

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 to the request. On the other hand, an agency receiving a written request for access to records has 15 working days to respond. If written notification of the agency's decision regarding the request is neither mailed nor personally delivered to the person requesting the document within 15 days, the request is considered approved.

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, 2006 " will probably be more useful than a request for "all records of financial transactions by the agency during the past fiscal year."

Besides precision and specificity, are there any other tips for writing for records? Yes. Address the request to the head of the agency or body. In the case of a body such as a school board with elected officials and an employed superintendent , your letter should go to the superintendent. Your letter is not required to mention the S.C. FOIA, but it isn't a bad idea to start your letter with some mention of the Act. Keep a copy of your letter. And, if you anticipate there will be a fight over when the letter was received, send the letter certified mail, return receipt requested.

Sample FOI request

**Date to get
clock running**

February 17, 2006

**Send to
custodian of
record**

Custodian of record
Address

**Be specific in
your request**

This letter is a request for access to the public records listed below pursuant to the S.C. Freedom of Information Act.
I would like to review (specify documents as narrowly as you can). I can be reached by telephone at (#_____) to schedule a time to examine the records.

**Protect
yourself from**

Since this request primarily benefits the general public, I request that any search or

**high copy
costs**

copying fees be waived. If there is a charge for providing me access, please advise me of your estimate of the charge and the basis for the charge when you call to arrange an appointment.