

How to file an FOI request

The S.C. Freedom of Information Act provides access to public records, which are defined as books, photographs, cards, tapes recordings, documentary materials (regardless of form) prepared, owned, used in the possession of, or retained by a public body.

There are times when an oral request for access to public records will be successful, but the law does not require an agency to respond to oral requests. In fact, an oral request will not trigger the deadline by which an agency must respond to the request. An agency receiving a written request for access to records has 10 business days to tell you whether it will release them (20 business days if the records are more than 2 years old). It does not have to tell you what will be redacted, if anything. If it says the records can be released, the public body then has 30 calendar days after it writes back to you to deliver them (35 calendar days if more than 2 years old).

The law does not prescribe a particular form for the written request, but the more precise the request, the greater the likelihood that the request will lead to the records you want at the lowest possible cost.

For example, a request for access to "checks written between June 30 and July 15, 2017" will probably be more useful than a request for "all records of financial transactions by the agency during the past fiscal year."

Also, initially ask to review the records, not specifically for copies of them (unless you can't physically get to where they are to review them). That way you might have some leeway to negotiate or limit copying costs, if assessed.

Some other tips: Address the request to the head of the agency or body. In the case of an elected body that hires a day-to-day manager, send the request to the manager – a school system superintendent, for instance, or a city manager or county administrator. Include a reference to the law (though it is not required). Keep a copy of your letter. If you expect a fight over the date the letter was received, send it certified mail, return receipt requested.

Sample FOI request

Date to get clock running

February 17, 2018

Send to record custodian

Custodian of Record
Address

Be specific in your request

This is a request for access to the public records listed below pursuant to the S.C. Freedom of Information Act, SC Code 30-4-10, et seq.

I would like to review **[specify documents as narrowly as you can]**. I can be reached by telephone at **[insert your number]** to schedule a time to examine the records.

Protect yourself from high copy costs

Since this request primarily benefits the general public, I request that any search or copying fees be waived. If there is a charge for providing me access, please advise me of your estimate of the charge and its basis when you contact me to arrange access.

Never hurts to politely remind you're keeping track

I look forward to hearing from you within the time limits set by the law.

Yours truly,