

**TOWN OF PENDLETON, SOUTH CAROLINA  
ADMINISTRATIVE POLICY**

<b>Subject</b>	<b>Approval Date</b>
Freedom of Information Act Policy (FOIA)	August 5, 2025

**TOWN OF PENDLETON  
FREEDOM OF INFORMATION ACT REQUEST POLICY AND SCHEDULE OF FEES**

**South Carolina statutory law provides that it is a crime to knowingly obtain or use personal information obtained from a public body for commercial solicitation directed toward any person in the State of South Carolina.**

**An acknowledgment form must be completed and submitted to the Town prior to processing the FOIA request.**

Pursuant to the South Carolina Freedom of Information Act (“FOIA”), the Town of Pendleton will provide copies of public records in its custody unless the records are exempt from disclosure under the S.C. Code of Laws §30-4-40, or other applicable authority. All requests for records under FOIA should be directed to:

Town of Pendleton  
ATTN: Municipal Clerk  
310 Greenville Street  
Pendleton, SC 29670  
Email: [info@townofpendleton.org](mailto:info@townofpendleton.org)

- 1. Form of request and initial determination.** It is the best practice of the Town for FOIA requests to be completed in writing on the [Freedom of Information Act Request Form](#) provided by the Town. Upon receipt of a written request for records under FOIA, the Town will determine if the records are potentially available. The Town will notify the requestor of this determination in writing (“Initial Determination Letter”) within ten (10) business days for records less than two (2) years old, or within twenty (20) business days for records more than two (2) years old. The Town of Pendleton business days are defined as Monday through Friday, 9 am to 5 pm (excepting Saturdays, Sundays, and legal public holidays).
- 2. Timing of response.** If the Town determines that the requested records are available and are not exempt from disclosure, the records will be furnished to the requestor within thirty (30) calendar days of the Initial Determination Letter, or if a deposit is required by the Town, production will be made within thirty (30) days of payment of such deposit. For records that are more than two (2) years old, the records will be furnished within thirty-five (35) calendar days of the Initial Determination Letter, or if a deposit is required by the Town, within thirty-five (35) days of payment of such deposit.
- 3. Deposits.** Consistent with S.C. Code § 30-4-30(B), deposits may be required prior to searching for and/or making copies of the records. (See paragraph 2, above.)
- 4. Fees.** Pursuant to S.C. Code § 30-4-30(B), fulfillment of a FOIA request is subject to fees for search and retrieval and for providing copies of documents. (See fee schedule below.)
- 5. Immediately available records.** Requests to inspect the following public records need not be in writing, provided the requestor appears at the appropriate Town office in person and within regular Town business hours:
  - a. Minutes of the meetings of the Town Council for the preceding six (6) months. (The Town’s agendas and minutes are immediately available on our website free of charge [HERE](#).)

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- b. Reports from the preceding fourteen (14) days which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed (with the exception of records regarding juveniles);
- c. Documents identifying persons confined in a jail, detention center, or prison for the preceding three (3) months (with the exception of records regarding juveniles); and
- d. Documents produced by the Town or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding month period.

### 6. Processing FOIA Requests.

- a. Where any Town employee or Council member receives a written request for public records, the request should be stamped with the date of receipt and immediately delivered to the Municipal Clerk's office. Staff shall consult with the Town Attorney on non-routine FOIA requests and on any questions of law involving FOIA. Where an exemption, restriction, or limitation to a FOIA production possibly exists, the Town Attorney should be consulted to determine if an exemption, restriction, or limitation applies and whether the Town should disclose in part, decline to disclose, or request a hearing for a declaratory judgment or for injunctive or other relief based upon any perceived exemption, restriction, or limitation.
- b. The Town shall not create new records, nor summarize existing records in response to a FOIA request. The Town is not required to create an electronic version of a public record where one does not exist.

### 7. Records Exempt From Disclosure.

- a. The Town adopts as a part of this Policy any and all exemptions, restrictions, or limitations contained within FOIA, as FOIA may be amended from time to time, along with any other exemptions, restrictions, or limitations that may be provided for now or in the future under South Carolina or federal law. As previously stated herein, the Town Attorney shall be consulted to determine whether an exemption, restriction, or limitation to the disclosure requirements of FOIA applies.
- b. Where an exemption, restriction, or limitation applies, the Town, based upon consultation with the Town Attorney, should decide whether to deny disclosure, in whole or in part, based upon the application of the available exemption, restriction or limitation. Where records contain certain information exempt from disclosure but which otherwise fall outside of an exemption, restriction or limitation, the exempted information shall be redacted, and the requested records shall otherwise be disclosed. It should be understood that certain items cannot be disclosed, such as social security numbers, birthdays, home addresses, victim information, the Family and Medical Leave Act of 1993 (FMLA) information, information that may be protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), including workers compensation claims, and other matters of a personal or private nature. The Town will not necessarily disclose that it is exempting some of this information, as disclosing that it is exempting the information may in and of itself violate the personal nature of the information.
- c. See [S.C. Code § 30-4-40](#) for matters which may be exempt from disclosure.

### 8. Failure to Comply.

In addition to penalties available under FOIA, willful disregard of, or violation of, this Policy by any employee or other person who is subject to it, may constitute insubordination and be grounds for disciplinary action up to and including termination of employment.

### 9. Costs for Processing FOIA Requests.

The Council, pursuant to Section 30-4-30 of FOIA, has established the fee schedule below, as amended by the Fee Schedule, in order to compensate the Town for the actual cost of searching for, redacting if necessary, and making copies of requested public records. The requester may be required to pay a deposit of twenty-five percent of the estimated costs of complying with the request before staff will begin searching for or making copies of the requested records. Costs shall not be charged for time spent examining records to determine whether they may be disclosed.

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Deposit or final record production payments may be made as follows:

- **By Mail/In Person:**  
Town of Pendleton  
Attn: Municipal Clerk  
310 Greenville Street  
Pendleton, SC 29670
- **By Credit Card:**  
An invoice via email for online payment.

FOIA Fee Schedule as amended by the Town's Fee Schedule:

Research & retrieval fees are based on the prorated hourly salary of the lowest-paid employee, who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request.

Black and white copies 8 ½ x 11 are \$0.25 per copy.

Black and white copies 8 ½ x 14 are \$0.35 per copy.

Black and white copies 11 x 17 are \$0.55 per copy.

Color copies 8 ½ x 11 are \$1.00 per copy.

Color copies 8 ½ x 14 are 1.50 per copy.

Color copies 11/17 are \$2.00 per copy.

All Fax transmitted records will be subject to a \$5.00 fee.

Requested copies of CDs, DVDs, or other electronic media will be charged at the cost of the media plus \$25.00/hour.

Postage / Shipping will be via FedEx/UPS/USPS and charged at the Town's expense.

**Pursuant to S.C. Code of Laws §30-2-50(A), a person or private entity shall not knowingly obtain or use personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.**

## Freedom of Information Act Request Form

### And Schedule of Fees

**Information Requested** *(please be specific):*

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South Carolina statutory law provides that it is a crime to knowingly obtain or use personal information obtained from a public body for commercial solicitation directed toward any person in the State of South Carolina.

**Date Information Requested:** \_\_\_\_\_

**Name and Address of Person making request:** \_\_\_\_\_

\_\_\_\_\_

**Phone Number of Person making request:** \_\_\_\_\_

**Date Requested Information Provided by Town:** \_\_\_\_\_

**All Freedom of Information requests must be approved by the Town Administrator/Assistant Administrator.**

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
**Date Deposit Paid:** \_\_\_\_\_ **Cash/Check** \_\_\_\_\_ **Check#** \_\_\_\_\_

**Research Fees:** \_\_\_\_\_

**Copy Fees:** \_\_\_\_\_

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