

## **Town of Clover Freedom of Information Policy**

The Town of Clover believes the public has a right to know of the activities of the Town. In this spirit, many public documents are posted on the Town website ([www.cloversc.org](http://www.cloversc.org)). This policy is set forth to provide a comprehensive and expedient procedure for the public to access Town records in accordance with State law.

### **Policy**

1. All Freedom of Information Act ("FOIA") requests are to be made in writing, excepting requests identified in paragraph 8. The Town may also waive the written request requirement for other readily available documents. The requester may use the form provided by the Town or submit the request in a letter format ("Request"). All Requests must include the date, specified information being requested, name, complete address, phone number, fax number (if applicable), email address (if applicable) and signature of requester. All requests must also include the preferred delivery format of the information, i.e. mailed hard copy, fax copy, digital (email or disk), etc. If digital copies are requested, the Town will make every effort to provide that information in a format convenient and practical for use by the requester. It is not necessary for the Town to produce any reports, written or computerized, in any format other than that already maintained by the Town. It is not required for the Town to create an electronic version of a public record where one does not exist.
2. All Requests under the FOIA should be sent to the attention of:  
  
Town Administrator  
Town of Clover  
PO Box 1060  
Clover, SC 29710
3. Pursuant to Section 30-4-30(c) of the Code of Laws of South Carolina (1976), as amended, a response to a written FOIA request must be made within 10 working days of receipt of the written request if the record is less than 24 months old. If a requested record is more than 24 months old, a response must be made within 20 working days. The response will include the timeframe anticipated for fulfilling the request. The Town is required to produce the requested records within 30 calendar days from the date of the response or from the date a deposit, if required by the Town, is received. For records that are more than 24 months old, the Town must produce within 35 calendar days of the response or date the deposit, if required, is received.
4. The original Request must be date-stamped and placed in the FOIA notebook.

5. The Town Administrator will determine if any information in the request is exempt from disclosure. The Town Administrator may consult with the Town Attorney on any FOIA request.
6. In the absence of the Town Administrator for a period of three working days or longer, FOIA requests will be directed to the Town Clerk.
7. Public Records and documents are open for inspection and/or copy and the public should be permitted to review them upon request if reasonable. However, such inspections shall be appropriately supervised. Section 30-4-30 (a) of the Code of Laws of South Carolina (1976), as amended, provides that:  
 "A person has a right to inspect, copy or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and place of access."
8. Section 30-4-30 (d) of Code of Laws of South Carolina (1976), as amended provides that:  
 "The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body, unless the record is exempt pursuant to Section 30-4-40 or other state or federal laws, *without* the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:"
  - (1) minutes of the meetings of the public body for the preceding six months (also available on Town website);
  - (2) all reports identified in Section 30-4-50(A)(8) (e.g. police reports) for at least the fourteen day period before the current day;
  - (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months;
  - (4) all documents produced by the public body or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding six-month period (e.g. meeting packets prepared for council).

9. Service Fees

Town employees will do all copying of documents. Charges for **copying/printing** are as follows:

<u>Up to size 11 x 17, black/white:</u>		<u>Up to size 11 x 17, color:</u>	
0-10 pages	No Charge	0-10 pages	\$0.20 per page
11 + pages	\$0.20 per page	11 + pages	\$0.50 per page

Fees established by law or ordinance will take precedence over this policy. If a third party is required, the Town will charge the same costs it incurs to provide copies.

Information provided by **fax** will be charged \$1.00 per page transmitted.

If information is provided on **CD or DVD**, the actual cost of the media will be charged.

**Postage** costs will apply.

If a **search** is necessary for production of the requested documents, the first 30 minutes are free. Any additional search time will be based on the hourly rate of the person researching the requested records. This rate shall also apply to time spent for **retrieval** and **redaction**.

Requests that require **computer** time for search or examination or require expert or technical assistance or service will be evaluated individually and billed at a rate actually reflecting the Town's cost.

10. The Town Administrator and the appropriate department head will develop a cost estimate based on the fees as established above. Once the estimate is determined, the requester will be advised. If the requester decides to proceed, an advance deposit not to exceed 25% of the total estimated cost may be required prior to the Town searching for or making copies of records.

11. Payment for all transactions should be made payable via cashier's check, money order, or cash to:

Town of Clover  
116 Bethel Street  
PO Box 1060  
Clover, SC 29710

**Pursuant to S.C. Code Ann. § 30-2-50, a person or private entity shall not knowingly obtain or use personal information obtained from the Town for commercial solicitation directed to any person in this State. All persons making FOIA requests to the Town are hereby notified that all persons obtaining or using public records for commercial solicitation directed to any person in this State is prohibited. A person knowingly violating the provisions of S.C. Code Ann. § 30-2-50 is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.**

# Town of Clover Freedom of Information Act (FOIA) Request Form

Date of Request: \_\_\_\_\_

Requestor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Description of Records Requested: (be as detailed as possible, use additional page if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are these records for a commercial use/purpose?  Yes  No

Pursuant to S.C. Code Ann. § 30-2-50, a person or private entity shall not knowingly obtain or use personal information obtained from the Town for commercial solicitation directed to any person in this State. All persons making FOIA requests to the Town are hereby notified that all persons obtaining or using public records for commercial solicitation directed to any person in this State is prohibited. A person knowingly violating the provisions of S.C. Code Ann. § 30-2-50 is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.

Preferred Delivery Format (select one):

- |  |   |
|--|---|
| <input type="checkbox"/> Inspection at Town offices                  | <input type="checkbox"/> Fax to _____   |
| <input type="checkbox"/> Hard copy for pick up                       | <input type="checkbox"/> Email to _____ |
| <input type="checkbox"/> Hard copy by mail (to address listed above) |   |
| <input type="checkbox"/> Other _____                                 |   |

A fee may be applied for preparing, copying, faxing, retrieving and/or redacting the requested records. You will be provided a cost estimate prior to any work being performed and an advance deposit up to 25% of the estimated cost may be required.

*By my signature, I hereby state that I have received information about the Town of Clover's FOIA process and a copy of the fee schedule outlining possible charges I may incur as part of this request. I also certify to the Town of Clover that I will not use personal information obtained from the town for purposes of commercial solicitation nor will I provide such personal information to others for purposes of commercial solicitation.*

Signed \_\_\_\_\_

Return to: Town Administrator, Town of Clover, PO Box 1060, Clover, SC, 29710

### For Office Use Only:

Date Received: \_\_\_\_\_

Response date:  10 days  20 days

Response time:  30 days  35 days

Cost Estimate: \_\_\_\_\_

Date request completed: \_\_\_\_\_

Final cost: \_\_\_\_\_

25% Deposit Required:  No  Yes \$ \_\_\_\_\_

Requester Approved Cost: \_\_\_\_\_