

**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	FREEDOM OF INFORMATION - ACCESS TO PUBLIC RECORDS AND DOCUMENTS	Procedure Number: 3-3-118.1
Institutional Authority:	Vice President of Administrative Services	
Associated SBTCE Policy/Procedure:	8-0-107.1	
Governing ATC Policy:	3-3-118	

Approved:


President


Vice President of Administrative Services

Date

Adopted: 07/01/2004

Date

Revised: 02/22/2010

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 (FOIA) REQUESTS

In response to written (U.S.P.S. mail, hand-delivery, or facsimile) requests for access to public records¹, Aiken Technical College shall make a determination with reasons therefore as to the release or non-release of information within fifteen (15) days, excepting Saturdays, Sundays and legal public holidays. E-mail requests for information will be accepted only if the requestor provides a complete mailing address, to include: street address, city, state and zip code. Requests for information from human resources records must be coordinated by the College Human Resources Director. Generally, requests for information under FOIA must be in writing, except when the requestor appears in person for certain information that must be disclosed pursuant to statute.² All requests for information must be coordinated with the Human Resources Director. All requests for information may be reviewed by legal counsel, as required.

¹ All books, papers, 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 a public body shall be considered a public record except those records which by law are required to be closed to the public, or are otherwise exempted by the provisions of the South Carolina Freedom of Information Act.

² S.C. Code Ann. 30-4-30(d)

Pursuant to FOIA, an employee or officer's name, dates of employment or service, title, gender, and race may be disclosed.³ 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 Director of Marketing and Public Relations, 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 Director **may** provide information as follows:

1. College Human Resources Director, or designee, responding to oral requests for information **may** verify an employee's or former employee's dates of employment, pay range, and wage history.⁴
2. College Human Resources Director, or designee, responding to written requests for information **may** disclose the following information to which an employee or former employee may have access:
 - a. Written employee evaluations;
 - b. Official human resources notices that formally record the reasons for separation;
 - c. Whether the employee was voluntarily or involuntarily released from service and the reason for the separation; and
 - d. Information about job performance.⁵
3. College employees shall not knowingly or recklessly release or disclose false information.
4. Information pertaining to students should be coordinated with the appropriate persons to ensure that privacy rights of students are safeguarded as required under the Family Educational and Right to Privacy Act, as appropriate.
5. College Human Resources staff should notify all requesters (persons 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.⁶

³ S.C. Code Ann. 30-4-50

⁴ S.C. Code Ann. 41-1-65; S.C. Code of Regulations R. 19-720.03

⁵ Id.

⁶ S.C. Code Ann 30-2-50; SBTCE Policy and Procedure on Solicitation and Distribution (8-9-100, 9-9-101.1)

II. FEES

1. The individual or organization making a request for information shall be charged the total expense incurred for searching records, computer usage and making copies of requested information based on the per hour cost of staff time, including fringe benefits and ten cents (\$0.10) per page copied.
2. The College reserves the right to require a reasonable deposit for costs expected to be incurred in searching for or making copies of the record(s). 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 cash or check payable to Aiken Technical College.
3. 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 College policies and procedures regarding collection of fees.
4. 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.
5. If a fee from a previous request remains outstanding, and the requestor makes a subsequent request, the response to the subsequent request shall not be released to the requestor until all outstanding fees pertaining to the previous request(s) have been collected.