of Information Act (FOIA) in a responsive, appropriate and efficient manner. York County will attempt to provide comprehensive and expedient public access to County records in accordance with the requirements of state law. Pursuant to section 30-4-30 (c), a response to a written FOIA request must be made within 15 working days (Saturdays, Sundays, and holidays are excluded) of receipt of the written request. The County recognizes the competing interest of personal privacy and the right of the public to have access to information concerning the conduct of the public's business; however, the County is not the guarantor of private matters contained within its records. As a result, the County shall disclose public records in its possession or control subject to the exemption provisions as provided by the South Carolina Freedom of Information Act, and County ordinances and policies.

II. POLICY

It shall be the policy of York County to adhere to the following procedures:

- A. All FOIA requests (with the exception of requests identified in paragraph E) must be in writing to include the date, specified information being requested, name, complete address, phone number to include area code, and signature of requestor.
- B. All requests under the South Carolina Freedom of Information Act should be provided to the County Manager's office and addressed to the attention of:
 - Public Information Officer
 - 6 South Congress Street
 - York, South Carolina 29745
- C. The County Manager or designee will advise the respective department and requestor once a determination is made whether the information requested is exempt from disclosure. If an attorney's opinion is required to determine whether the request is within the scope of the Freedom of Information Act, the County Manager or designee will ask requestor for an extension of time in which to respond and document the extension agreement by letter. The County Manager or designee will provide a copy

of letter, along with request to the County Attorney for preparation of the opinion and/or appropriate response. If any agreement is made that varies the requirements of the Act, it must be made in writing with a copy delivered to the requestor acknowledging the agreement.

- D. Public Records and documents are open for inspection and/or copy and the public should be permitted to review them upon request if reasonable. However, such inspections shall be appropriately supervised. Section 30-4-30 (a) of the Code of Laws of South Carolina (1976), as amended, provides that:

“ Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and place of access.”

- E. Section 30-4-30 (d) of Code of Laws of South Carolina (1976), as amended provides that:

“The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:”

- (1) minutes of the 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 day period before the current day; and
- (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

- F. Section 30-4-30 (b) of Code of Laws of South Carolina (1976), as amended provides that:

“The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally

convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records.”

Pursuant to this section of the Code of Laws, York County shall adhere to the following fee schedule:

Service	Fee
a. Copying (up to size 11x17)	25 cents per page. Note: Copying fees will be waived for requests involving five or fewer pages. However; if copies are provided through another agency or third party provider, or if a different rate is specified by law or ordinance, the County will charge the same costs it incurs to provide copies. Fees established by law or ordinance will take precedence over this policy.
Copying for larger documents, i.e. site maps, site plans, etc.	Price will depend on document being requested.
York County Indexed Map	\$11.00 each.

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| b. Record Research | Hourly fee shall be based on the hourly rate of the person researching the requested records. |
| c. Information provided by fax | \$1.00 per each page transmitted |
| d. Special computer programming fees and computer system data compilation time | \$50.00 per hour, with a minimum charge of \$50.00 |
| e. Compact Disc (CD), Digital Versatile Disc (DVD) | Based on actual cost of media |

G. The County Manager or his designee will obtain a written listing of applicable cost from respective departments (s), based on the fees as established above. The County Manager or his designee will advise the requestor once a determination is made relating to applicable costs. If the requestor decides to proceed with the FOIA request, a deposit shall be required when the County reasonably estimates that fees will exceed \$25.00. The deposit shall be equal to the total anticipated costs for searching and copying records.

All deposits must be paid in advance. Payment for all transactions should be made payable via cashier's check, money order, or cash to:

York County Finance Office
2 South Congress Street
York, South Carolina 29745

1. Requestors are encouraged to make their requests as specific as possible to minimize unnecessary costs.
2. Research costs shall not be charged if the entire process of making the information available takes less than one (1) hour.
3. It is not necessary for any County department to produce any reports, written or computerized, in any format other than that already maintained by the department.

H. The County Manager's office will strive to make this process as efficient and responsive as possible pursuant to the guidelines set forth within state law and County ordinances and policies.