

WHEREAS, the Kershaw County Council determines that it is both necessary and appropriate to set forth guidelines and policies for County officials and employees to use in responding to requests for information under the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et seq.*

NOW, THEREFORE, BE IT RESOLVED that the following policies and guidelines shall be followed by the Kershaw County Council, by boards and commissions appointed by Kershaw County Council, and by the Kershaw County Administrator and those employees and officials under his/her direction and control:

FREEDOM OF INFORMATION ACT POLICY
 OF KERSHAW COUNTY

I. Compliance with Act

All requests for access to and copies of public records involving County government, its agencies and departments shall be processed and governed by the letter and spirit of the South Carolina Freedom of Information Act ('Freedom of Information Act'), South Carolina Code Ann. §30-4-10 *et seq.* 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 in the Freedom of Information Act.

II. Responsibility for Expenses

- (A) While the general intent is to provide the widest possible access to public records, it should be understood both by all federal and state courts, County departments and agencies, as well as by requesting parties that where the requests are substantial, it should be the requesting party that bears the expense of responding to such requests.
- (B) The South Carolina Freedom of Information Act indicates that documents may be furnished when appropriate without charge or at a reduced charge where involving the public body determines that waiver or reduction of the fee is in the public interest. In those circumstances where the information requested is of a *de minimis* nature and where the only labor involved in responding to the request is actually making copies, it shall normally be the policy of the County to waive all fees or charges for the material requested. Further, if furnishing the information can be considered as primarily benefiting a public purpose, the fees or charges may be waived or reduced. The latter situation will be a case-by-case determination, made by the County Administrator and/or his/her designee, and based upon a balancing of the amount of information

- requested and the time spent in responding to such a request as opposed to the amount of public interest and public good to be served by responding to such request.
- (C) In all cases not addressed above or by other state or local laws dictating a specific fee or cost for a particular service or record, the County will collect fees not to exceed the actual costs of searching, retrieving, redacting, and making copies of the records requested. These fees, payable to Kershaw County, are to be rendered or collected by the Clerk of County Council or collected by the department to whom the request is made, a receipt given and all funds remitted for deposit on the day of receipt.
 - (D) 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 that will actually cover actual costs involved. A fee schedule outlining such costs shall be maintained on the County's website. If the records require more expensive reproduction, such as in the case of oversized documents or special reproduction, then the actual full cost of reproduction will be charged plus time involved by staff to do so.
 - (E) If any person refuses to pay any charges for copies after having requested the same, no further copies will be made on County equipment for that person until the account is settled.
 - (F) If any request is likely to involve numerous copies, or if a lengthy search is likely to be required, a good-faith deposit not exceeding twenty-five percent (25%) of the total anticipated costs may be required before copying or researching is commenced. The full amount of the remainder of the total cost must be paid at the time of production. Actual records of time and materials are to be kept and an adjustment positive or negative made to the requesting party. Upon payment by the requestor, the documents are to be provided to them.
 - (G) Further, with regard to labor costs, all personnel costs of searching for and making copies of records will be quantified, calculated and charged to the requesting party, and shall be based on the prorated hourly rate of the lowest paid employee of the County who has the skill and training necessary to respond to the request.
 - (H) Copy charges will not apply to records transmitted in electronic format. However, the County may charge for staff time use to convert documents to electronic format when such formatted documents do not exist but the County agrees, at its sole discretion, to produce such documents in the requested electronic format.

III. Receipt of Request and Timeliness of Responses

- (A) The first and primary purpose of the County and its agencies and departments is to provide the public service for which it was established; therefore, other services such as providing copies of public records, must be accommodated within the overall goal of meeting the County's agencies and departments' main mission objective. In this regard, however, the County's agencies and departments' are governed by the Freedom of Information Act requirements that written requests for records must be responded to within ten (10) days (excepting Saturdays, Sundays and legal public holidays) of the receipt of any request for documents less than two (2) years old. If a request is for records greater than two (2) years old, a response will be required within twenty (20) days. If the requested documents contain information exempt from disclosure as otherwise provided by law, the agency should delete the protected information from

the documents. If the requested documents contain information exempt from disclosure as otherwise provided by law, the County should delete the protected information from the report.

- (B) The County shall provide non-exempt requested within thirty (3) calendar days of the initial response and determination/notification for those records less than two (2) years old and within thirty-five (35) calendar days if the records are greater than two (2) years old.

IV. 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 copies of the records concerned, if it is equally convenient 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 provision of this policy.

V. Exempt Information

- (A) Certain information contained in public documents but exempt from disclosure may be redacted, as applicable, prior to the release of documents containing such information. If a court ruling or a statute or law outside of FOIA states that a particular type of record is confidential or subject to disclosure only under specified circumstances, then the record should not be provided pursuant to a FOIA request without the approval of the County Attorney.
- (B) The exemptions from disclosure allowed by the Freedom of Information Act (FOIA) are hereby adopted by the County for records under its dominion and control. Records which are not privileged, or exempt from disclosure under the FOIA, or exempt as private, personnel or medical information, shall be available for inspection and copying pursuant to the South Carolina Freedom of Information Act. Information is limited to the information at hand; that is, analysis of data or compilation of data by County staff is not required to be furnished, but the raw data may be made available for the requesting party to analyze as he or she sees fit.

VI. Public Bodies to Comply with Freedom of Information Act

- (A) Notice of special or called meetings shall be given sufficiently in advance for posting notice on a public bulletin board and for notice to news media at least twenty-four (24) hours before the meeting. This provision shall not apply to emergency meetings of County Council.
- (B) All public bodies, agencies or departments of Kershaw County that are subject to the provisions of the Freedom of Information Act shall designate a person or staff member to coordinate all transmittals of requests under the Freedom of Information Act to the Clerk to Council. This person shall serve as the primary contact for the person making a request and notification to the Clerk to Council of the request.

(C) All public bodies, agencies and departments of Kershaw County shall fully and completely document all activity on requests and responses made pursuant to the Freedom of Information Act.

AND IT IS SO RESOLVED BY Kershaw County Council in meeting duly assembled this 8th day of August, 2017.



KERSHAW COUNTY COUNCIL

ATTESTED TO:



MERRI M. SEIGLER
KERSHAW COUNTY CLERK TO COUNCIL