

# South Carolina Department of Public Safety

Office of the Director

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<b>POLICY</b>	<b>500.06</b>
<b>EFFECTIVE DATE</b>	<b>SEPTEMBER 6, 2001</b>
<b>ISSUE DATE</b>	<b>SEPTEMBER 6, 2001</b>
<b>SUBJECT</b>	<b>RELEASE OF INFORMATION</b>
<b>APPLICABLE STATUTES</b>	<b>§§ 30-2-10 et seq., §§ 30-4-10 et seq.</b>
<b>APPLICABLE STANDARDS</b>	<b>82.1.1 (c)</b>
<b>DISTRUBTION</b>	<b>TO ALL EMPLOYEES</b>

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

## **I. PURPOSE**

The purpose of this policy is to set forth the manner in which the Department of Public Safety will handle subpoenas served upon the department and requests for release of information received pursuant to the Freedom of Information Act (FOIA). [82.1.1] This policy also provides a mechanism for assuring subpoenas and requests for information are handled in a consistent, orderly and timely manner in accordance with the applicable Rules of Civil Procedure or Rules of Criminal Procedure, statutory and departmental requirements. This policy is meant to supplement, not supplant the FOIA.

## **II. POLICY**

In an effort to provide the public with information, the Department of Public Safety provides access to its public records and responds to subpoenas and requests for information in an accurate, timely and professional manner.

## **III. RESPONDING TO A FOIA REQUEST OR SUBPOENA**

### **A. Responsibilities**

1. The director will assign one individual the collateral duty of Release of Information (ROI) Officer, with primary responsibility for implementing and managing the department's Freedom of Information (FOI) Program. The ROI Officer will report to the Office of General Counsel. [82.1.1 (c)] The ROI Officer will also screen subpoenas and summons and complaints and direct them to the appropriate parties. The ROI Officer will provide guidance, subject matter expertise and team leadership to the Division and Office ROI liaisons. The ROI Officer shall prepare FOI guidelines and procedures for handling routine requests which shall include, but are not limited to: [82.1.1 (c)]

- a. an outline of types of records to be kept for FOI requests and a retention schedule for those records;
  - b. a list indicating information generally available under the FOIA; [82.1.1 (c)]
  - c. a list indicating information not available under the FOIA; [82.1.1 (c)]
  - d. processes for handling requests received directly by a division or office;
  - e. processes for handling subpoenas in civil matters where the department is not a party;
  - f. processes for handling subpoenas in criminal cases where the department is the prosecutor;
  - g. processes for handling subpoenas in civil matters where the department is a party;
  - h. processes for handling FOI requests in criminal cases when the department is prosecutor;
  - i. processes for handling requests for Department of Motor Vehicle (DMV) information or records;
  - j. procedures for assessing and collecting costs associated with the request; and
  - k. procedures for handling "in person" requests.
2. Any request for release of information that is not specifically covered by the above-mentioned guidelines and procedures shall be considered "non-routine" and must be immediately forwarded to the Office of General Counsel.
  3. The Office of General Counsel must approve the guidelines and procedures prior to implementation. The ROI Officer will update the guidelines and procedures on an as needed basis.
  4. Each Deputy Director and Office Head will assign one individual the additional duty of ROI liaison. The liaison is responsible for reviewing and responding to requests for information and subpoenas in accordance with the FOIA, the applicable Rules of Civil Procedure or Rules of Criminal Procedure, this policy and any guidelines and procedures issued by the department. Generally, the liaison will handle these duties in the course of regular office business, processing the requests in a timely manner, as job functions permit.
  5. Requests for information which do not meet the "public record" definition of the FOIA must be referred to the Office of Executive Affairs for disposition. [82.1.1 (c)]
- B. Exceptions from FOIA
1. Any record specifically exempted from disclosure by law is not subject to disclosure under the FOIA.
  2. Any record that is confidential or disclosable only under specified circumstances pursuant to a law other than the FOIA, should not be released. [82.1.1 (c)]
- C. Exemptions from FOIA

1. The department exercises its discretion and exempts from disclosure all of the information enumerated in SC Code Ann. Section 30-4-40.
2. When providing records, exempt and non-exempt information will be separated, and the non-exempt portion will be provided to the requestor. [82.1.1 (c)]

D. Costs

1. The department shall charge reasonable costs for providing requested documents or information.
2. The department will not release information where costs are incurred until payment in full is received.
3. The department will waive or reduce costs if it determines that the waiver or reduction is in the public interest because the information is considered as primarily benefiting the general public.

IV. TRAINING

The department shall provide initial and periodic training to all supervisors, ROI liaisons, receptionists and any other employee who may in the course of routine duties, have the opportunity to respond to requests for records or information.

<b>By Order of the Director</b> <b>Date: September 6, 2001</b>
<b><i>James K. Schweitzer</i></b>
<b>Director</b> <b>S C Department of Public Safety</b>
<b>The Original Signed Copy of this Policy</b> <b>is on File in the Office of the General</b> <b>Counsel</b>