

POLICY REGARDING REQUESTS FOR PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Policy Statement: The Town Council (the “**Council**”) of the Town of Santee, South Carolina (the “**Town**”) recognizes the findings of the General Assembly of South Carolina that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. In order to ensure that the Town conducts public business in an open and public manner, it shall be the policy of the Town to comply with both the letter and the spirit of the Freedom of Information Act (“**FOIA**”), as codified at [Sections 30-4-10 et seq. of the Code of Laws of South Carolina 1976](#), as amended, in regards to the processing of requests for access to public records.

Making a FOIA Request: All requests for public documents pursuant to FOIA, except for those described below, must be made *in writing* and submitted either (i) in person at the Santee Town Hall, 194 Municipal Way, Santee, SC 29142; (ii) by mail to Town of Santee, Attn: Town Clerk, P.O. Box 1220, Santee, SC 29142; or (iii) by electronic mail at willia.wright@townofsantee-sc.org. Ideally, requests will be made using the [FOIA Request Form](#) (the “**Request Form**”) provided by the Town and made available to the public, a copy of which is attached hereto. Requests made by letter or in some other written form should contain substantially the same information provided for on the Request Form. In order to ensure the most accurate and prompt response, requests should be as detailed, specific, and descriptive as possible.

Requests to inspect the following public records need not be in writing provided the requestor appears at the appropriate Town office in-person and within normal Town business hours:

1. Minutes of all public meetings of the Town for the preceding (6) six months.
2. Reports from the preceding fourteen (14) days which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed (with the exception of records regarding juveniles).
3. Documents identifying persons confined in any jail, detention center, or prison for the preceding (3) three months (with the exception of records regarding juveniles).
4. Documents produced by the Town or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding (6) six months.

Processing FOIA Requests: The Town Clerk is designated as the staff member to be responsible for and familiar with any FOIA request. When any Town employee receives any written request for public records, the request should immediately be stamped with the date of receipt and delivered to the Clerk. The Clerk should evaluate FOIA requests based upon the statutory requirements of FOIA with regards to any applicable exemptions, federal restrictions on disclosure, or limitations on the commercial use of data. However, the presumption in evaluating FOIA requests should be in favor of disclosing the requested records. Where an exemption to FOIA could possibly permit the Clerk to decide not to disclose the requested records, the Clerk should consult with the Town Attorney to determine if the exemption applies and whether the Town should decline to disclose the records based upon the exemption.

Initial Response Deadlines: The Clerk must respond to all FOIA requests within the timeframes outlined below:

<u>Document Age</u>	<u>Response time</u>
Less than 24 months old	Within 10 business days
More than 24 months old	Within 20 business days

It shall be the policy of the Town to respond to FOIA requests as quickly as possible. Where possible, the response to the request should include the requested records. Otherwise, the response should either inform the requestor that the requested records will be made available, along with the means of obtaining them and any additional costs that will be charged for making the records available, or it should inform the requestor that the requested records fall under an exemption to FOIA and will not be disclosed. The initial response shall constitute the final determination of the Town as to whether records are available and subject in whole to an exemption under FOIA, but will not constitute a final opinion as to whether portions of the requested documents are subject to redaction under a FOIA exemption.

Production Deadlines: For all granted requests, the Town shall furnish the records within the time frames outlined below, as measured from the date of initial or response or, where applicable, the payment of a deposit.

<u>Document Age</u>	<u>Production time</u>
Less than 24 months old	30 calendar days
More than 24 months old	35 calendar days

The response and production deadlines may be extended by written mutual consent, and the requesting party may not unreasonably withhold such consent. The Town shall not create new records, nor summarize existing records. Requested records shall be released in the format most convenient to the Town. The Town may, in its discretion, create electronic records where they do not otherwise exist.

Records Exempt From Disclosure: The Town adopts as a part of this Policy any and all exemptions, restrictions or limitations contained within FOIA, as FOIA may be amended from time to time, along with any other exemptions, restrictions or limitations that may be provided for now or in the future under South Carolina or federal law. As previously stated herein, the Clerk, consulting with the Town Attorney, shall determine whether an exemption to the disclosure requirements of FOIA applies. Where an exemption, restriction, or limitation applies, the based upon consultation with the Clerk and Town Attorney, should decide whether to deny disclosure based upon that exemption, restriction, or limitation. Where records contain certain information exempt from disclosure but which otherwise fall outside of an exemption, restriction or limitation, the exempted information shall be redacted and requested records shall otherwise be disclosed. The Town may request for a hearing before the Circuit Court of Orangeburg County to seek relief from unduly burdensome, overly broad, vague, repetitive, or otherwise improper requests, or where it receives a request but is unable to make a good faith determination as to whether the information is exempt from disclosure.

Failure to Comply: In addition to penalties available under FOIA, willful disregard of, or violation of, this Policy by any employee or other person who is subject to it, may constitute insubordination and be grounds for disciplinary action up to and including termination of employment.

Costs for Processing FOIA Requests: The Council of the Town, pursuant to Section 30-4-30 of the Code of Laws of South Carolina, as amended, has established the attached fee schedule. The charges set forth therein are no greater than, and in some instances may be less than, the actual cost to the Town of searching for and making copies of requested public records. In general, costs for staff time necessary to respond to a FOIA request shall not exceed the prorated hourly salary of the lowest cost employee of the Town who, in the opinion of the Mayor, has the training necessary to fulfill the request. Costs shall not be charged for time spent examining records to determine whether they may be disclosed. Charges for copies of records will not exceed the standard commercial rate. Additionally, copy charges do not apply to electronic copies; however, the Town may charge a fee for cost of staff time to transfer the document to electronic format and the actual cost to the Town for electronic media. Where it is anticipated that the staff time necessary to comply with a request may exceed \$50 (fifty dollars), the requestor may be required to pay a deposit of one quarter of the estimated costs of complying with the request before staff will begin searching for or making copies of the requested records. Requesting party shall pay the full amount due prior to delivery of records.

Prohibition on Commercial Solicitation Use: Knowingly obtaining or using personal information obtained from the Town for commercial solicitation is strictly prohibited, see SC Code Section 30-2-50. The town shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation, SC Code Section 30-2-50.



Town of Santee

Freedom of Information Act Request Form

The Town of Santee recognizes the South Carolina Freedom of Information Act (South Carolina Code 30-4-10) enacted by the South Carolina General Assembly that gives every citizen the right to access government meetings, documents and records. By standardizing the Town's procedures for processing Freedom of Information Act (FOIA) requests and establishing reasonable fees for such requests, the Town will ensure its compliance with FOIA and its intended goal of transparency of Town operations and policies.

Date of Request: _____ Name of Person Making Request: _____

Name of Agency/Firm or Organization Business: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail: _____

Description of Public Records Requested (*please be as specific as possible*). You may attach additional pages as needed.

Please indicate the format in which you would like a response:

- E-mail Electronic Copies Fax (Under 15 Pages) Will Pick Up Mail Hard Copies

By my signature, I hereby state that I have received information about the Town of Santee's FOIA process and a copy of the Fee Schedule outlining possible charges I may incur as part of this request.

Signature: _____

South Carolina Law provides that it is a crime to knowingly obtain or use personal information from a public body for commercial solicitation.

RETURN COMPLETED FORM VIA E-MAIL, US MAIL, FAX OR HAND DELIVERY TO:

Willia B. Wright, Town Clerk
In Person: 194 Municipal Way, Santee, SC 29142
US Mail: Post Office Box 1220, Santee, SC 29142
Facsimile: (803) 854-3233 • E-mail: willia.wright@townofsantee-sc.org
Contact Number: 803.854.2152 x2

FOR OFFICE USE ONLY

Date Request Received by Clerk's Office: _____ By: _____

Method Request Received: E-Mail US Mail Fax Hand Delivery

Response Notice Due Date: _____ Forwarded to Department/Employee: _____

First Response Date: _____ Notification Fees/Document Ready Date: _____ Notification of Denial Date: _____

Reason for Denial: _____

Fee for Services: _____ Date Paid: _____ Method of Payment: _____

Date of Completion: _____ Staff Signature: _____



Town of Santee
Freedom of Information Act Fee Schedule

DESCRIPTION		FEE
PRODUCTION OF DOCUMENTS	Black & White Records /Standard Reports 8.5x11	\$0 .15 per sheet
	Black & White Records/Legal Reports 8.5x14	\$0.18 per sheet
	Black & White Records/Ledger Reports 11x17	\$0.32 per sheet
	Color Records/Standard Reports 8.5x11	\$0.75 per sheet
	Color Records/Legal Reports 8.5x11	\$0.94 per sheet
	Color Records/ Ledger Reports 11x17	\$1.50 per sheet
	Police Reports	\$5.00
	Fax - Local	\$1.89 per sheet
	Fax - Long Distance	\$2.49 per sheet

DESCRIPTION		FEE
DEPOSIT	Deposit 25% of Anticipated Costs over \$50 for Reproduction of Records with Balance Due at Time of Production	Varies by FOIA Request
	Records less than 24 months old will be furnished within thirty (30) calendar days from receipt of deposit.	
	Records more than 24 months will be furnished within thirty-five (35) calendar days from receipt of deposit.	

DESCRIPTION		FEE
SEARCH/ RETRIEVAL	Hourly Rate of Specific Department's Lowest Salary	Varies by Department
	No Charge if Search is Less Than Five (5) Minutes.	

DESCRIPTION		FEE
DELIVERY OF DOCUMENTS	E-mail	No Charge
	CD/DVD	\$3.00
	Postage/Shipping/ (USPS/FedEx/UPS)	Actual Rates Apply