

YORK COUNTY FREEDOM OF INFORMATION ACT POLICY

Policy Title: Freedom of Information

Effective Date: October 1, 2008: Amended: May , 2017

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 10 working days (Saturdays, Sundays, and holidays are excluded) of receipt of the written request, and the documents have to be produced no later than 30 calendar days after the response date. If the documents requested are more than two years old, the response time is 20 days, and the documents must be produced no later than 35 calendar days from the response date.

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 submitted in writing (by paper, fax, or email) to include the date, specified information being requested, name, and contact information .
- B. All requests under the South Carolina Freedom of Information Act should be emailed to the County Manager's office at FOIA@yorkcountygov.com or mailed to the attention of:

County Manager's Office
Attn: FOIA
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; as well as, document the extension agreement in writing. If any agreement is made that varies the requirements of the Act, it must be made in writing with a copy provided to the requestor acknowledging the agreement.

D. Public Records and documents are open for inspection and/or copying, 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. For FOIA requests seeking complaints made by third parties, York County Government will review the information provided in the complaints on a case-by-case basis and may redact third party personal identifying information to protect the safety of third parties, to prevent harm to an open criminal investigation or to prevent an unreasonable invasion of personal privacy.

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

(D) 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, unless the record is exempt pursuant to Section 30-4-40 or other state or federal laws, 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;
- (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.

(E) A public body that places the records in a form that is both convenient and practical for use on a publicly available Internet website is deemed to be in compliance with the provisions of subsection (D), provided that the public body also shall produce documents pursuant to this section upon request."

G. 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 as provided for in this section. The public body may establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and redaction of records. The public body shall develop a fee schedule to be posted online. The fee for the search, retrieval, or redaction of records shall not exceed the prorated 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. Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are transmitted in an electronic format. If records are not in electronic format and the public body agrees to produce them in electronic format, the public body may charge for the staff time required to transfer the documents to electronic format. 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. A deposit not to exceed twenty-five percent of the total reasonably anticipated cost for reproduction of the records may be required prior to the public body searching for or making copies of 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)	.03 cents per page for black/white and .05 for color. Note: Copying fees will be waived for requests involving four or fewer pages. However; if copies are provided through another agency or third 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(s) being requested.

b. Record Research-if over one hour

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

\$50.00 per hour, with a minimum charge of \$50.00

e. CD, DVD, Thumb drive

Based on actual cost of media

H. 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 not to exceed twenty-five percent of the total reasonably anticipated cost for reproduction of the records may be required prior to the public body searching for or making copies of 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:

County Manager's Office
Attn: FOIA
6 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. 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.