



ADMINISTRATIVE POLICY #03.30.07.03 (2020)
FREEDOM OF INFORMATION

Policy Title: Freedom of Information

Policy Type: Administrative

Policy Number: ADM Policy #03.30.07.03 (2020)

Legal Authority: Section 59-53-51 of the 1976 Code of Laws of South Carolina, As Amended

State Board Policy: 8-0-107

Approval Date: June 1, 2020

Responsible Office: Office of Public Relations and Marketing

Responsible Executive: AVP for Institutional Advancement and Effectiveness

Applies to: College Community

POLICY

This policy establishes, subject to the provisions of the South Carolina Freedom of Information Act (FOIA), the public access to public records and documents of Denmark Technical College. Information provided to requestors shall not be used to contact any person directly for the purpose of commercial solicitation.¹ Any costs assessed shall be uniform and will not exceed the actual cost of searching for or making copies of records.

Upon receipt of a written request for information, a preliminary determination will be made as to whether the information is available, and the reasons for such determination. The requestor of information will be informed in an accurate, timely and professional manner, not to exceed fifteen (15) days,² whether the requested records are available for inspection and copying. Such determination shall constitute the final opinion of the College as to the public availability of the record.

Generally, requests for information under the Freedom of Information Act must be in writing, except when the requestor appears in person for certain information that must be disclosed pursuant to statute.³

¹ South Carolina Family Privacy Protection Act, S.C. Code 30-2-10 et. seq.

² Saturdays, Sundays, and legal public holidays are excepted when calculating the fifteen days.

³ S.C. Code Ann. §30-4-30(d)

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PROCEDURES

Responding to Freedom of Information Act Requests

Employees of Denmark Technical College should refer all media and other public requests for information under the FOIA to the Office of Public Relations and Marketing in the Division of Institutional Advancement and Effectiveness. It is the responsibility of the Office of Public Relations and Marketing, in conjunction with the College President and division vice presidents, to determine who will provide information directly to the news media on individual issues. Requests for information from human resource records should be coordinated with the Off of Human Resources. All requests for information may be reviewed by legal counsel, as necessary.

In response to written requests for access to public records¹, the College shall make a determination with reasons therefore as to the release or non-release of information within fifteen (15) days, (excepting Saturdays, Sundays and legal public holidays) of the receipt of any such request and notify the person making such request of its determination and the reasons for it; provided, however, that if the record is more than twenty-four (24) months old at the date the request is made, the College has twenty (20) days (excepting Saturdays, Sundays, and legal public holidays) of the receipt to make the notification. Such a determination shall constitute the final opinion of the College as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying no later than thirty (30) calendar days from the date on which the final determination was provided, unless the records are more than twenty-four (24) months old, in which case the College has no later than thirty-five (35) calendar days from the date on which the final determination was provided. Generally, requests for information under the Freedom of Information Act must be in writing, except when the requestor appears in person for certain information that must be disclosed pursuant to statute.² E-mail requests for information will be accepted only if the requestor provides a complete mailing address.

¹ S.C. Code Ann. §30-4-30(d)

² S.C. Code Ann. §30-4-50.

Pursuant to the S.C. Freedom of Information Act, an employee or officer's name, dates of employment or service, title, sex, and race may be disclosed.³ The determination to disclose other types of information will be made on a case by case basis. Requests for salary information will be reviewed in accordance with the requirements of the S.C. Freedom of Information Act.

To the extent practicable, media requests (e.g. press, broadcast) for information shall be made in writing; however, at the discretion of the Office of Public Information and Marketing, certain media requests may be made in person or by telephone in the interest of time.

In responding to requests for information concerning current or former employees by prospective employers, the Office of Human Resources (OHR) may provide information as follows:

1. OHR employees responding to oral requests for information may verify an employee's or former employee's dates of employment, pay range, wage history and eligibility for rehire.⁴
2. OHR employees responding to written requests for information may disclose the following information to which an employee or former employee may have access:
 - a. Written employee evaluations;
 - b. Official human resources notices that formally record the reasons for separation;
 - c. Whether the employee was voluntarily or involuntarily released from service and the reason for the separation; and
 - d. Information about job performance.
3. OHR employees shall not knowingly or recklessly release or disclose false information.
4. Office/College OHRR employees should notify all requestors (persons or private entities) that personal information obtained from state agencies shall not knowingly be used for commercial solicitation directed to any person in this State.⁵

Information pertaining to students should be coordinated with the appropriate persons to ensure that privacy rights of students are safeguarded as required under the Family Educational Rights and Privacy Act, as appropriate.

³ S.C. Code Ann. §30-4-50.

⁴ S.C. Code Ann. §41-1-65; S.C. Code of Regulations R. 19-720.03

⁵ S.C. Code Ann. §30-2-50; SBTCE Policy and Procedure on Solicitation and Distribution (8-9-100, 8-9-100.1)

Fees

The individual or organization making a request for information may be charged a fee for the search, retrieval, and redaction of records. Fees charged must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are transmitted in an electronic format. The College shall develop a fee schedule to be posted online. 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 the custodian of the records, has the necessary skill and training to perform the request. The records must be furnished at the lowest possible cost to the person requesting the records.

The College reserves the right to require a deposit not to exceed twenty-five (25) percent of the total reasonably anticipated cost for reproduction of the records. If a deposit is required, the search for records will not be initiated until the deposit has been received. All fees associated with a request for information shall be made by check only, made payable to Denmark Technical College.

To the extent possible, fees for expenses incurred will be collected at the time the information is released. Fees not collected at the time the information is released will be billed to the individual or organization and shall be subject to College policies and procedures regarding collection of fees.

The College is not required to charge a fee. If a request for information is deemed simple or routine and only requires copying of a few pages of readily available documents which serve the public interest, then charging or collecting a fee is not recommended.

If a fee from a previous request remains outstanding, and the requestor makes a subsequent request, the response to the subsequent request shall not be released to the requestor until all outstanding fees pertaining to the previous request(s) have been collected.

Obtaining Personal Information for Commercial Solicitation

A person or private entity shall not knowingly obtain or use any personal information obtained from Denmark Technical College for commercial solicitation directed to any person in this State. The College, as a public entity, shall provide a notice to all requestors of records and to all persons who obtain records pursuant to Section 30-2-50 of the Code of Laws of the State of South Carolina that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited. The College shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation.

A person knowingly violating the provisions of Section 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.

Disclosure of Applicant Information

All materials, regardless of form, gathered by the College during a search to fill an employment position are exempt from disclosure, except materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying.

In addition to making available for public inspection and copying the materials described in this item, the College must disclose, upon request, the number of applicants considered for a position. For the purpose of this item “materials relating to not fewer than the final three applicants” do not include an applicant’s income tax returns, medical records, social security number, or information otherwise exempt from disclosure from Section 30-4-40.

DEFINITIONS

There are no definitions associated with this policy.

CONTACTS

The Associate Vice President for Institutional Advancement and Effectiveness officially interprets this policy. Additionally, the Associate Vice President for Institutional Advancement and Effectiveness is responsible for obtaining approval for any revisions as required by Administrative Policy 0.1.100, *Policy Classification and Numbering System* through the appropriate governance structures. Questions regarding this policy should be directed to the Office of Institutional Advancement and Effectiveness.

STAKEHOLDER(S)

College community and external constituents.

PUBLICATION

The policy will be widely distributed to the College community. To ensure timely publication and distribution thereof, the Associate Vice President for Advancement and Effectiveness will make every effort to:

- Communicate the policy in writing, electronically, or otherwise to the College community, including current and prospective students within fourteen (14) days of approval;
- Submit this policy for inclusion in the Policy Library within fourteen (14) days of approval;
- Post the policy on the College’s webpage and all other related webpages, in the student handbook, and in the College catalog; and
- Educate and train all stakeholders and appropriate audiences on the policy’s content as necessary.

Failure to meet the publication requirements does not invalidate this policy.

REVIEW SCHEDULE

- Next Scheduled Review: June 1, 2022
- Approval by College Cabinet: June 1, 2020

- Revision History: N/A
- Supersedes: N/A

RELATED DOCUMENTS

There are no related documents associated with this policy.

FORMS

There are no forms associated with this policy.