



South Carolina DEPARTMENT OF AGRICULTURE

agriculture.sc.gov

FREEDOM OF INFORMATION ACT POLICY AND PROCEDURES

I. GENERAL

The records of the South Carolina Department of Agriculture (“SCDA”) are available for public inspection and copying pursuant to, and subject to the limitations of, the South Carolina Freedom of Information Act (“FOIA”), S.C. Code Ann. §§ 30-4-10 et seq.

SCDA is committed to complying with both the letter and spirit of the FOIA. To ensure consistent and timely responses, FOIA requests are coordinated through SCDA’s Office of General Counsel.

II. SUBMITTING A FOIA REQUEST

FOIA requests must be submitted in writing. No particular form is required.

To ensure that your request is received and processed promptly, please submit it by email to: FOIA@scda.sc.gov

Requests may also be submitted by mail to:

South Carolina Department of Agriculture
Office of General Counsel – Attn: FOIA
P.O. Box 11280
Columbia, SC 29211

Please describe the records requested with enough specificity for SCDA to identify and locate them. Including your name and contact information, including email address, will allow SCDA to communicate with you about the request.

III. SCDA’S RESPONSE

For records that are twenty-four months old or less, SCDA

will provide a written determination regarding the public availability of the requested records within ten business days after receiving the request, excluding Saturdays, Sundays, and legal public holidays.

If the requested records are more than twenty-four months old, SCDA will provide its written determination within twenty business days after receiving the request, excluding Saturdays, Sundays, and legal public holidays.

If the request is granted, responsive records will be furnished or made available for inspection within thirty calendar days after the written determination. If the requested records are more than twenty-four months old, the records will be furnished or made available within thirty-five calendar days after the written determination.

If SCDA requires a deposit, the applicable production period begins when the deposit is received. These deadlines may be extended by written mutual agreement between SCDA and the requester.

Records may be withheld or redacted if they are exempt from disclosure under the FOIA or another applicable state or federal law.

IV. INSPECTION OF RECORDS

If records are made available for in-person inspection, the inspection will be by appointment at a time and location designated by SCDA.

V. FEES

SCDA will evaluate each FOIA request and, when appropriate, provide responsive records without charge. If

responding to a request will require a significant amount of staff time or other resources, SCDA may assess reasonable fees as described below.

Fees will not exceed the actual cost of searching for, retrieving, redacting, and reproducing responsive records. Records will be furnished at the lowest possible cost to the requester.

A. Photocopying

If a request requires approximately twenty-five or more printed pages, SCDA may charge:

- \$0.20 per page for black-and-white copies; and
- \$0.80 per page for color copies.

Copy charges will not be assessed for records transmitted electronically unless the records are not maintained electronically and SCDA agrees to convert them into an electronic format. In that circumstance, SCDA may charge for the staff time required to perform the conversion.

B. Employee and Administrative Time

If responding to a request requires approximately one hour or more of staff time, SCDA may charge for the actual cost of searching for, retrieving, and redacting responsive records.

The hourly charge will not exceed the prorated hourly salary of the lowest-paid employee who, in SCDA's reasonable discretion, has the necessary skill and training to perform the work.

The prorated hourly rate is calculated by dividing the employee's annual salary by 1,950 hours, or the applicable annual work hours for a part-time employee, and multiplying that rate by the number of hours required to search for, retrieve, and redact the requested records.

For example, if an employee with an annual salary of \$30,000 spends four hours searching for, retrieving, and redacting records, the employee-time charge would be approximately \$61.54, calculated as follows:

$$\$30,000 \div 1,950 \text{ hours} \times 4 \text{ hours} = \$61.54$$

SCDA will not charge for time spent examining records to determine whether they are subject to disclosure.

C. Postage and Delivery

If records are mailed or otherwise physically delivered, SCDA may charge the actual cost of postage, shipping, or delivery.

D. Electronic Storage Devices and Information Technology

If fulfilling a request requires a CD, DVD, memory stick, or other electronic storage device, SCDA may charge \$5.00 for the device.

Additional information-technology charges may be assessed when necessary to fulfill a request. Any such charge will be based on the actual cost incurred and will be included in the fee estimate provided to the requester.

V. FEE ESTIMATES AND DEPOSITS

If SCDA anticipates assessing fees, SCDA will provide the requester with an estimate before beginning the work. The estimate will identify the anticipated charges associated with fulfilling the request.

SCDA may require a deposit of up to twenty-five percent of the total reasonably anticipated cost before searching for, retrieving, or reproducing the requested records. If a deposit is required, the applicable statutory period for producing the records begins when SCDA receives the deposit.

SCDA will record the actual costs incurred and reconcile those costs with the requester upon completion. The remaining balance must be paid when the records are produced.

Payment instructions will be included with the fee estimate. Payments may be mailed to:

South Carolina Department of Agriculture
Office of General Counsel – Attn: FOIA
P.O. Box 11280
Columbia, SC 29211

Payments may also be delivered to:

South Carolina Department of Agriculture
Office of General Counsel – Attn: FOIA
1200 Senate Street
5th Floor, Wade Hampton Building
Columbia, SC 29201