

Ordinance Number: 499

An Ordinance Entitled: An Ordinance to Establish the Freedom of Information Policy for the City of Belton

The purpose of this policy is to set forth the procedures to be followed in responding to persons seeking access to public records which are subject to the disclosure requirements of Section 30-4-50 of the South Carolina Code of Laws.

The following rules and procedures shall apply:

VERBAL FREEDOM OF INFORMATION ACT REQUESTS

Verbal FOIA requests shall be limited by section 30-4-30(d) to only the following public documents:

- 1) Minutes of meetings of the public body for the preceding six months;
- 2) All reports identified in section 30-4-50(A)(8) for at least the fourteen day period before the current day "which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where the report contains information exempt as otherwise provided by law, the law enforcement agency exempt as otherwise provided by law, the law enforcement agency may delete that information from the report"; and
- 3) Documents identifying persons confined for the three months prior to the current date.

Verbal FOIA requests for the aforementioned information may be made to the Clerk to Council or the Belton Police Department records division between the hours of 9:30 am and 4:00 pm Monday to Friday, excepting public holidays in accordance with section 30-4-30(a) of the Act. Copies of any such documents that are requested shall be charged based on the fee schedule contained herein.

WRITTEN FREEDOM OF INFORMATION ACT REQUESTS

All written FOIA requests shall either be hand-delivered or sent by first class mail addressed to the City Administrator or his/her designee. No electronic mail or facsimiles shall be accepted. Requests which are estimated to require two or more hours of staff time for research shall be accompanied by a deposit of twenty dollars (\$20.00) in the form of cash, cashier's check, or money order to defray costs in the event the person making the request fails to pay for copies and prorated wages of the staff collecting and copying the documents. Any balance remaining after copy and staff wage costs are assessed shall be refunded. If the total cost exceeds the twenty dollars (\$20.00) deposit, no documents shall be released until such time as the difference is remitted. All minor requests which are estimated to take less than two hours of staff time shall not be required to be accompanied by deposit, and shall be charged based on the fee schedule herein.

Minor request which are less than fifteen minutes may have all fees waived at the discretion of the City Administrator or his/her designee. No FOIA request shall be honored for any person who has failed to reimburse the City for the costs associated with prior FOIA requests until such time as they remit the amount that is in arrears.

The City Administrator or his designee shall, within fifteen business days of receipt of the written request, notify the person making such request of his determination of the availability of the specific record(s) or document(s) requested, and the estimated cost of assembling and copying the specific record(s) or document(s). Such determination shall constitute the final opinion of the City as to the public availability of the requested public record(s) or document(s).

If the requested public records or documents are available and are not exempt from disclosure pursuant to the provisions of section 30-4-40, the fee charged for assembling and copying the records or documents shall be as follows:

- 1) Copies-\$0.25 per letter size copy and \$0.50 per legal size copy. Oversized copies shall be charged at the outsourced cost, including the prorated hourly wage of the staff calculated at tenth-hour increments, and mileage to and from the copy center. Copies of tapes, CD's, DVD's or other electronic, optical, or magnetic media shall be charged at the cost of the media and the prorated hourly wage of the staff making the copy, calculated at tenth-hour increments.
- 2) Research- the cost for researching and recovering records for copying shall be charged at the prorated hourly wage of the staff conducting the research calculated at tenth-hour increments.
- 3) Review- the cost for making records available for review shall be the prorated hourly rate of the staff in attendance during the review and the staff time devoted to researching and recovering those records for review calculated at tenth-hour increments.

Note Information of a personal nature where the disclosure thereof would constitute unreasonable invasion of personal privacy is exempt from disclosure pursuant to section 30-4-40(a)(2) of the Code.

Approved as policy by City Council this 6 DAY OF July, 2010

First Reading 6/1 2010

Second, Third & Final Reading 7/6 2010

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