



NEWS MEDIA CONTACTS AND FOIA REQUEST POLICY

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. POLICY STATEMENT

The South Carolina Department of Agriculture (SCDA) plays a key role in state government and is often critically involved in a wide range of issues that face the state. It is vital to the SCDA's mission that the news media and public receive timely and accurate information about the activities of SCDA. The responsibility for providing information to the news media and public rests with the Communications Director in consultation with the Office of the Commissioner, General Counsel and Assistant Commissioners.

This policy applies to you in your official capacity as an employee of SCDA. This policy does not prohibit an employee from exercising his or her freedom of speech as a private citizen on matters of public concern.

Employees of SCDA are instructed to use extreme care to avoid disclosing any confidential or nonpublic information.

II. NEWS MEDIA CONTACTS

A. General Procedures

Employees of SCDA should refer news media to the Communications Director.

It is the responsibility of the Communications Director, in conjunction with the Office of the Commissioner, General Counsel, and the Assistant Commissioners, to determine who will provide information directly to the news media on individual issues.

All employee interviews with the news media should be arranged through the Communications Director.

During planned absences, the Communications Director will designate another SCDA employee to receive media inquiries.

If the Communications Director or their designee is unavailable, employees should refer the news media to their Assistant Commissioner and the General Counsel. If contact with the news media is unavoidable, employees should immediately report such contact to their supervisor, General Counsel and their Assistant Commissioner. The Communications Director should also be notified as soon as possible.

Employees should respond to requests from the Communications Director for information and/or access to SCDA offices in a reasonable time frame.

Interviews with the news media of a personal nature (i.e., not related to job function or employee responsibilities) should not be conducted in any SCDA office/building at any time unless specific, prior permission has been granted by the Communications Director and/or General Counsel. Employees should not wear SCDA-branded clothing when participating in interviews with the news media of personal nature.

III. FREEDOM OF INFORMATION ACT (FOIA) REQUEST

A. 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.

B. Policy and Procedures

All FOIA requests must be in writing. No particular form is required. The General Counsel shall serve as the FOIA Coordinator. If the General Counsel or their designee is unavailable, employees will refer the request to the Communications Director.

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.

The FOIA Coordinator will refer all news media requests under FOIA to the Communications Director. It is the responsibility of the Communications Director, in conjunction with the Office of the Commissioner, Assistant Commissioners, and General Counsel to determine who will provide FOIA information directly to the news media.

No SCDA office, program or SCDA employee acting in their official capacity should submit a FOIA request to another governmental entity without prior approval of the Office of Commissioner and General Counsel.

C. Response to Request/Notification

Within ten (10) working days of receipt of a written FOIA request, the Department must, in accordance with S.C. Code Ann. § 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 SCDA will produce the requested records within 30 calendar days from the date it initially responds that the request will be fulfilled.

D. Charges for FOIA Requests

South Carolina Department of Agriculture (SCDA) will evaluate each public records request and attempt to provide the information at no cost to the requestor by absorbing the cost. If it is determined that the agency must allocate a significant amount of staff time and/or resources to a request, or multiple requests over a short time period, from an individual or organization, estimated fees will be assessed as outlined below.

Photocopying

If the request requires copying approximately 25 pages or more, the charge will be calculated at 20 cents per page for black and white copies or 80 cents per page for color pages.

Employee / Administrative Time

If the FOIA request requires approximately one hour or more of staff time, assessed fees may be based on the actual cost of the search, retrieval and redaction of records. The fee for the search, retrieval or redaction of records shall not exceed the prorated hourly salary of the lowest paid employee who, in the reasonable discretion of FOIA Coordinator, has the necessary skill and training to fulfill the request.

The prorated hourly salary of an employee is determined by dividing that employee's salary by 1,950 hours (or less if part time) and multiplying that figure by the number of hours required to search for, retrieve and redact the requested records.

Example: If providing records requires an employee with a yearly salary of \$30,000 four hours to search for, retrieve and redact the requested records, the associated fee would be \$61.40 ($30,000.00/1,950 \times 4$), plus any costs of photocopying, postage, fax, and/or electronic storage devices.

Postage or Fax

If the FOIA request requires postage, fax or an electronic data storage device (e.g., thumb drive, CD, etc.) of approximately \$2 or more, the charge will be the actual cost associated with the process or device.

Computer / Information Technology

Charges will be based on costs associated with the process. For the use of a CD, DVD, or memory stick, there will be a \$5 charge.

Estimation of Fees and Payment

If it is determined that charges will be assessed for fulfilling an information request, the requestor will be notified. Actual costs will be recorded throughout the process and will be reconciled with the requestor upon completion. 25% of the total fee amount must be received by SCDA at the address below prior to collection of information and/or fulfillment of the request.

South Carolina Department of Agriculture
Office of General Counsel

Physical

1200 Senate Street
5th Floor Wade Hampton Building
Columbia, SC 29201

Mailing

PO Box 11280
Columbia, SC 29211