

South Carolina Freedom of Information Act (FOIA) Fee Schedule

1.0 Background and Purpose

Records of Charleston Water System (CWS) are open for inspection and copying pursuant to and subject to the limitations of the South Carolina Freedom of Information Act, South Carolina Code of Laws, 1976, as amended, Section 30-4-10, et seq.

This document serves to provide uniformity of practice and procedure in the levying of fees for the cost of processing a request for public records under the FOIA.

2.0 Corresponding Requirements

As provided for under Section 30-4-30(b) of the FOIA Act, fees may be established and collected to recover the direct costs of searching for or making copies of records. As directed by Section SECTION 30-4-30(b), fees may not be charged for examination and review to determine if the documents are subject to disclosure.

3.0 Definitions

“SEARCH” includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Line-by-line searches will not be performed when duplicating an entire document would prove the less expensive and quicker method of complying with a request.

“REVIEW” is the process of examining documents in response to a request to determine whether any portion of any document located is permitted to be withheld. It also includes processing documents for disclosure, e.g., doing all that is necessary to exise them and otherwise preparing them for release. Review fees do not include time spent resolving general legal or policy issues regarding the application of exemptions.

“DUPLICATION” is the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine-readable documentation (e.g. magnetic tape or disk), among others.

“COMMERCIAL USE REQUEST” refers to a request from or on behalf of one who seeks information for a use or purpose that is related to commerce, trade, or the profit interest of the requester or of the person on whose behalf the request is made. When CWS has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, additional clarification may be sought before assigning the request to a specific category.

“EDUCATIONAL INSTITUTION” refers to a preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, or an institution of vocational education operating a program or programs of scholarly research.

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“NON-COMMERCIAL SCIENTIFIC INSTITUTION” refers to an institution that does not operate on a “commercial” basis as referenced in the above definition for COMMERCIAL USE REQUEST and is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

“REPRESENTATIVE OF THE NEWS MEDIA” refers to a person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term “news” means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at-large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of “news” who make their products available for purchase or subscription by the general public). These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g. electronic dissemination of newspapers through telecommunication services), such alternative media would be included in this category. In the case of “freelance” journalists, they may be regarded as working for a news organization if they can demonstrate a sound basis for expecting publication through such an organization, even though not actually employed by it. A publication contract would be the clearest evidence; however, Charleston Water System may also look to the past publication record of the requester in making this determination.

3.0 Categories of Requesters, Fees, and Fee Waivers

(1) Commercial Use Requesters

Search: \$20.00 per hour*

Review: \$20.00 per hour

Duplication: \$0.20 per page (Standard letter, legal, and tabloid)

All other sizes processed in-house at \$3.00/linear foot or at our direct cost if out-sourced.

*Search costs may be assessed even though no records may be found, or after review, there is no disclosure or records.

(2) Educational & Non-Commercial Scientific Institutions

Search: No fee

Review: No fee

Duplication: \$0.20 per page after the first 100 pages

(3) Representatives of the News Media

Search: No fee

Review: No fee

Duplication: \$0.20 per page after the first 100 pages

(4) All Other Requesters

Search: Same as “Commercial Users” except the first two hours shall be furnished without charge.

Review: No fee

Duplication: \$0.20 per page after the first 100 pages

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(5) Other Charges

Fees may be charged at actual cost for any request that requires special services or materials. These services, provided at the discretion of CWS, include but are not limited to:

- Document Certification: \$10.00 per document
- Shipping
- Employee Transportation
- Contractor Duplication
- Video Tape
- Computer Disk
- Computer Programming and Production

FEE WAIVERS AND REDUCTIONS:

If the total cost of supplying the requested information is less than \$25.00, the fees may be waived. In accordance with Section 30430(b) of the FOIA, documents may be furnished without charge or at a reduced charge when it has been determined that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

You should make your request for a waiver or reduced fees at the same time you make your initial request for records. If your waiver or fee reduction request is not granted, the waiver/fee reduction denial letter sent to you will designate an appeal officer. If it is determined that there is a commercial interest, a waiver or fee reduction will be granted if the public interest in disclosure is greater in magnitude than the requester's commercial interest.

4.0 Payment Practices

MAKING PAYMENT: Payments will be in the form of either a check, bank draft, or a money order made payable to the order of the Charleston Water System. Payments can be mailed to Charleston Water System, P.O. Box B, Charleston, SC 29402 or made in person at 103 St. Philip St., Charleston, SC 29403.

ADVANCE PAYMENT OR CONFIRMATION: Only under specific circumstances will Charleston Water System require advance payment: (1) When fees exceed \$250.00 or when (2) a requester has previously failed to pay fees in a timely fashion. For those requesters with a record of prompt payment, a verbal assurance of payment may be sought. If the requester has no history of payment, advance payment up to the estimated cost may be requested. Requesters who have failed to pay in a timely fashion in the past or who are currently delinquent, will be required to prepay up to the estimated amount.

NONPAYMENT OF FEES: Payment for requests should be received by Charleston Water System within 30 days of the date of billing to avoid late fees. Advance payment of any past due amounts and late charges must be made prior to processing any new request. Charleston Water System will use all methods allowable by law to recoup the full allowable direct costs in processing a request.

5.0 Related Documents

- SC Freedom of Information Act, SC Code of Laws, 1976, as amended, Section 30-4-10 et seq.
- Commissioners of Public Works Public Information Policy.