

FREEDOM OF INFORMATION ACT REQUEST POLICY

The Freedom of Information Act (FOIA) is a law that gives you the right to access information from the government. It is often described as the law that keeps citizens in the know about their community's government.

Town of James Island Freedom of Information Act Policy Processing FOIA Requests and Standard Fees for Compliance with FOIA Requests

Policy Statement: The Town of James Island recognizes the South Carolina General Assembly enacted the South Carolina Freedom of Information Act (South Carolina Code 30-4-10) designed to give every citizen the right to attend government meetings and the right to obtain official documents and records. The Town wishes to standardize the procedures of processing FOIA requests and to establish reasonable fees and rates for such requests. By standardizing the FOIA request process and formulating fees, the Town will ensure compliance with the FOIA.

FOIA Requests:

South Carolina law provides that it is a crime to knowingly obtain or use personal information from a public body for commercial solicitation. Therefore, the Town may not release certain information based on its content and the nature of the request.

All requests for information pursuant to the FOIA must be made in writing and may be submitted in person or by mail, email, or fax. In order to ensure a more accurate response, all requests should be as specific and descriptive as possible. Bill H3352, enacted on May 19, 2017 have made changes to the process for requesting documents under the Freedom of Information Act. This law reduces the timeline from 15 days to 10 business days that a public body has to respond to a written request for records less than 24 months old. If a requested record is older than 24 months, the deadline is 20 days (excluding Saturdays, Sundays, and legal public holidays). However, it is important to note that the Town is not legally required to answer the FOIA request in full at this time, only respond to the request and inform the citizen about the length of time the request is expected to take to assemble, as well as inform the citizen on any fees that may be incurred. If the request is granted, the record will be furnished or made available for inspection or copying no later than thirty calendar days from the date on which the final determination was provided. If the records are more than twenty-four months old, the Town will make that information available no later than thirty-five calendar days from the date on which the final determination was provided.

The Town Clerk is responsible for maintaining all files and records pertaining to FOIA requests as well as ensuring compliance. Therefore, all written FOIA requests submitted to other Town departments should immediately be stamped with a date of receipt and then forwarded to the Town Clerk's office.

It should be noted that not all requests for public documents should be construed as a FOIA request. A written request is not needed nor should it be requested for the following: (10-day rule does not apply).

1. Minutes of the meeting of a public body (such as the Planning Commission, Town Council division committees, etc.) for the preceding six (6) months.

2. Law enforcement records for the last fourteen (14) days (except juvenile records, which are exempt).
3. Documents identifying people in prison for the past three (3) months (except juvenile records, which are exempt).
4. Any data subject to FOIA that is readily available and easily dispersed in situations where a delay would be less efficient, i.e., copy of ordinances, resolutions, established policies, procedures, etc.

CERTAIN INFORMATION ON THESE (AND OTHER) DOCUMENTS MAY BE EXEMPT FROM DISCLOSURE. THAT INFORMATION MAY BE REDACTED FROM THE REPORT BEFORE BEING RELEASED. QUESTIONS ON WHAT INFORMATION IS EXEMPT SHOULD BE DIRECTED TO THE TOWN ADMINISTRATOR.

Fees: Town Council, as the governing body of the Town of James Island, is authorized by the South Carolina Freedom of Information Act (South Carolina Code 30-4-30) to establish and collect reasonable fees and rates not to exceed the actual cost of searching for or making copies of records. The Town may charge a minimum fee of three (\$3.00) for compliance with any FOIA request. Additionally, the Town may charge twenty-five (\$0.25) cents per copied page for FOIA requests, if copies exceed fifteen (15) pages and/or if the information is not readily accessible. In addition, the Town may charge thirteen (\$13.00) dollars per hour for staff time in cases where more than one hour is required to research, copy, and/or assemble requested documents. Fees cannot be charged to examine records in order to determine if the records can be provided. If it becomes apparent that a request will require more than five (5) hours of staff time to effect compliance with the request, the Town shall require a 25% deposit of the estimated costs to effect compliance before any search and compilation of documents will be performed. The Administrator may provide the documents free of charge if it is determined that the information is “primarily benefiting the public”.

Fee Schedule

FOIA Activity	Associated Charges	# of Units	Subtotal Cost
Minimum charge for all Requests	\$3.00		
Requestor cost for copies exceeding 1B pages	250 per page		
Requestor cost for staff research	\$13.00		
*Search time exceeding 5 hours (deposit)	25% of estimated cost		
DVD Copy	\$15.00 per DVD		
Standard Maps/Plots			
<ul style="list-style-type: none"> • Up to 11"x17" size • Anything over 11" x17" 			
		Total Cost	

FOIA Requesting Party: _____

Date and Amount of Deposit (if applicable) Payment Amount: