

FREEDOM OF INFORMATION ACT (FOIA) POLICY AND PROCEDURES

The South Carolina Commission on Higher Education is a *public body*, as defined by the South Carolina Freedom of Information Act (FOIA) [§§ 30-4-10, *et seq.*]. Per FOIA provisions in state statute, the Commission's public records are open to, and available for, public inspection.

FOIA defines *public records* as "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."

Exempt public records, as made thus under the state FOIA provisions and the federal Family Educational Rights and Privacy Act (FERPA), will not be disclosed. To read the complete statutory definition of exempted public records, please consult the full legislative text:

SOUTH CAROLINA FREEDOM OF INFORMATION ACT

<http://www.scstatehouse.gov/code/t30c004.php>

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

http://www.law.cornell.edu/uscode/html/uscode20/usc_sec_20_00001232---g000-.html
and US Education Department information on FERPA at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

The Commission on Higher Education has statutory authority to charge for minimal search and reproduction costs. (Costs include, but are not limited to, all reproduction costs and actual employee compensation.) The Commission may determine that the public interest is served by a waiver or reduction of fee. All such decisions will be made by the Executive Director.

Except as otherwise provided for under the state FOIA provisions, all requests for South Carolina Commission on Higher Education public records must be made in writing, and must be submitted in person, by mail, by email or by fax.

Please use the following letter format for making official FOIA requests with the South Carolina Commission on Higher Education:

South Carolina Commission on Higher Education
FOIA REQUEST
DR. RUSTY MONHOLLON, PRESIDENT & EXECUTIVE DIRECTOR
ATTN: MS. BUNNIE LEMPESIS WARD
1122 Lady Street, Suite 300
Columbia, SC 29201

[INSERT DATE]

Pursuant to the South Carolina Freedom of Information Act, this letter is a request for the following public records:

- [ITEM A]*
- [ITEM B]*
- [ITEM C]*
- [ITEM D]*

[NOTE TO REQUESTOR: Be as specific as possible about the individual public records being requested.]

Please advise of exempt status of these public records, as well as the cost of producing all non-exempt records and items on the list above:

[NAME]
[ORGANIZATION NAME]
[ADDRESS]

ADDITIONAL CONTACT INFORMATION (TELEPHONE, EMAIL)

Submit FOIA requests via postal mail to the address in the above letter format. Requests in the letter format may also be faxed to: 803.737.2297 or submitted via email to bward@che.sc.gov with a copy to Mark Swart, mwart@che.sc.gov.

As required by law, an official agency response concerning the availability of requested records will be sent via mail no more than 10 days (excepting Saturdays, Sundays and legal public holidays) from receipt of the request. If, however, the record is twenty-four months or older at the date of the request, an official response will be sent within 20 days.

For further information, please contact Bunnie Lempsis Ward at: 803.737.1397 or bward@che.sc.gov.