

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2020-35

Date: August 4, 2020

TO: Liz Owens
liz.owens@wrddw.com

RE: FREEDOM OF INFORMATION REQUEST

Copy to:

Kelly Zier - City Attorney

J.D. McCauley – Manager of Human
Resources

John Thomas – Director of Public Safety

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 4th day of August 2020. Such request has been forwarded to the appropriate department for response. In addition, a copy of said request has been forwarded to the office of the City Attorney for his review.

The City Attorney will make a determination as to whether the request is a proper request under the FOIA act. The appropriate department will advise as to what materials, documents, etc. may be available. That department will also provide information indicating the approximate time involved related to the retrieval of the documentation, and also the amount of material that would need to be copied in order to comply with the request. At such time as a response is received from the City Attorney and the appropriate department, we will then notify you of the response of the City to your FOIA request. In the event that the request is deemed appropriate and permissible under the FOIA act, we will advise you of same and also provide an estimate of the costs that would be related to responding to said request. In the event that it is determined that the FOIA request is not proper and not permitted by the act, you'll also be advised of that decision.

A response to your request will be made within the time limits as established by section 20-4-30(c) of the FOIA act. Specifically, this requires that said response be provided within 10 business days for any record requested that is less than 24 months old. A request for a record that is more than 24 months old, is to be responded to within 20 business days from the date of the receipt of your request. The City would not normally require the full period in order to respond, but reserves its right under the act to do so.

In the event that the response to your request is positive and the costs associated with retrieving and providing the data is minimal, in most cases, the City would forward the documentation to you with a statement for the costs. An example of charges would be 15¢ per page for black and white copies, 20¢ per page for color copies. The City does not charge for search and retrieval for fifteen minutes or less. For any time required to research and retrieve the requested information more than 15 minutes, the City charges, a minimum of \$8.00 per 30 minutes. Pursuant to the act, the charge for searching, retrieving, and redacting records is not to exceed the hourly wage of the lowest paid employee on the public body staff, who has the skill and training to fulfill the request. Therefore, the charge could be in excess of the \$8.00 per 30 minutes, if a

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regular clerical person is unable to perform the services. The specific FOIA Fee schedule, as adopted by the City is available for review online. In the event that the costs are considered to be of more than a nominal amount, the City would reserve the right to require a deposit of 25% of anticipated costs to be made before assembling, copying and delivering the materials. This would also provide to you the opportunity to determine if you desired to proceed with the request in light of the costs.

NOTICE: SOUTH CAROLINA LAW PROVIDES THAT "IT IS A CRIME TO KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION FROM A PUBLIC BODY FOR COMMERCIAL SOLICITATION."



Sharon Lamar, City Clerk

City of North Augusta, South Carolina

From: Liz Owens [<mailto:liz.owens@wrdw.com>]
Sent: Tuesday, August 04, 2020 11:08 AM
To: McCauley, J.D. <JMcCauley@northaugusta.net>
Subject: WRDW FOIA request

Pursuant to the state open records law S.C. Code Ann. Secs. 30-4-10 to 30-4-165, I write to request access to and a copy of Personnel file for North Augusta dispatcher, Jeanie Turner. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$15.00. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within fifteen (15) working days. See S.C. Code Ann. Sec. 30-4-30(c).

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law is a misdemeanor, punishable by a fine of up to \$500. See S.C. Code Ann. Sec. 30-4-110. Court costs and reasonable attorney fees may also be awarded. See Sec. 30-4-100.

Thank you for your assistance.

Sincerely,

Liz Owens

1301 Georgia Ave. North Augusta, SC 29841
803-624-9221