

## SIX MILE, SOUTH CAROLINA

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

Policy Statement: It shall be the policy of the Town of Six Mile (the “**Town**”) to comply with both the letter and the spirit of 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, in regard to the processing of requests for access to public records (H3352 effective May 19, 2017). This Policy is applicable to all departments of the town, and to any board or commission whose members are appointed by the Town Council, the governing body of the Town (the “**Council**”).

Making a FOIA Request: All requests for public documents pursuant to FOIA, except for those described below, must be made *in writing*, and preferably submitted via email to the Town Clerk/Treasurer. Requests made to Council Members or any town employee may be forwarded to the Town Clerk/Treasurer, but the requester should not assume they have been forwarded to the appropriate party. If the requester does not receive an acknowledgement of receipt of the FOIA request within 24 hours from the Town Clerk/Treasurer or the Town Attorney, the requester should assume the FOIA request has not been properly submitted and should make their request again. Requests may be made in person at Six Mile Town Hall, 106 S Main Street, Six Mile Town, SC 29682-9332; by mail to Town of Six Mile, Attn: Town Clerk/Treasurer, P.O. Box 429, Six Mile Town, SC 29682-0429; or by email to rita\_martin@sixmiles.org. Ideally, requests shall be made using the Freedom of Information Act Request Form (the “**Request Form**”) provided by the Town and made available to the public, a copy of which is attached hereto. Requests made by letter or in some other written form shall contain substantially the same information provided for on the Request Form. In order to ensure the most accurate and prompt response, requests should be as detailed, specific, and descriptive as possible.

Requests to inspect the following public records need not be in writing, provided the requestor appears at the appropriate Town office in-person and within normal Town business hours:

- (1) Minutes of the meetings of the Town for the prior six months.
- (2) All reports identified in South Carolina Code Annotated section 30-4-50(A)(8), for no less than 14 days.
- (3) All documents produced by the Town or its agent that were distributed to or reviewed by a member of Town Council during a public meeting, not including any portion of a meeting held in executive session, for the preceding six-month period.

Certain documents are immediately available on our website free of charge.

Processing FOIA Requests: The Town Clerk/Treasurer is designated as the staff member to be responsible for and familiar with any FOIA request. When any Town employee or Council member receives any written request for public records, the request should be stamped or notated with the date of receipt and **immediately** delivered to the Town Clerk/Treasurer. Routine FOIA requests may be handled directly by the Assistant Clerk with the approval of the Town Clerk/Treasurer. The Town Clerk/Treasurer or Mayor is authorized to and shall consult with the Town Attorney on non-routine FOIA requests and on any questions of law involving FOIA. Where an exemption, restriction or limitation to FOIA possibly exists, the Assistant Clerk should consult with the Town Clerk/Treasurer to determine if an exemption, restriction or limitation applies and whether the Town should decline to disclose the records based upon the exemption, restriction or limitation. However, the presumption in evaluating FOIA requests should be in favor of disclosing the requested records.

As required by FOIA, the Town staff must respond to all FOIA requests for records which are less than two years of age within 10 business days of receipt of the request and must respond to all FOIA requests for records which are more than two years of age within 20 business days of receipt of the request. However, it shall be the policy of the Town 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 the fee schedule 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 Town shall not create new records, nor summarize existing records. Requested records shall be released in the format most convenient to the Town. The Town Clerk/Treasurer shall release records less than two years of age within 30 calendar days of a determination that the record(s) shall be released or within 30 calendar days of the date on which the individual(s) requesting the record(s) deposits a fee, if required, for the cost of fulfilling the FOIA request. Any deposit required by the Town shall not exceed 25% of the estimated cost of fulfilling the request. The Town Clerk/Treasurer shall release records greater than two years of age within 35 calendar days of a determination that the record(s) shall be released or within 35 calendar days of the date on which the individual(s) requesting the record(s) deposits a fee, if required, for the cost of fulfilling the FOIA request. Any deposit required by the Town shall not exceed 25% of the estimated cost of fulfilling the request.

Records Exempt From Disclosure: The Town 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 applicable South Carolina or federal law. As previously stated herein, the Mayor or the Town Clerk/Treasurer shall consult with the Town Attorney to determine whether an exemption, restriction or limitation to the disclosure requirements of FOIA applies. Where an exemption, restriction or limitation applies, the Town Clerk/Treasurer, based upon consultation with the Town 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. An example of redacted material would include certain privileged or confidential information contained in Council Member meeting packets related to discussions held in Executive Session. It should be understood that certain items cannot be disclosed, such as social security numbers, birthdays, home addresses, victim information, Family Leave, information that may be protected by HIPPA, including workers compensation claims, and other matters of personal or private nature. If the requester feels some of the information he is requesting may fall under this category and there is a legitimate reason to have that information in the public, the requester should specifically list that type of information and why it is necessary to disclose. The Town will not necessarily disclose that they are exempting some of this information because disclosing that they are exempting the information may in and of itself violate the personal nature of the information.

Appeal Process: If the requester feels certain items have been improperly exempted from disclosure he may email (link) the Town Clerk/Treasurer and the Town Attorney the requester's disagreement with the disclosure and note the types of material the requester believes should be disclosed and why. If the requester does not receive an acknowledgement of receipt of the disagreement within 24 hours from the Town Clerk/Treasurer or the Town Attorney, the requester should assume the FOIA request has not been properly submitted and should make their request again. Within five (5) business days the Town Clerk/Treasurer or Town Attorney shall reply to the disagreement and indicate whether they have additional information that will be disclosed. If at any time the Town Clerk/Treasurer or Town Attorney indicates there is no other material they will disclose, the requester can appeal their decision to the Mayor and two members of Town Council - one chosen by the Mayor and one chosen by the requester to consider an appeal by the requester in regards to their request. The meeting at which the Mayor and two Council Members consider the request is a public meeting and must meet all notice and agenda requirements contained in the S.C. Freedom of Information Act. In their discretion, the Mayor and two Council Members can choose to consider such an appeal solely on written materials or by meeting with the requester and staff. The Mayor and two Council Members can disclose additional material, refer the matter to the entire Council, affirm the decision

of staff, or ask staff to file an action with a circuit court seeking a Declaratory Judgement in order to ascertain the legitimacy of the request.

Failure to Comply: 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.

Costs for Processing FOIA Requests: The Council, pursuant to Section 30-4-30 of FOIA, has established the fee schedule below in order to compensate the Town for the actual cost of searching for and making copies of requested public records. Where it is anticipated that the staff time necessary to comply with a request may exceed five (5) hours, the requestor may be required to pay a deposit of twenty-five (25) percent of the estimated costs of complying with the request before staff will begin searching for or making copies of the requested records.

Fee Schedule for Staff Time and Copies:

The Town’s costs and fees shall be uniformly applied to each requestor. The Town shall not waive or discount the costs or fees associated with any requests.

Section 30-4-30(b) of FOIA, authorizes the Town, as a public body, to charge and collect fees for the actual costs of responding to requests for public information. Under the Policy, the Town has duly adopted the fee schedule set forth below for copies and for staff time in searching for and providing requested information. An additional deposit is required for requests that are anticipated to require greater than (5) five hours of staff time.

Deposit for anticipated or apparent staff search time exceeding five (5) hours will be equal to twenty-five (25) percent of the total estimated costs before staff will begin searching for or making copies of the requested record.

**FEE SCHEDULE**

	Minutes/Hours	X Rate	= Cost
<b>Search/Retrieval Time</b>		\$*	
<b>Copies</b>	<b>Number of Pages</b>	<b>Unit Price</b>	
Black-white paper records/Standard reports 8.5x11		\$0.25/page	
Color paper records/Standard reports 8.5x11		\$0.50/page	
Standard maps/Plots up to 11x17 black-white		\$0.50/each	
Standard maps/Plots up to 11x17 color		\$1.00/each	
Standard maps/Plots larger than 11x 17		\$5.00/each	
Microfiche/Microfilm copies (black-white)		\$0.25/each	
CD/DVD		\$1.00/each	
Flash Drive		\$12.00/each	
<b>TOTAL COST</b>			

\*Based on the prorated hourly salary of the lowest paid employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request. This may also include the use of one or more attorneys to review such records at the attorney’s standard hourly rates.

Town of Six Mile Town, South Carolina  
106 S Main Street, Six Mile Town, SC 29682-9332  
Phone: (864) 868-2653

**FREEDOM OF INFORMATION ACT REQUEST FORM**

The Town of Six Mile, South Carolina (the "Town") 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: in person at the Town of Six Mile Town Hall, 106 S Main Street, Six Mile Town, SC 29682-9332; or by mail to Town of Six Mile, Attn: Town Clerk/Treasurer, P.O. Box 429, Six Mile, SC 29682-0429; or by email to rita\_martin@sixmiles.org. Additional fees may be required. No faxed requests will be accepted.

**S.C. LAW PROVIDES THAT IT IS A CRIME TO KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION FROM A PUBLIC BODY FOR COMMERCIAL SOLICITATION.**

NAME: \_\_\_\_\_ DATE OF REQUEST: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

DAYTIME PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

AGENCY, FIRM OR ORGANIZATION: \_\_\_\_\_

ADDRESS (IF DIFFERENT) \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

DAYTIME PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

**REQUESTED DELIVERY:**

MAIL \_\_\_\_\_ PICK UP \_\_\_\_\_ EMAIL \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

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): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR TOWN USE ONLY**

REQUEST ASSIGNED TO: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

DATE OF ASSIGNMENT: \_\_\_\_\_ DATE OF COMPLETION: \_\_\_\_\_

REQUEST APPROVED BY: \_\_\_\_\_ FEE FOR SERVICES: \_\_\_\_\_

DATE RESPONSE DUE: \_\_\_\_\_ METHOD OF PAYMENT: \_\_\_\_\_