

CITY OF BISHOPVILLE, SOUTH CAROLINA

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

Policy Statement: The City Council (the “*Council*”) of the City of Bishopville, South Carolina (the “City”) 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 City conducts public business in an open and public manner, it shall be the policy of the City to comply with the South Carolina 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 (this “*Policy*”).

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 (1) in person at the City Hall, 135 E. Church Street, Bishopville, SC 29010; (2) by mail to City of Bishopville, Attn: City Administrator, P.O. Box 388, Bishopville, SC 29010; or (3) by electronic mail to the current City Administrator. Requests shall be made using the FOIA Request Form (the “*Request Form*”) provided by the City and made available to the public, a copy of which is attached hereto. To ensure the most accurate and prompt response, requests should be as detailed, specific, and descriptive as possible.

Processing FOIA Requests: When any City employee receives any written request for public records, the request should immediately be marked with the date of receipt. The City Administrator 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. Where an exemption to FOIA could possibly permit the City Administrator to decide not to disclose the requested records, the City Administrator is to consult with the City Attorney to determine if the exemption applies and whether the City should decline to disclose the records based upon the exemption.

Initial Response Deadlines: The City Administrator must respond to all FOIA requests within the time frames 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 City 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 City 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 City 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 City shall not create new records, nor summarize existing records. Requested records shall be released in the format most convenient to the City. The City may, in its discretion, create electronic records where they do not otherwise exist.

Records Exempt From Disclosure: The City 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 City Administrator, consulting with the City Attorney, shall determine whether an exemption to the disclosure requirements of FOIA applies. Where an exemption, restriction, or limitation applies, the City Administrator, based upon consultation with the City Attorney, should decide whether to deny disclosure based upon the application of the available 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 City may request for a hearing before the Circuit Court of Lee 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.

Costs for Processing FOIA Requests: The Council of the City of Bishopville, pursuant to Section 30-4-30 of the Code of Laws of South Carolina, as amended, has established the fee schedule below, which has been made available and made part of the City's fees and charges. The charges set forth therein are no greater than, and in some instances may be less than, the actual cost to the City of searching for and making copies of requested public records. 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 City who, in the opinion of the City Administrator, 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. The City may charge a fee for cost of staff time to transfer the document to electronic format. Where it is anticipated that the staff time necessary to comply with a request may exceed five hours, 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.

FREEDOM OF INFORMATION ACT FEE SCHEDULE FOR PUBLIC RECORDS

	Charge
Charge Per Page Letter Size b&w/color	\$0.40 b&w/\$0.80 color
Charge Per Page Legal Size b&w/color	\$0.90 b&w/\$1.00 color
Charge for staff time to search, retrieve or redact	\$13.50
Minimum charge to respond to all FOIA requests	\$3.00
Services anticipating five hours or more of staff time	25% deposit of est. cost
Postage/Shipping	Varies

Prohibition on Commercial Solicitation Use: Knowingly obtaining or using personal information obtained from the City for commercial solicitation is strictly prohibited. The measure employed by the City to ensure that no record is used for commercial solicitation purposes shall be to deny requests for records under FOIA where the only reasonably perceptible use for the requested records by the requesting party is commercial solicitation. Upon denial of a request by the City, the requesting party is to be notified that it has the burden to demonstrate a purpose for which the requested records may be used that is not commercial solicitation. All responsive communications provided by the City shall include a Certification of FOIA Fulfillment (“*Certification*”), a copy of which is attached hereto. The Certification will be signed by the City staff person charged with providing requested records and will include the following statement:

Pursuant to § 30-2-50 of the Code of Laws of South Carolina, 1976, as amended, you are prohibited from knowingly using public records obtained from the City of Bishopville for commercial solicitation. Violation of this law is punishable by law as a misdemeanor, resulting in up to a year in prison or a fine not to exceed \$500.

**CERTIFICATION OF FOIA FULFILLMENT
FOR THE CITY OF BISHOPVILLE, SOUTH CAROLINA**

PURSUANT TO §§ 30-2-50 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, YOU ARE PROHIBITED FROM KNOWINGLY OBTAINING OR USING INFORMATION OBTAINED FROM THE CITY OF BISHOPVILLE FOR COMMERCIAL SOLICITATION. VIOLATION OF THIS PROHIBITION IS PUNISHABLE BY LAW AS A MISDEMEANOR, RESULTING IN UP TO A YEAR IN PRISON OR A FINE NOT TO EXCEED \$500.

REQUESTOR NAME: _____

DATE OF REQUEST: _____

DATE OF RESPONSE: _____

I, _____, the undersigned employee of the City of Bishopville, South Carolina, certify that I have processed your request for access to public records pursuant to the Freedom of Information Act (“FOIA”), as codified at §§ 30-4-10 et seq. of the Code of Laws of South Carolina 1976, as amended, and am making available to you via {[U.S. Mail], [E-mail], [in-person delivery] (circle one)} the requested records contained herein.

City of Bishopville, South Carolina