South Carolina Freedom of Information Act



September 25, 2017
School District Five of Lexington & Richland Counties



FOIA

CHANGES TO THE LAW

On May 19, 2017, Governor Henry McMaster signed into law several significant changes to the South Carolina Freedom of Information Act.

SOURCE: JOHN REAGLE & SHIRLEY FAWLEY

Important new FOIA provisions

- New timeline for responding to a FOIA request
- New guidelines on fees for search, retrieval, or redaction of public records
- New guideline on electronic transmission of any public record
- Prohibition of directory information for "commercial use"
- New legal remedies for public bodies and other entities

Challenges for Public Bodies

- Limited resources for search, retrieval and review of documents
- Past practice of paper documentation and lack of electronic documentation
- Sharp increase in FOIA requests without added resources
- Public perception



TIMELINE

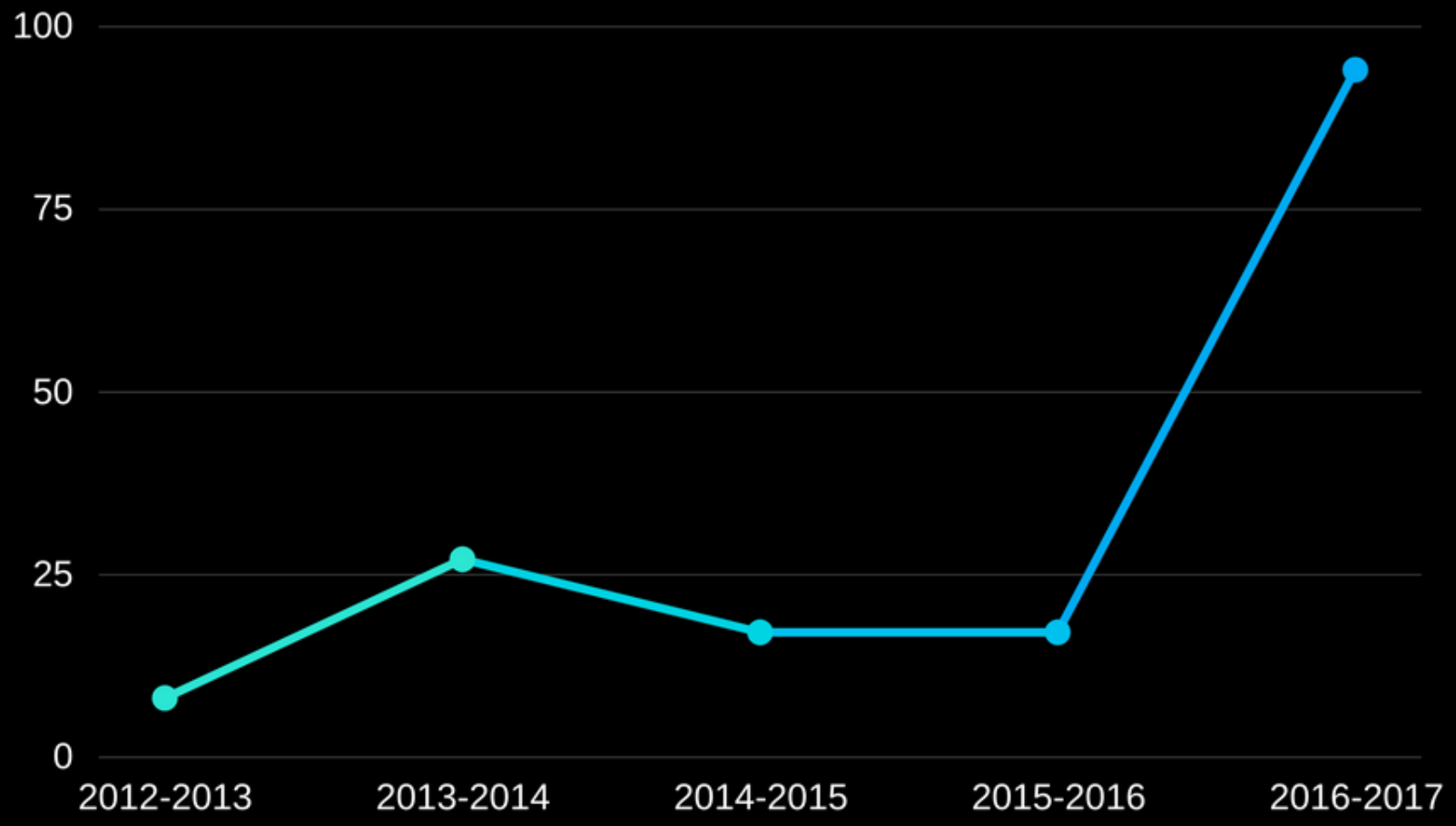
DETERMINATION & DELIVERY TIME

Instead of 15 business days, a public body now has only 10 business days to notify the person making the request of its determination. If the FOIA request seeks records more than 24 months old, then the public body has 20 business days.

Following the initial determination notice or the receipt of any required fee deposit, which ever is latest, a public body has 30 calendar days to produce the records.

452%

The district had a sharp increase in FOIA requests between the 2015-2016 school year and the 2016-2017 school year. To date, the district has received 22 requests in the current school year.





FEES

SEARCH, RETRIEVAL, OR REDACTION

A public body may charge reasonable fees, not to exceed the actual cost of the search, retrieval, and redaction of records, in responding to a FOIA request. A public body must develop a fee schedule to be posted online. Note: Public bodies may adjust fees for requests.

District Five FOIA Fee Schedule

Photocopying - There will be no charge for a single request for compilation and/or reproduction of up to 10 pages. After 11 pages or more, the charge for photocopying is calculated at $0.10 per page for black and white copies or $0.80 per page for color pages, or the prevailing commercial rate at the time of the request.

Employee/Administrative Time - If permissible, the district may charge a reasonable fee for staff time required to adequately respond to the FOIA request. The district will not charge any fees in excess of printing costs and the staff time required for the response.

Generally, information requests requiring more than one hour of staff time will be assessed at the hourly salary of the lowest paid school district employee who has the necessary skill to perform the request, as determined by the district.

Computer/Information Technology - Charges will be based on costs associated with the process. For the use of a CD, DVD or memory stick, there will be a $5 charge.

Estimation of fees and payment - A reasonable deposit based on the expected cost wil be required prior to searching for and/or copying the requested records.

The requester will be notified of the charges assessed for fulfilling an information request. Actual costs will be recorded throughout the process, and will be reconciled with the requester upon completion. A deposit of 25% of the reasonably anticipated cost for searching for, redacting, and copying the requested information may be required by the district prior to collection and/or fulfillment of the request.

District's Address - Fees should be sent to:
School District Five of Lexington and Richland Counties
1020 Dutch Fork Road
Irmo, SC 29063
803-476-8118

Communications

- Homepage
- District Magazines
- Flyer Approval Policy
- Freedom of Information Act Requests
  - FOIA Request Form
  - FOIA Responses
- Frequently Asked Questions
- Information for Newcomers
- Information for Parents
- Volunteer Opportunities
- Media Releases
- Year in Review Presentations

FREEDOM OF INFORMATION (FOI) REQUESTS



The South Carolina Freedom of Information Act, *S.C. Code Ann.* §30-4-10 *et. seq.* (FOIA) is the law that gives citizens the ability to obtain non-exempt public records/documents from a government agency. FOIA provides a citizen a qualified right to inspect or copy any public record of a public body (District Five), except as exempted in FOIA statute (*S.C. Code Ann.* §30-4-40)

FOIA (§30-4-30(c)) allows a public body 10 days (excluding Saturdays, Sundays and legal public holidays) to notify the person making the FOI request its determination on whether the FOI request is appropriate and can be fulfilled. Once this determination is made, then the District will begin assembling the requested records/documents. FOIA does not require the District to provide the requested documents in the 10-day time frame.

FOIA does not require the public body to create new work product, create or manufacture documents, make statements or provide answers to questions submitted as an FOI request.

To learn more about the Freedom of Information Act click –

http://www.scstatehouse.gov/code/t30c004.php

If possible, use the online form to the left located under the Freedom of Information Act Request section to make your FOIA request. Or you may click here to access the form.

FOIA also allows a public body to establish and collect fees not to exceed the actual cost of searching for or making copies of records (see fee schudle below). School District Five has chosen to utilize the following guidelines regarding response to FOIA requests.

Freedom of Information Act (FOIA) fee schedule

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FOIA RESPONSES

Date Completed	Items Requested
8/9/2017	Please provide copies of all invoices from the law firm Montgomery-Willard on the district's account from January 1,2016 until the present.
9/1/2017	I am contacting you today to request the information below be provided to me in writing. A history of all payments, including salary payments for ALL District 5 School Board Member from January 1, 2015 to June 30, 2017.
8/22/2017	1. I am asking information from 2016-17 school year, concerning the bus routes that run down and off Amicks Ferry rd. How many bus routes go down Amicks Ferry rd and on the roads off of the road, such as Long Pine, Lake Tide, St. Peter's church rd, Old Ferry rd, Caro, Oak Brook, Mary drive, Walt Rauch rd, Chrystal lake, Shady Acres Drive, Lake Mont drive, Green Meadow, White Water dr. 2. With these bus routes, on these roads listed above, how many children ride these buses from Chapin elementary school, Chapin middle school and other schools, Lake Murray elem Dutch Fork elem....etc..... 3. How many children ride these buses from specifically all the elementary schools. 4. What about a copy of all the bus routes from 2016-17 that drive down Amicks Ferry Rd, and number of elementary school students that ride them.
8/8/2017	A copy of (via electronic or print) of the property appraisal document for the land on Amicks Ferry Road in Chapin, for Parcel A TMS 001000-02-010 and the appraisal for Parcel B TMS 001000-02-008. This appraisal was conducted by Mr. Joe Rosen, of Rosen Appraisal Services, and I am requesting again a copy of this entire appraisal report.
	This is a request under the S.C. Freedom of Information Act for salary information for taxpayer-funded positions receiving $50,000 or more annually in your district. We will use the information to update our salary database found at thestate.com

OTHER CHANGES

Electronic Records

A person has a right to receive an electronic transmission of any public record; however, a public body is not required to create an electronic version of a public record when it does not exist.

Commercial Solicitation

Local governments and political subdivisions must take reasonable measures to ensure that no private person or private entity obtains or distributes personal information obtained from a public record for commercial solicitations.

Legal Remedies

Public bodies now may file a civil action to seek relief from unduly burdensome, overly broad, vague, repetitive, or otherwise improper FOIA requests, or where the public body is unable to make a good faith determination as to whether the information is exempt from disclosure.

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