

NUMBER: UNIV 2.00 (formerly HR 1.00)

SECTION: University Administration

SUBJECT: Freedom of Information Policy

DATE: July 1, 1995

REVISED: May 19, 2011

Policy for: All Campuses

Procedure for: All Campuses

Authorized by: President

Issued by: President's Office

I. Policy

A. This document sets forth policies and procedures of the University of South Carolina regarding the provisions of the South Carolina Freedom of Information Act.

B. Responsibility for Administration

The Division of Human Resources, the Legal Department, the Division of Communications, the Division of Business and Finance, and the Office of the Secretary to the Board of Trustees shall normally be the only departments to release information under the South Carolina Freedom of Information Act.

1. The Division of Human Resources, acting in concert with the individual who received the request and the department or individual who is the custodian of the record(s), shall be responsible for responding to all employee-related non-media Freedom of Information Act requests.
2. The Division of Communications, acting in concert with the individual who received the request and the department or individual who is the custodian of the record(s), shall be responsible for responding to all Freedom of Information Act requests made by the media.
3. The Office of the Secretary to the Board of Trustees shall be responsible for responding to all Freedom of Information Act requests pertaining to the Board.
4. Individuals receiving Freedom of Information Act requests shall forward the requests in a timely manner to the appropriate office as described above. A final determination as to the release of the information must be made within 15 work days of the date the University receives the request.

C. Public Body

The Board of Trustees and/or any committee, subcommittee or advisory committee of the Board of Trustees shall be considered a public body.

D. Public Record

All books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics, prepared, owned, used, in the possession of or retained by a public body shall be considered a public record except those records which by law are required to be closed to the public, or are otherwise exempted by the provisions of the South Carolina Freedom of Information Act.

1. Matters exempt from disclosure include, but are not limited to, the following:
 - a. scholastic records;
 - b. library circulation and registration records;
 - c. medical records;
 - d. trade secrets, work products and paid subscriber information as defined in the Act;
 - e. information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy;
 - f. records of law enforcement and public safety activities as defined in the Act;
 - g. documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property;
 - h. correspondence or work products of legal counsel for a public body and any other material that would violate attorney-client relationships;
 - i. memoranda, correspondence, documents and working papers relative to efforts or activities of a public body to attract business or industry to invest within South Carolina;
 - j. information relative to the identity of the maker of a gift to the University as a public institution if the maker specifies that his or her making of the gift must be anonymous and that his or her identity must not be revealed as a condition of making the gift. With respect to gifts, only information which identifies the maker may be exempt from disclosure. If the maker

of any gift or any member of his or her immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure;

- k. certain salary information as noted in Section I. D. 3 of this policy pertaining to compensation;
 - l. matters specifically exempted from disclosure by statute or law.
2. Matters subject to disclosure under the Freedom of Information Act include, but are not limited to, the following:
- a. the names, sex, race, title and dates of employment of all employees and officers of public bodies;
 - b. administrative staff manuals and instructions to staff that affect a member of the public;
 - c. final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
 - d. those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the public body;
 - e. written planning policies and goals and final planning decisions;
 - f. information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;
 - g. the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to the Act.
 - h. incident reports which disclose the nature, substance and location of any crime or alleged crime reported as having been committed. Where an incident report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the incident report.
 - i. statistical and other empirical finding considered by the Legislative Audit Council in the development of an audit report.
 - j. certain salary information as noted in Section I. D. 3 of this policy pertaining to compensation.

3. No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to the Freedom of Information Act may be utilized for commercial solicitation. The home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to the Freedom of Information Act may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.
4. Compensation of University of South Carolina employees shall be considered a public record as described below:
 - a. exact compensation for those persons receiving compensation of \$50,000 or more annually, for all part-time employees, for any other persons paid honoraria or other compensation for special appearances, performances or the like, and for employees at the level of agency or department head;
 - b. compensation in increments of \$4,000 for classified and unclassified employees, including contract instructional employees not subject to Section a. above who receive compensation between, but not including \$30,000 and \$50,000 annually;
 - c. the compensation range, including longevity steps, for classified employees not subject to Section a. above who receive compensation at \$30,000 or less annually;
 - d. compensation in increments of \$4,000 for unclassified employees, including contract instructional employees not subject to Section a. above who receive compensation of \$30,000 or less annually.
 - e. A complete salary listing of all permanent University employees, pursuant to the provisions of the Freedom of Information Act, is available in the library of each campus of the University. The information is updated each quarter.

E. Establishment and Collection of Fees

The University of South Carolina shall establish and collect fees not to exceed the actual cost of searching for and making copies of the record. The establishment of fees is subject to change without notice as required by the actual cost of the search and/or the record.

II. Procedure

- A. Upon written request for records considered to be public information, the University shall make a determination with reasons therefore as to the release or non-release of

information within 15 days excepting Saturdays, Sundays and University holidays.

- B. Non-media requests for information must be made in writing.
- C. To the extent practicable, media requests for information shall be made in writing; however, at the discretion of the Department of Public Affairs, certain media requests may be made in person or by telephone in the interest of time.
- D. Individuals about whom requests have been made may be notified of the requests and of the information released, as may appropriate administrative officials.
- E. Fee Schedule
 - 1. The individual or organization making the request shall be charged the total expense incurred for searching records, computer usage and making copies of requested information. The fee shall include the per hour cost of the individual(s) searching for and making copies of records, not to exceed fifteen (\$15.00) dollars per hour, plus the cost of copies of records provided to the requestor billed at a rate of five (\$0.05) cents per page. The fee schedule may be changed without notice to ensure consistency with the actual cost incurred by the University in responding to requests for records.
 - 2. The University reserves the right to require a deposit of fifty (50%) percent of the costs expected to be incurred in searching for or making copies of the record(s). If a deposit is required, the search for records will not be initiated until the deposit has been received.
 - 3. 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 University policies and procedures regarding collection of fees.
 - 4. If a fee is outstanding on a previous request 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.
 - 5. Fees are payable in cash or by check made payable to the University of South Carolina.

III. Reason for Revision

The policy is revised to update Section II.E Fee Schedule.