

HORRY COUNTY FREEDOM OF INFORMATION ACT POLICY

OVERVIEW OF FREEDOM OF INFORMATION ACT

The South Carolina Freedom of Information Act §§ 30-4-10, *et seq.* is designed to provide persons access to public records. To facilitate this process and ensure compliance with the law, departments shall designate at least two staff members to be familiar with and assist in processing FOIA requests. Each department shall have copies of the FOIA request form readily available. Forms are available online, but may be faxed, emailed, mailed or picked up in person.

MAILED/FAXED REQUESTS

If a person asks to make a FOIA request, departmental staff should refer them to the online form or provide them with a FOIA form as mentioned in the above paragraph. If you receive a written request through email, mail or fax, please write or stamp the date received on it, as you would with our standard form. The request shall then immediately be forwarded to the Public Information Office (PIO). A copy shall be kept in the department's files to ensure that the requested information is gathered within the allotted time frame.

IN PERSON REQUESTS

If an individual appears "in person" to make a request, please provide a FOIA form to them to fill out. If the record they are requesting is easily accessible, it should be provided while they wait, unless there is any question as to the appropriateness of the request or production of the record. Departments should fill out the bottom portion of the form (if the request was completed, be sure to note the date and charge if any) and send it to the Public Information Office by email if possible; if not it can faxed to 843-915-6390.

If the "in person" request is regarding the requestor's own information, such as their own police incident report, warrant, business license or building permit, and those records are easily accessible, those records shall be provided immediately. A FOIA form is not necessary.

If the "in person" request is detailed and requires research, retrieval, and/or extensive copying, please have the individual fill out a FOIA request form. This will allow the request to be tracked to ensure that it is responded to within the statutory time period. Please inform the requestor to contact the Public Information Office for the status of their request. This form should be immediately forwarded to the Public Information Office. Departments should keep a copy to make sure that the requested information is gathered

within the allotted time frame. Public Information will then ask the department FOIA representative to estimate the number of copies and/or staff time it will take to fulfill the request. Copy charges may not apply to records that are transmitted in an electronic format; however, charges may be assessed for converting records into electronic format. Public Information will then send the requestor a letter setting forth the estimated charge for the records. The County may require a deposit not to exceed 25% of the anticipated cost for reproduction prior to the County undertaking any search for or making any copies of any record. Fees will be collected prior to any work being done. If and when the fee is collected, Public Information will notify the department to continue with the production of the record(s) requested.

MISCELLANEOUS

Public Information shall be responsible for maintaining files, records and collecting monies on FOIA requests. Questions regarding whether the record should be produced should be directed to Public Information. E.g., there are numerous exemptions found in the SC FOIA, and certain information such as personal identifying information and protected health information that is prohibited from being disclosed.

Please note that a person or private entity shall not knowingly obtain or use personal information obtained from Horry County for the purpose of commercial solicitation!

It should be noted that certain departments are required to make certain records **immediately** available for any "in person" request, **unless exempted from disclosure**. A written request is neither needed nor should be requested for:

1. Minutes of the meeting of a public body (such as the Planning Commission, County Council division committees, etc.) for the preceding six (6) months.
2. Law enforcement records of criminal activity for the last fourteen (14) days (not juvenile records).
3. Any record subject to FOIA that is readily available and easily produced in situations where a delay would be less efficient, e.g., copies of ordinances, resolutions, rules of procedure etc.
4. All documents produced by the public body or its agents that were distributed to or reviewed by a member of the public body during a public meeting for the preceding 6-months (such as presentations even if done by a private citizen).
5. Documents identifying persons confined in jail, detention center, or prison for the preceding three months.

CERTAIN INFORMATION ON THESE (AND OTHER) DOCUMENTS MAY BE EXEMPT FROM DISCLOSURE. THAT INFORMATION MUST BE REDACTED FROM THE DOCUMENTS BEFORE BEING MADE AVAILABLE. QUESTIONS ON WHAT

INFORMATION IS EXEMPT SHOULD BE DIRECTED TO THE PUBLIC INFORMATION OFFICE.

FEES:

The County may charge:

- \$0.15 cents per page (8.5" x 11")
- \$25 per hour for staff time search, retrieve, redact, copy and assemble the requested documents.
- \$10 for each E911 audio file whether as a MP3 or CD
- \$15 for each DVD

Fees cannot be charged to examine records to determine if the documents are subject to disclosure. The Public Information Office may produce the documents without charge or at a reduced charge where it is determined that furnishing the record(s) is "primarily benefiting the general public".

The Public Information Office will collect, receipt and deposit all monies with the Horry County Treasurer.

This policy shall be effective from and after February 19, 2018.



Chris Eldridge, County Administrator