

**UPSTATE WORKFORCE BOARD  
Freedom of Information Act (FOIA)**

**DEFINITION:**

**Board staff should follow the following policy if a FOIA request is received per the recently revised Freedom of Information Act.**

**POLICY:**

All FOIA requests must be in written form and may be sent via paper or electronically. Staff are to date stamp the receipt date on the document and immediately advise the Executive Director of the request. If the request appears to be one that might be of controversial nature, the Executive Director will immediately inform the Upstate Workforce Board Chairman.

FOIA requires that a response to a written FOIA request be rendered in 10 business days if documents are two years old or less. The law allows 30 calendar days to produce documents in response to the request.

If documents are older than two years, the law requires a response to the written request within 20 business days. The law allows 35 calendar days from the written response date to produce the documents. If documents have been destroyed per the timeline in the Workforce Innovation and Opportunity Act, the written response should include a citation referring to that portion of the law.

**Fees:**

All fees associated with copying the request may not exceed the actual cost incurred by the Upstate Workforce Board.

There should be no copying charge for documents sent electronically.

Hourly charges for search, retrieval and redaction cannot exceed the prorated hourly rate of the lowest paid employee who has the necessary skills and training to perform the request.

A deposit of 25% can be required before making copies. Production time (30 or 35 days) begins to run from the date the deposit is received.

Records can be withheld until the full cost is received.

It is the policy of the Upstate Workforce Board not to charge for the FOIA request unless it exceeds twenty-five (25) copied pages or two (2) hours of staff time.

Should the documents be on the Upstate Workforce Board website, this will comply to a FOIA request.

Exemptions for access are: Income tax returns of individuals, medical records and social security numbers. Information that is identifiable personal information of individuals receiving services in the WIOA program are also exempt.

**Remedies for FOIA Violations:**

A citizen of the State may bring an action to circuit court for a declaratory judgement, injunctive relief or both. A public body may bring an action in circuit court to seek relief from unduly burdensome, overly broad, vague and otherwise improper requests.

A third party who has an interest in records that meet certain exemptions that may be released in a court action may ask the court to intervene in the proceedings.

A court may award reasonable attorney's fees, actual or compensatory damages, or equitable relief to the prevailing party.

If a court determines records are not disclosable, this constitutes a good faith finding on behalf of the public body and serves as a complete bar against the award of attorney's fees should the court's determination be reversed on appeal.

Replaces criminal penalties with a civil fine of \$500 if the court finds a public body has arbitrarily and capriciously violated the provisions of FOIA by refusal or delay in providing copies of a public record (this is in addition to the award of actual or compensatory damages or equitable relief).

**Personal Info for Commercial Solicitation:**

FOIA prohibits a person or private entity from knowingly obtaining personal information from a local government or other political subdivision for commercial purposes. Must provide prohibition notice to all requestors of records. Violators are guilty of a misdemeanor and upon conviction are subject to a \$500 fine and/or jail time up to one year.

**All questions related to this policy should be directed to the Upstate Workforce Board Executive Director at Upstate Workforce Board, PO Box 5666, Spartanburg, SC 29304. This policy should be implemented immediately**

**THIS POLICY IS NOT A CONTRACT, EXPRESSED OR IMPLIED, EMPLOYMENT IS AT-WILL.**

REFERENCE: THE FREEDOM OF INFORMATION ACT