

HORRY-GEORGETOWN TECHNICAL COLLEGE

# PROCEDURE

Number: 3.5.5.1  
Related Policy: 3.5.5  
Title: Freedom of Information  
Responsibility: Vice President, Human Resources and Employee Relations

Original Approval Date: 04-10-2008  
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Last Revision: 06-15-2018

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President

## DISCLAIMER

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.**

## I. RESPONDING TO FREEDOM OF INFORMATION ACT REQUESTS

Employees of the College should refer the news media to the Public Information Officer. It is the responsibility of the Public Information Officer, in conjunction with the College President and office/department directors, to determine who will provide information directly to the news media on individual issues. Requests for information from human resources records should be coordinated with the appropriate Human Resources Officer. All requests for information may be reviewed by legal counsel, as necessary.

In response to written requests for access to public records,<sup>19</sup> the College shall make a determination with reasons therefore as to the release or non-release of information as soon as the information is available but no later than ten (10) days, (excepting Saturdays, Sundays and legal public holidays) of the receipt of any such request, notify the person making such request of its determination and the reasons for it; provided, however, that if the record is more than twenty-four (24) months old at the date the request is made, the System Office/College has twenty (20) days (excepting Saturdays, Sundays, and legal public holidays) of the receipt to make the notification. Such a determination shall constitute the final opinion of the College as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying no later than thirty (30) calendar days from the date on which the final determination was provided, unless the records are more than twenty-four (24) months old, in which case the System Office/College has no later than

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<sup>19</sup> S.C. Code Ann 30-4-20(c)

thirty-five (35) calendar days from the date on which the final determination was provided. Generally, requests for information under the Freedom of Information Act must be in writing, except when the requestor appears in person for certain information that must be disclosed pursuant to statute.<sup>20</sup> E-mail requests for information will be accepted only if the requestor provides a complete mailing address.

Pursuant to the S.C. Freedom of Information Act, an employee or officer's name, dates of employment or service, title, sex, and race may be disclosed.<sup>2</sup> The determination to disclose other types of information should be made on a case by case basis. Requests for salary information should be reviewed in accordance with the requirements of the S.C. Freedom of Information Act.

To the extent practicable, media requests (e.g. press, broadcast) for information shall be made in writing; however, at the discretion of the Public Relations/Communication Officer, certain media requests may be made in person or by telephone in the interest of time.

In responding to requests for information concerning current or former employees by prospective employers, the College Human Resources (HR) Office may provide information as follows:

- A. College HR employees responding to oral requests for information may verify an employee's and former employee's date of employment, pay range, wage history or eligible for rehire.<sup>21</sup>
- B. Disclose the following information to which an employee or former employee may have access to:
  - 1. Written employee evaluations
  - 2. Office of Human Resources notices that formally record the reasons for separation
  - 3. Whether the employee was voluntarily or involuntarily release from service and the reason for the separation; and
  - 4. Information about job performance.
- C. College HR employees shall not knowingly or recklessly release or disclose false information
- D. College HR employees should notify all requestors (person or private entities) that personal information obtained from state agencies shall not knowingly be used for commercial solicitation directed to any person in this State.

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<sup>20</sup> S.C. Code Ann. 30-4-50

<sup>21</sup> S.C. Code Ann. 41-1-65; S.C. Code of Regulations R. 19-720.03

Information pertaining to students should be coordinated with the appropriate persons to ensure that privacy rights of the student are safeguarded as required under the Family Educational and Right to Privacy Act (FERPA), as appropriate.<sup>22</sup>

## II. FEES

- A. The individual or organization making a request for information shall be charged a fee for the search, retrieval, and redaction of records. Fees charged must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are transmitted in an electronic format. The System Office/College shall develop a fee schedule to be posted online. The fee for the search, retrieval, or redaction of records shall not exceed 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. The records must be furnished at the lowest possible cost to the person requesting the records.
- B. The College reserves the right to require a deposit not to exceed twenty-five (25) percent of the total reasonably anticipated cost for reproduction of the records. If a deposit is required, the search for records will not be initiated until the deposit has been received. All fees associated with a request for information shall be made by check only, made payable to the State Board for technical and Comprehensive Education or to the specific college from whom the records have been requested.
- C. To the extent possible, fees for expenses incurred will be collected at the time the information is released. Fees not collected at the time the information is released will be billed to the individual or organization and shall be subject to agency policies and procedures regarding collection of fees.
- D. The College is not required to charge a fee. If a request for information is deemed simple or routine and only requires copying of a few pages of readily available documents which serve the public interest, then charging or collecting a fee is not recommended.
- E. If a fee from a previous request remains outstanding, and the requestor makes a subsequent request, the response to the subsequent request may not be released to the requestor until all outstanding fees pertaining to the previous request(s) have been collected.

<sup>22</sup> S.C. Code Ann. 30-2-50; SBTCE Policy and Procedure on Solicitation and Distribution (8-9-100, 8-9-100.1); Horry Georgetown Technical College Policy on Solicitation and Distribution (3.5.6)

### **III. Obtaining Personal Information from Commercial Solicitation**

- A. A person or private entity shall not knowingly obtain or use any personal information obtained from a System Office/College for commercial solicitation directed to any person in this State.
- B. The College, as a public entity, shall provide a notice to all requestors of records and to all persons who obtain records pursuant to Section 30-2-50 of the code of laws of the State of South Carolina that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited.
- C. The College shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation.
- D. A person knowingly violating these provisions of Section 30-2-50 is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.
- E. This does not apply to a local governmental entity of a subdivision of this state or local government.

### **IV. Disclosure of Applicant Information**

- A. All materials, regardless of form, gathered by the College during a search to fill an employment position are exempt from disclosure, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying.
- B. In addition to making available for public inspection and copying the materials described in this item, the College must disclose, upon request, the number of applicants considered for a position. For the purpose of this item, "materials relating to not fewer than the final three applicants" do not include an applicant's income tax returns, medical records, social security number, or information otherwise exempt from disclosure from Section 30-4-10.