



## **PUBLIC INFORMATION POLICY**

### **1. Purpose:**

The Chester Metropolitan District, South Carolina (“CMD”) receives a substantial number of requests for information. The Chester Metropolitan District Commission (the “Commission”), as the governing body of CMD, 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. It shall be the policy of CMD 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”). These guidelines are intended to complement, but do not replace, the requirements set forth by FOIA.

### **2. Making a FOIA Request:**

All requests for public documents pursuant to FOIA (“FOIA Requests”), except for those described below, must be made in writing and submitted either (i) in person at the offices of CMD, which are located at 155 Wylie Street, Chester, South Carolina 29706; (ii) by mail to Chester Metropolitan District, Attn: FOIA Officer, P.O. Box 550, Chester, South Carolina 29706; or (iii) by electronic mail. It is requested that FOIA Requests should be made using the FOIA Request Form (the “Request Form”) provided by CMD and made available to the public, a copy of which is attached to this Policy. FOIA Requests made by letter or in some other written form shall contain substantially the same information provided for on the Request Form. When FOIA 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, FOIA 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 CMD for the cost of the staff time and materials necessary to respond to even the most minimal request.

Requests to inspect the following public records need not be in writing provided the requestor appears at the office(s) of CMD in-person and within normal District business hours:

- I. Minutes of all public meetings of the Commission for the preceding six months; and
- II. Documents produced by CMD or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding six months.

### **3. Processing FOIA Requests:**

- a. All FOIA Requests will be coordinated through CMD’s designated “FOIA Officer”.



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- b. Where any CMD employee receives any written FOIA Request, the FOIA Request should immediately be stamped with the date of receipt and delivered to the FOIA Officer.
- c. A log of all FOIA Requests made shall be maintained by the FOIA Officer, and all FOIA Requests will be logged in and tracked regardless of where the files are located.
- d. The FOIA 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.
- e. Where an exemption to FOIA could possibly permit the FOIA Officer to decide not to disclose the requested records, the FOIA Officer should consult with CMD's attorney to determine if an exemption applies and whether CMD should decline to disclose the records based upon the exemption.
- f. The FOIA Officer must ensure all FOIA requests are responded to 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 |

- g. 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.
- h. If the records are available and subject to disclosure, the requestor will be notified and instructed whom to contact to schedule a time and place where the records may be inspected or copied and will be advised of any charges that may apply.
- i. CMD 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>Response time</u> |
|-------------------------|----------------------|
| Less than 24 months old | 30 calendar days     |
| More than 24 months old | 35 calendar days     |

- j. In the event of an unavoidable delay in providing releasable information, the FOIA Officer shall ensure that written approval of the FOIA Request is provided to the requestor within the required deadline, and that the requested information is forwarded immediately upon availability.
- k. CMD shall not create new records, nor summarize existing records. Requested records shall be released in the format most convenient to CMD. CMD may, in its sole discretion, create electronic records where they do not otherwise exist.



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4. **Records Exempt from Disclosure:** CMD 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. Where an exemption, restriction, or limitation applies, the FOIA Officer, in consultation with CMD'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. CMD may request for a hearing before the Circuit Court of Chester 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.
5. **Fees:**
  - a. The Commission, pursuant to Section 30-4-30(b) of FOIA, has provided for the establishment of and collections of reasonable fees and for certain exemptions. A fee schedule is attached hereto as Exhibit A. These fees are subject to change, a current schedule of fees will be available from the FOIA Officer. Fees will include both the cost of reproduction and personnel costs for research and retrieval.
  - b. The charges set forth therein are no greater than, and in some instances may be less than, the actual cost to CMD 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 CMD who, in the sole opinion of the FOIA Officer, has the training necessary to fulfill the request.
  - c. Payment in full for a FOIA Request will be required prior to release of any records. Requests for payments in advance shall be made in writing.
  - d. 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.
  - e. CMD, acting through the FOIA Officer, reserves the right to waive fees. Fees and/or charges may be waived when a request will benefit the public's interest and requires a minimal amount of employee time and photocopying expense.
6. **Prohibition on Commercial Solicitation Use:** Knowingly obtaining or using personal information obtained from CMD for commercial solicitation is strictly prohibited. The measure employed by CMD 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 CMD, 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



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communications provided by CMD shall include a Certification of FOIA Fulfillment (the "Certification"), a copy of which is attached hereto. The Certification will be signed by the CMD 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 Chester Metropolitan 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.

## FREEDOM OF INFORMATION ACT REQUEST FORM

The Chester Metropolitan District, South Carolina ("CMD") has adopted its "Public Information Policy" (the "Policy"). Pursuant to the Policy, requests for information made under the South Carolina 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 CMD, which are located at 155 Wylie Street, Chester, South Carolina 29706; (ii) by mail to Chester Metropolitan District, Attn: FOIA Officer, P.O. Box 550, Chester, South Carolina 29706; 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 CMD, as a public body, to charge and collect fees for the actual costs of responding to requests for public information. Under the Policy, CMD 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 CHESTER METROPOLITAN 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 CONSTITUTES 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: \_\_\_\_\_