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| POLICY TITLE Requests for Public Records Under the Freedom of Information Act (FOIA) | POLICY NUMBER 086 | DATE OF REVISION May 16, 2022 |
| ADMINISTRATIVE DIVISION Administration | PREVIOUS NUMBER N/A | PREVIOUS REVISIONS N/A |

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COMMISSION. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE COMMISSION RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. THE COMMISSION HAS THE AUTHORITY TO INTERPRET ALL POLICIES.

I. PURPOSE

- A. The Recreation Commission of Richland County (the “Commission”) of the Richland County Recreation District, South Carolina (the “District”) 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 District conducts its business in an open and public manner, it shall be the policy of the District to comply with both the letter and the spirit of 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, when processing requests for access to public records (this “Policy”).

II. MAKING A FOIA REQUEST

- A. 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 offices of the District, which are located at 7473 Parklane Road, Columbia, SC 29223; (ii) by mail to Richland County Recreation District, Attn: Community Relations Division Head (the “Public Information Officer”), 7473 Parklane Road, Columbia, SC 29223; or (iii) by electronic mail. Requests should be made using the FOIA Request Form (the “Request Form”) provided by the District and made available to the public, a copy of which is attached to this Policy. Requests made by letter or in some other written form shall contain substantially the same information provided for on the Request Form. When requests are submitted by fax, the requesting individual may be instructed to submit the request using one of the approved methods set forth in this Policy. In order to ensure the most accurate and prompt response, requests should be as detailed, specific, and descriptive as possible. With the exception of the records detailed below, a minimum charge of \$3.00 is applied to all FOIA requests to compensate the District for the cost of the staff time and materials necessary to respond to even the most minimal request.
- B. Requests to inspect the following public records need not be in writing provided the requestor appears at the office(s) of the District in-person and within normal District business hours:
 1. Minutes of all public meetings of the District for the preceding (6) six months; and
 2. Documents produced by the District 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.

III. PROCESSING FOIA REQUESTS

A. Processing FOIA Requests

1. Where any District employee receives any written request for public records, the request should immediately be stamped with the date of receipt and delivered to the Public Information Officer. The Public Information Officer should evaluate each request based upon the statutory requirements of FOIA regarding 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 Public Information Officer to decide not to disclose the requested records, the Public Information Officer should consult with the District’s attorney to determine if an exemption applies and whether the District should decline to disclose the records based upon the exemption.

B. Initial Response Deadlines

1. The Public Information Officer 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 |

2. It shall be the policy of the District 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 District 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.

C. Production Deadlines

1. For all granted requests, the District 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 |

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

D. Records Exempt from Disclosure

1. The District 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 Public Information Officer, consulting with the District's attorney, shall determine whether an exemption to the disclosure requirements of FOIA applies. Where an exemption, restriction, or limitation applies, the Public Information Officer, based upon consultation with the District's 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 District may request for a hearing before the Circuit Court of Richland 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.

E. Failure to Comply

1. 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.

F. Costs for Processing FOIA Requests

1. The Commission, pursuant to Section 30-4-30 of FOIA, has established the fee schedule below, which may be approved and updated as part of the District's regular schedule of 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 District 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 District who, in the sole opinion of the Public Information Officer, 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 District may charge a fee for cost of staff time to transfer the document to electronic format and the actual cost to the District for electronic media. 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. Each requesting party shall pay the full amount due prior to delivery of records under FOIA or this Policy.

IV. PROHIBITION ON COMMERCIAL SOLICITATION USE

- A. Knowingly obtaining or using personal information obtained from the District for commercial solicitation is strictly prohibited. The measure employed by the District 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 District, 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 District shall include a Certification of FOIA Fulfillment (the "Certification"), a copy of which is attached hereto. The Certification will be signed by the District 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 Richland County Recreation District 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.

Fee Schedule for Staff Time and Copies

| Description | Charge* |
|--|---------------------------------------|
| A minimum charge to pay costs for responding to all FOIA requests | \$3.00 (paid upon receipt of records) |
| Charge per page for hard copy of records | \$0.20 per copy |
| Charge for staff time to search, retrieve, or redact records | \$25.00 per hour |
| Charge for other media used to provide records | Actual cost of media to the District |
| Deposit for anticipated or apparent staff time exceeding 5 hours | ¼ of estimated costs |
| * At the sole discretion of the Public Information Officer, any portion of the rates and charges provided in this fee schedule (as may be amended from time to time) may be reduced or waived. | |

Richland County Recreation District, South Carolina
7473 Parklane Road, Columbia, SC 29223
Phone: (803) 741-7272

FREEDOM OF INFORMATION ACT REQUEST FORM

The Recreation District of Richland County, South Carolina (the "District") has adopted its "Policy Regarding Requests for Public Records Under the Freedom of Information Act" (the "Policy"). Pursuant to the Policy, requests for information made under the Freedom of Information Act, now codified at §§ 30-4-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended (the "FOIA") shall be made using this form. This form must be signed and submitted either (i) in person at the offices of the District, which are located at 7473 Parklane Road, Columbia, SC 29223; (ii) by mail to Richland County Recreation District, Attn: Public Relations Officer, 7473 Parklane Road, Columbia, SC 29223; or (iii) by electronic mail. A minimum fee of \$3.00 for staff time required to respond to the request must be included. Additional fees may also be required. No faxed requests will be accepted.

NAME: _____ DATE OF REQUEST: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

I, the undersigned, agree to pay the charges set by the fee schedule below for the services and copies I have requested.

SIGNATURE: _____

INFORMATION REQUESTED (please be as specific as possible and attach additional pages, if needed): _____

Section 30-4-30(b) of FOIA authorizes the District, as a public body, to charge and collect fees for the actual costs of responding to requests for public information. Under the Policy, the District has duly adopted the fee schedule set forth below for copies and for staff time in searching for and providing requested information. A minimum fee of \$3.00 for all FOIA requests will be submitted along with this form. An additional deposit is required for requests that are anticipated to require greater than (5) five hours of staff time.

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 RICHLAND COUNTY RECREATION DISTRICT FOR COMMERCIAL SOLICITATION. VIOLATION OF THIS LAW IS PUNISHABLE AS A MISDEMEANOR, RESULTING IN UP TO A YEAR IN PRISON OR A FINE NOT TO EXCEED \$500. MY FILING OF THIS REQUEST CONSITUTES ACKNOWLEDGMENT OF THIS PROHIBITION.

Fee Schedule for Staff Time and Copies

| Description | Charge |
|--|---------------------------------------|
| Minimum charge to pay costs for responding to all FOIA requests | \$3.00 (paid upon receipt of records) |
| Charge per page for hard copy of records | \$0.20 per copy |
| Charge for staff time to search, retrieve, or redact records | \$25.00 per hour, per employee |
| Charge for other media used to provide records | Actual cost of media to the District |
| Deposit for anticipated or apparent staff time exceeding 5 hours | ¼ of estimated costs |

FOR DISTRICT USE ONLY

DEPARTMENT SUBJECT TO REQUEST: _____ RECEIVED BY: _____

REQUEST ASSIGNED TO: _____ DATE OF COMPLETION: _____
 DATE OF ASSIGNMENT: _____ FEE FOR SERVICES: _____
 DATE RESPONSE DUE: _____ METHOD OF PAYMENT: _____

**CERTIFICATION OF FOIA FULFILLMENT
FOR THE RICHLAND COUNTY RECREATION DISTRICT**

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 RICHLAND COUNTY RECREATION DISTRICT 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 RECREATION DISTRICT OF RICHLAND COUNTY, certify that I have processed your request for access to public records pursuant to the Freedom of Information Act, 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.

By: _____

Name: _____

Title: _____

Requests for Public Records Under the Freedom of Information Act 086

ADOPTED BY THE RICHLAND COUNTY RECREATION COMMISSION BOARD

BOARD MEETING DATE: May 16, 2022

(Date Approved)

Approved: 
Donzetta Lindsay, Chair

(For more information about this policy, contact the Executive Department.)