

Freedom of Information (FOI)

Policy and Procedures for Responding to FOI Requests submitted to the SCDA

I. GENERAL

The records of the South Carolina Department of Agriculture are open to the public for inspection and copying pursuant to, and subject to any limitations of, the South Carolina Freedom of Information Act (FOIA), S.C. Code Ann. 30-4-10 et seq. (1976, as amended). The Department is committed to following both the letter and spirit of the FOIA.

In order to ensure open access, accountability, and timely and appropriate response to the public, all requests for information will be coordinated through the Department's General Counsel.

II. FOI CENTER POLICY AND PROCEDURES

A. General. The South Carolina Department of Agriculture (SCDA) receives a substantial number of FOI requests. The General Counsel ensures that all requests are handled in a consistent manner and in conformity with the FOIA.

All FOIA requests should be submitted to:

South Carolina Department of Agriculture

Office of General Counsel

Street Address: Wade Hampton Building, 5th Floor, State Capitol Complex, Columbia, SC

Mailing Address: PO Box 11280, Columbia, SC 29211

B. Receipt of Request/Procedure to Process. All FOI requests *must be in writing*. No particular form is required. The General Counsel shall serve as the FOIA Coordinator, and all requests will be logged in regardless of where the files are reviewed.

If the requested records are available, the FOIA Coordinator will coordinate with appropriate program areas to arrange for retrieval, review and/or copying of records. Review of records will be by appointment only. Review of records will ordinarily take place within the Office of General Counsel. However, review may take place, at the sole discretion of the FOIA Coordinator, at other offices and locations.

The FOIA Coordinator will be responsible for establishing and coordinating procedures with Department offices for all FOIA requests.

C. Response to Request/Notification. Within fifteen (15) working days of receipt of a written FOIA request, the Department must, in accordance with Section 30-4-30(c), make a determination in writing to the requestor regarding the release of the requested records. Certain requests may require a determination to be made regarding confidentiality, trade secret, or other FOIA or separate statutory exemption from release. In such cases, the requestor will be notified that the files are not immediately available and that they will be contacted by the FOIA Coordinator upon determination regarding exemption by the Department.

If the records are available, the requestor will be notified and instructed to contact the FOIA Coordinator to schedule a time and place where the records may be inspected or copied and sent, as well as being advised of any charges that apply.

D. Policy on Fees. Section 30-4-30(b) provides for the establishment and collection of reasonable fees and costs. These fees are subject to change. Fees will include both the cost of reproduction and personnel costs for research and retrieval.