

**Policy Number/Title:** 1.3.4.01 Public Records Policy  
**Effective Since:** 07/01/2017  
**Last Revision Approved:** 07/01/2017  
**Responsible Office:** General Counsel; Office of the President

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### **1. Scope:**

This campus-wide policy applies to all Winthrop-affiliated employees, whether temporary or permanent, paid or unpaid, as well as students, associates, volunteers, and/or anyone conducting electronic business, transactions, or other official activities for, or in association with, the University as well as members of the public.

### **2. Definitions:**

“Public records” includes but is not limited to all books, papers, manuals, 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 Winthrop University.

“Request” is any written demand to inspect or receive a copy a public record delivered to an appropriate officer or employee of the University. To be valid, a request need not cite FOIA and no reason for requesting the public records is necessary.

“Requestor” is any person, corporation, partnership, firm, organization or association who makes a written request to inspect or receive a copy of a public record. This right to inspect or receive copies of public records does not extend to individuals serving a sentence of imprisonment in a state or county correctional facility in South Carolina, in another state, or in a federal correctional facility.

### **3. Policy:**

It is the policy of Winthrop University to upon request provide access to inspect or receive copies of public records in accordance with Title 30, Chapter 4, of the South Carolina Code of Laws, known as the “Freedom of Information Act” (FOIA). Winthrop University respects the right of citizens to inspect or receive copies of public records and will in good faith respond to all requests with a spirit of cooperation and transparency.

Winthrop’s Internal Auditor/General Counsel, from this point forward referred to as “Compliance Officer,” is designated as the individual responsible for compliance with the terms and procedures described in this policy. All FOIA requests received by any Winthrop



University employee shall be forwarded immediately to the Compliance Officer or his/her designee immediately upon receipt. All FOIA requests should be date stamped on the date they are received by any Winthrop University employee (the date an email is received also may be used to provide evidence of the date of receipt).

The Compliance Officer, or his/her designee shall maintain a log of all FOIA requests to include, the date the request was received, the name of the requestor, the description of the records requested, the date the requestor is notified of Winthrop University's determination regarding the request, the amount of fees to be charged for providing the records, the date fees are received, the amount of fees received, the date the public records are provided, and the name of the individual who provided the public records.

All requests for public records must be made in writing and reasonably describe the public records sought. Winthrop will determine whether there are existing records responsive to the request that qualify as "public records" and whether or not the responsive public records are exempt from disclosure in whole or in part under S.C. Code Section 04/30/2040 or other applicable state or federal laws. Winthrop is not required to create a public record when one does not exist to fulfill a request.

The Compliance Officer is responsible for providing responsive documents or designating other responsible Winthrop employees who will respond to requests for information. Public records determined to be responsive to a request and not exempt from disclosure shall be provided in electronic format and emailed to the requestor when possible. Winthrop University may determine a reasonable time and place for inspection or a reasonable method of document production (electronic or hard copy) based on the volume and nature of the records requested.

Winthrop University shall respond to requests within ten days (excepting Saturdays, Sundays and legal public holidays) of the receipt of the request, and notify the requestor of its determination and the reasons for it; provided, however, that if the record is more than twenty-four months old at the date the request is made, Winthrop shall respond within twenty days (excepting Saturdays, Sundays and legal public holidays). The determination shall include Winthrop's final opinion as to the availability of the requested public records but need not express an opinion as to whether specific portions of the public records may be redacted as exempt from disclosure.

If the request is granted, Winthrop shall provide copies or make available for inspection the records requested no later than thirty calendar days from the date on which the final determination is provided. If, however, the records are more than twenty-four months old, Winthrop shall provide or make available the records no later than thirty-five calendar days from the date on which the final determination is provided.

Winthrop University may charge a reasonable fee for the search, retrieval, copying, and



redaction of public records not to exceed the actual costs incurred, consistent with the Winthrop University Fee Schedule for Responding to Requests for Public Records. No copy charges will apply to records which are transmitted electronically, but Winthrop may charge for time required to convert documents into electronic format. Fees will not be charged to determine if the records requested are exempt from disclosure. If Winthrop determines that furnishing the records will primarily benefit the general public, then it may produce the records without charge or at a reduced charge.

In some cases, Winthrop may require a deposit of not more than 25% of the total of the reasonably anticipated cost for providing the records. If a deposit is required, Winthrop shall provide or make available the records no later than thirty calendar days from the date on which the deposit is received, unless the records are more than twenty-four months old, in which case Winthrop shall provide or make available the records no later than thirty-five calendar days from the date on which the deposit was received to fulfill the request. Winthrop University shall provide full reimbursement if, for any reason, the public records are not provided or if the reasonably anticipated amount deposited exceeds the actual total cost for providing the records.

The full amount of the total actual cost for providing the records must be paid by the time of the production. Winthrop shall withhold the production of records until such time as payment in full is received. Winthrop University and the requestor may enter into a written mutual agreement to extend the various response, determination, and production deadlines.

#### **4. Procedures:**

See FOIA Fee Schedule under "Guides".

#### **5. Resources:**

##### **Fee Schedule for Responding to Requests for Public Records under the South Carolina Freedom of Information Act, Effective 05/19/2017**

Winthrop University may charge reasonable fees for the search, retrieval, copying, redaction, and production of public records not to exceed the actual costs incurred, according to Section 04/30/2030 of the South Carolina Code of Laws and as indicated below.

Generally, no fee will be charged for infrequently producing public records when the anticipated cost is determined to be less than \$10.00. Fees will not be charged to determine if the records requested are exempt from disclosure.

The full amount of the total cost for providing public records must be paid at the time of the



production of the request. Fees are based on actual salaries of the clerical, professional, and technical employees responsible for providing public records.

### **Fees Charged**

\$15.00/hour (prorated to the actual time spent as appropriate) for records found in general office files including, but not limited to employment records, job search records, non-FERPA protected student records, records used in conducting general business in the Athletic or other department, policies, procedures, meeting agendas, meeting minutes, and public law enforcement records. Tasks include:

- Copying records;
- Scanning and making electronic copies of records;
- Searching for records;
- Retrieval of records found in general office files.

\$25.00/hour (prorated to the actual time spent as appropriate) for:

- Searching for records not included in general office files, including but not limited to, emails and electronic files returned in a search for electronic records;
- Searching for records that require an advanced level of skill and training to locate records;
- Redaction as required by state and federal law;
- Extracting electronic data to provide reports to include names, sex, race, title, and dates of employment, and salaries of employees, or other public information.

\$28.00/hour (prorated to the actual time spent as appropriate) for emails, telephone records, or other electronic or related records that require technical assistance from the Office of Computing and Information Technology for retrieval.

\$.25 for each hardcopy provided in response to any request in which hardcopy records are provided. Additional costs may be charged for special copy needs such as blueprints, or that result the use of paper other than white, standard 8.5" x 11". No copy charges will apply to records which are transmitted electronically, but Winthrop may charge for time required to convert documents into electronic format.

### **Deposits**

When Winthrop University anticipates that the production of public records associated with a FOIA request will take 5 or more hours, or if the requestor has failed to provide payment upon request or in a timely manner in the past, Winthrop will require the requestor to submit payment for a deposit not to exceed 25% of the total of the reasonably



anticipated cost for providing the records. Any deposit payments must be made prior to the commencement of the search or production of the records.

### **Public Interest and Media Requests**

If Winthrop determines that furnishing the records will primarily benefit the general public, then it may produce the records without charge or at a reduced charge.

Generally, Winthrop will determine that requests made by media outlets are in the public interest and therefore will not impose any charges. Winthrop may charge a fee to a media outlet if the request is not reasonably limited in scope to subject matter which would benefit the public and would create an unreasonable administrative burden to respond.

### **Requests from Students**

Considering the public interests involved and Winthrop's dedication to the educational process, Winthrop will not charge a fee to Winthrop students or students of another college or university for the production of public records. Winthrop may charge fees to students for unreasonably burdensome requests that do not primarily benefit the public.

### **Requests from the General Assembly**

Winthrop will not charge a fee to members of the General Assembly for producing public records when the request is related to the legislative duties of the General Assembly member.

## **6. History of Revisions:**

03/08/2021	Minor Revisions
07/01/2017	Policy first established