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

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**ST. ANDREWS PUBLIC SERVICE DISTRICT**

Policy Statement: The St. Andrews Public Service District Commission, (the “*Commission*”), the governing body of the St. Andrews Public Service District (“*SAPSD*”) recognizes the findings of the General Assembly of South Carolina and 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 SAPSD conducts public business in an open and public manner, it shall be the policy of SAPSD 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 regards to the processing of requests for access to public records.

Making a FOIA Request: All requests for public documents pursuant to FOIA, except for those described below, must be made *in writing* and ideally submitted in person to SAPSD offices located at 1775 Ashley River Road, Charleston, SC 29407, by mail to SAPSD, Attn: District Manager, 1775 Ashley River Road, Charleston, SC 29407 or via the website [www.standrewspsd.org](http://www.standrewspsd.org). Ideally, requests will be made using the FOIA Request Form (the “*Request Form*”) provided by SAPSD and made available to the public, a copy of which is attached hereto. Requests made by letter or in some other written form should contain substantially the same information provided for on the Request Form. Requests should not be submitted by fax. 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 for the cost of the staff time and materials necessary to respond to the request.

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

1. Minutes of all public meetings of the Commission for the preceding (6) six months; and
2. Reports from the preceding fourteen (14) days which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed (with the exception of records

Processing FOIA Requests: 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 District Manager (the “*Manager*”). The Manager should evaluate FOIA requests based upon the statutory requirements of FOIA with regards to 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 Manager to decide not to disclose the requested records, the Manager should consult with SAPSD’s legal counsel to determine if the exemption applies and whether SAPSD should decline to disclose the records based upon the exemption.

Initial Response Deadlines: The Manager must respond to all FOIA requests within the timeframes outlined below:

- Documents less than 24 months old - 10 business days
- Documents more than 24 months old - 20 business days

It shall be the policy of SAPSD 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 SAPSD 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.

Production Deadlines: For all granted requests, SAPSD shall furnish the records within the timeframes outlined below, as measured from the date of initial or response or, where applicable, the payment of a deposit.

- Documents less than 24 months old - 30 calendar days
- Documents more than 24 months old - 35 calendar days

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

Records Exempt From Disclosure: SAPSD 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 Manager, consulting with legal counsel, shall determine whether an exemption to the disclosure requirements of FOIA applies. Where an exemption, restriction, or limitation applies, the Manager, based upon consultation with legal counsel,

should decide whether to deny disclosure based upon that 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. SAPSD may request for a hearing before the Circuit Court of Charleston 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.

**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 Commission, pursuant to Section 30-4-30 of the Code of Laws of South Carolina, as amended, has established the fee schedule below, which has been made available as part of SAPSD's 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 SAPSD 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 SAPSD who, in the opinion of the Manager, 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, SAPSD may charge a fee for cost of staff time to transfer the document to electronic format and the actual cost to SAPSD 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. Requesting party shall pay the full amount due prior to delivery of records. Pursuant to Section 30-4-30(B) of FOIA, the Commission has determined that it is in the public interest to waive or reduce the fees and charges with respect to certain types of requesting entities because furnishing information to these types of entities primarily benefits the general public, and has, therefore, incorporated such fee reductions or waivers into the fee schedule below.

Payments will be in the form of either a certified check, bank draft, or a money order made payable to the District. Payments can be made in person or mailed to St. Andrews Public Service District, Attn: District Manager, 1775 Ashley River Road, Charleston, SC 29407.

**Prohibition on Commercial Solicitation Use:** Knowingly obtaining or using personal information obtained from SAPSD for commercial solicitation is strictly prohibited. The measure employed by SAPSD 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 SAPSD, 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 SAPSD shall include a Certification of FOIA Fulfillment (“*Certification*”), a copy of which is attached hereto. The Certification will be signed by the 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, you are prohibited from knowingly using public records obtained from SAPSD 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:

<b>Fee Schedule</b>	
<b>Description</b>	<b>Charge</b>
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	\$0.25 per copy (plus postage)
Charge for staff time to search, retrieve, or redact records	Hour rate equal to the lowest paid employee who has the skill and training to perform the request
Charge for other media used to provide records	At cost
Deposit for anticipated or apparent staff time exceeding 5 hours	¼ of estimated costs
At the discretion of the FOIA officer, any portion of the rate may be waived.	

**St. Andrews Public Service District**  
**1775 Ashley River Road, Charleston, SC 29407**  
**Phone: 843-556-6310**

**FREEDOM OF INFORMATION ACT REQUEST FORM**

The St. Andrews Public Service District, South Carolina ("SAPSD") 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 ("FOIA") shall be made using this form. This form must be signed and submitted either: in person at SAPSD office located at 1775 Ashley River Road, Charleston, SC; by mail to SAPSD, Attn: District Manager, 1775 Ashley River Road, Charleston, SC 29407; or via the website [www.standrewspsd.org](http://www.standrewspsd.org). 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: \_\_\_\_\_

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 SAPSD, as a public body, to charge and collect fees for the actual costs of responding to requests for public documents. Under the Policy, SAPSD has 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 must 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, YOU ARE PROHIBITED FROM KNOWINGLY USING PUBLIC RECORDS OBTAINED FROM THE SAPSD 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**

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	\$0.25 per copy (plus postage)
Charge for staff time to search, retrieve, or redact records	Hour rate equal to the lowest paid employee who has the skill and training to perform the request
Charge for other media used to provide records	At cost
Deposit for anticipated or apparent staff time exceeding 5 hours	¼ of estimated costs
At the discretion of the FOIA officer, any portion of the rate may be waived.	

**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: \_\_\_\_\_

ST. ANDREWS PUBLIC SERVICE DISTRICT, SOUTH CAROLINA

CERTIFICATION OF FOIA FULFILLMENT

**PURSUANT TO §§ 30-2-50 OF FOIA, YOU ARE PROHIBITED FROM KNOWINGLY OBTAINING OR USING INFORMATION OBTAINED FROM THE ST. ANDREWS PUBLIC SERVICE 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 St. Andrews Public Service District, South Carolina, certify that I have processed your request for access to public records pursuant to 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, and am making available to you via {[U.S. Mail], [E-mail], [in-person delivery] (circle one)} the requested records contained herein.

St. Andrews Public Service District

\_\_\_\_\_  
Name:  
Title: