



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	S. 0006	Introduced on January 14, 2025
Subject:	Freedom of Information	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Vesely	
Impact Date:	April 23, 2025	

Fiscal Impact Summary

This bill changes the timeline and process by which Freedom of Information Act (FOIA) requests are handled. Current FOIA law for public bodies in South Carolina provides 10 business days to acknowledge the request for records and an additional 30 to 35 calendar days, depending on the age of the records, to answer this request. This bill would shorten the agency response timeline for FOIA requests to 5 business days to respond appropriately with the records requested or provide the reason that the records could not be provided within the allotted timeframe. If these records require additional time or work to locate and prepare these records for a request, the public body shall have an additional 7 business days. If this is not possible within the 12-business day timeline, the public body may petition the appropriate court for additional time after attempting to reach an agreement with the requestor of the records.

Revenue and Fiscal Affairs (RFA) requested input from all state agencies, counties, school districts, and the Municipal Association of South Carolina (MASC) on behalf of municipalities regarding the potential fiscal impact of the bill. Of the responding entities, 35 state agencies indicated that the bill will not impact expenditures, whereas 18 agencies and all responding local governments indicated this bill would have an expenditure impact due to the shortened time frame and potential need to petition the courts for additional time to respond to requests. An additional 9 agencies noted that this bill may have an expenditure impact on the agency depending on FOIA requests received in the future.

Many agencies that indicated that this bill is not expected to impact expenditures also noted that this bill may have a significant operational impact if an unexpected number of FOIA requests or an unexpectedly large-in-scope FOIA request is received. The number and complexity of FOIA requests received varies significantly between agencies. Some smaller agencies indicated that this bill may lead to operational challenges as an unexpected FOIA request may require their staff to prioritize fulfillment of the FOIA request within this bill's expedited timeline instead of focusing on core functions of the agency. Further, agencies may experience unexpected increases in expenses if they need to petition the courts for additional time to respond to a complex request.

All of the 7 counties that responded to the request for fiscal impact stated that this bill will increase local expenditures. MASC indicates that this bill would shorten the timeline to produce records and would greatly increase the administrative burden for municipalities. Of the 21

responding school districts, 8 indicated that this bill will have no expenditure impact, and 2 replied that there may be some impact, but costs are undetermined. The remaining 11 school districts provided annual expenditure impacts ranging from \$8,750 to \$499,423.

This bill may impact state and local fee revenue for FOIA requests if the number of requests received changes as a result of the bill. Additionally, MASC indicates that this bill eliminates the requirement that the full balance of the total cost of the request must be paid upon the production of the requested documents. MASC interprets that this may allow local governments to collect FOIA fees as they see fit, but this ambiguity may result in legal challenges and increase compliance costs as part of the collection of these fees.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill changes the process by which FOIA requests are handled. Current FOIA law for public bodies in South Carolina provides 10 business days to acknowledge the request for records and an additional 30 to 35 calendar days, depending on the age of the records, to answer this request. This bill would shorten the agency response timeline for FOIA requests to 5 business days to respond appropriately with the records requested or provide the reason that the records could not be provided within the allotted timeframe. If these records require additional time or work to locate and prepare these records for a request, the public body shall have an additional 7 business days. If this is not possible within the 12-business day timeline, the public body may petition the appropriate court for additional time after attempting to reach an agreement with the requestor of the records.

Of the 62 responding agencies, 35 indicated that this bill is not expected to have an expenditure impact, whereas 18 indicated this bill would have an expenditure impact due to the increase in workload with the change in FOIA timelines. An additional 9 agencies noted that this bill may have an expenditure impact on the agency depending on FOIA requests received.

The agencies that indicated the bill is not expected to have an impact are Area Health Education Consortium (AHEC), Arts Commission, Commission for the Blind, Commission on Indigent Defense, Comptroller General's Office, Department of Alcohol and Other Drug Abuse Services, Department of Archives and History, Department of Children's Advocacy, Department of Commerce, Department of Disabilities and Special Needs, Department of Environmental Services, Department of Revenue, Educational Television Commission, Election Commission, Forestry Commission, Governor's School for Arts & Humanities, Governor's School for Science and Mathematics, Higher Education Tuition Grants, Law Enforcement Training Council, Legislative Audit Council, Legislative Council, Patriot's Point, Procurement Review Panel, Public Service Commission, Retirement System Investment Commission, Revenue and Fiscal Affairs Office, Rural Infrastructure Authority, School for the Deaf and the Blind, Secretary of State's Office, South Carolina Conservation Bank, South Carolina Transportation Infrastructure Bank, State Housing Finance & Development Authority, State Treasurer's Office, Technical & Comp. Education Board, and Vocational Rehabilitation.

Many agencies indicated that this bill is not expected to have an impact but also noted that this bill may have significant operational impact if an unexpected number of FOIA requests or an unexpectedly large-in-scope FOIA request is received. The number and complexity of FOIA requests received varies significantly between agencies. Some smaller agencies indicated that this bill may lead to operational challenges as an unexpected FOIA request may require their staff to prioritize fulfillment of the FOIA request within this bill's expedited timeline instead of focusing on core functions of the agency. Further, agencies may experience unexpected increases in expenses if they need to petition the courts for additional time to respond to a complex request. The following is the impact on the agencies that provided detailed expenditure impacts.

Department of Public Health. The Department of Public Health (DPH) indicates that their FOIA office currently receives 165 to 195 FOIA requests monthly. These requests vary from requests that require one hour of staff time to complex requests across multiple offices of the agency. Additionally, DPH notes that many FOIA requests must be carefully screened for legal exemptions and protected information to review and redact prior to sending to requesters. DPH indicates that this bill would reduce their working timeline for FOIA requests by nearly 80 percent. As the agency does not expect the volume of FOIA requests to decrease, DPH indicates that staffing their FOIA office would need to increase significantly to handle current requests within the reduced timeline. Other offices of DPH will also require additional FTEs as part of the response to complex requests. In total, DPH indicates that it would request 18.0 FTEs across its offices to handle these responsibilities. The following is a list of FTEs indicated with their total compensation costs: 1.0 attorney FTE for \$116,761, 1.0 paralegal FTE for \$80,983, 2.0 IT security specialists for \$233,522, 6.0 program assistants for \$407,353, and 8.0 program coordinators for \$647,862. DPH indicates that these FTEs will require 12 laptops and 24 computer monitors at a total one-time cost of \$23,460. Additional equipment, software, and office costs are estimated at \$38,730 annually. Therefore, DPH indicates that this bill would have an expenditure impact of \$1,548,671 in FY 2025-26 and \$1,525,211 thereafter. DPH indicates that it would request General Funds appropriations for these FTEs and expenditures.

Department of Mental Health. The Department of Mental Health (DMH) indicates that the agency responds to FOIA requests for the agency and for 3 hospitals, 1 nursing home, and 16 community mental health centers. DMH also indicates that many records include personal health information and personally identifiable information that need significant time to prepare for review and redaction prior to publication. DMH indicates that the agency would need a total of 6.0 FTEs to meet the changes of this bill, including 1.0 public information director with a total compensation cost of \$113,749 and 5.0 public information coordinators at a total compensation cost of \$394,469. Additionally, DMH anticipates a one-time cost of \$12,500 for computer equipment and office supplies to support these FTEs, and recurring costs of \$15,000 annually for software and equipment. Therefore, the impact of this bill on DMH is a total of \$535,718 in FY 2025-26 and \$523,218 thereafter. The agency will request General Fund appropriations for these expenses.

Department of Social Services. The Department of Social Services (DSS) indicates that this bill would necessitate faster processing of FOIA requests than current staffing allows. DSS estimates

that over half of their FOIA requests would take longer than the 12 business days allowed by this bill, and therefore, over half of these requests would lead to seeking judicial relief for more time. DSS indicates this bill would increase workload and that 10.0 attorney FTEs at a total compensation cost of \$1,281,880 and 3.0 paralegal FTEs at a total compensation cost of \$197,100 would be necessary to comply with this bill's requirements. Additionally, DSS anticipates one-time costs of \$41,798 and recurring costs of \$157,940 to provide equipment and supplies for these FTEs. In total, DSS anticipates state expenses of \$1,285,478 in FY 2025-26 and \$1,253,471 thereafter and federal expenses of \$393,240 and 383,449, respectively. DSS anticipates requesting General Funds appropriations and Federal Funds authorization for these expenditures.

Department of Public Safety. The Department of Public Safety (DPS) indicates that their office currently has 5 staff members whose full-time responsibility is to search, retrieve, and redact records for requesters. DPS notes procedures for requests on drivers in a car accident may involve retrieving and redacting nearly 100 dash cam videos per request and that the average year-over-year growth in FOIA requests is 15 percent. DPS anticipates that the agency would be required to provide records for requesters approximately 6 times faster under this bill and would, therefore, require approximately 6 times the staff to meet the new timeline. DPS indicates that it would request 35.0 FTEs across its offices to handle the increased workload under the faster timeline. This includes 30.0 program assistants to search, retrieve, and redact records at a total compensation cost of \$1,952,130, 2.0 program coordinators at \$192,360, 1.0 endpoint technician at \$77,700, 1.0 database administrator at \$98,402, and 1.0 IT business analyst at \$82,227. Additionally, These FTEs will require laptops, other equipment, and office furniture at a one-time cost of \$143,640. Other equipment, software, and office supplies would cost \$116,181 annually. Therefore, DPS anticipates that this bill would have an expenditure impact of \$2,662,640 in FY 2025-26 and \$2,519,000 thereafter. DPS indicates that it would request General Funds appropriations for these FTEs and expenditures.

Department on Aging. The Department on Aging (Aging) indicates that in order to fulfill the responsibilities of this bill, it would request General Fund appropriations for 1.0 administrative coordinator at a total compensation cost of \$79,449, along with recurring expenses of \$3,000 for equipment and office supplies to support this FTE, for a total cost of \$82,449 annually.

Department of Health and Human Services. The Department of Health and Human Services (DHSS) indicates that this bill would require hiring 1.0 data analyst FTE at a total compensation cost of \$119,000 and 1.0 administrative assistant FTE at a total compensation cost of \$56,000 to fulfill FOIA requests on time. DHSS noted that an average of 192 requests were filed over 2023 and 2024. Of these, an average of 131 were fulfilled later than 10 calendar days after receipt. Based on this 10-calendar day figure and an estimated filing fee of \$150, DHSS estimates a court filing fees expense of \$19,650 for seeking judicial relief for requests that will require more time. Therefore, the total expenditure impact to the agency is \$194,650. DHSS has indicated that half of these expenditures would be supported by Federal Funds, and half through General Fund appropriations. Therefore, the agency expects to request \$97,325 in General Fund appropriations.

Department of Veterans' Affairs. The Department of Veterans' Affairs (DVA) indicates that it typically receives 5 to 7 inquiries and 1 to 2 formal FOIA requests each month, which has been increasing since DVA assumed oversight of the state veteran nursing homes. DVA also indicates that it generally currently provides full FOIA responses within ten business days. However, this bill would shorten the time to respond to FOIA requests. DVA anticipates that in order to meet the responsibilities of this bill, the agency would require 1.0 FTE as a program coordinator or paralegal to serve as the point of contact for FOIA requests, search for records, and prepare legal filings if necessary. This FTE would have a total compensation cost of \$89,840, with one-time equipment and office supply costs of \$3,962, and recurring costs of \$630 annually for software to support this FTE. Therefore, the total expenditure impact of this bill on DVA is \$94,432 in FY 2025-26 and \$93,802 thereafter. DVA expects to request General Fund appropriations for these FTEs and expenditures.

Department of Insurance. The Department of Insurance (DOI) received between 53 and 76 FOIA requests over the past three fiscal years. DOI indicates that there are currently 2.0 FTEs, a paralegal and an attorney, that assist with FOIA requests on a part-time basis. When a FOIA request is received by DOI, these FTEs review documents for personally identifiable information and anything else that may need to be redacted. This bill would impact the administrative workload for FOIA requests and substantially shorten the agency response timeline. DOI indicates that this bill would require hiring an additional 1.0 FTE as a FOIA coordinator, at a salary cost of \$50,000. Additionally, DOI expects one-time costs of up to \$23,000 for office space, furniture, and equipment to support this FTE. Therefore, the expenditure impact of this bill on DOI is expected to be \$73,000 in FY 2025-26, and \$50,000 thereafter.

Department of Administration. The Department of Administration (Admin) indicates that this bill would reduce the amount of time the agency has to respond to FOIA requests. The agency anticipates the need to hire 1.0 FTE program manager at a total compensation cost of \$130,500 to manage this reduced timeframe to respond. In addition, Admin expects \$2,216 in one-time costs and \$4,222 in recurring costs for equipment and other operating costs to support this FTE. Therefore, Admin anticipates an expenditure impact of \$136,938 for FY 2025-26 and \$134,722 thereafter. Admin anticipates requesting General Fund appropriations for these expenditures.

Department of Motor Vehicles. The Department of Motor Vehicles (DMV) anticipates the need for 2.0 FTEs and six months to implement the requirements of this bill. DMV indicates that they would need 1.0 FOIA officer with a total compensation cost of \$69,844 and 1.0 database analyst with a total compensation cost of \$96,200. DMV does not indicate any expected operational or equipment costs. Therefore, DMV anticipates a total expenditure impact of \$166,044 and anticipates requesting General Fund appropriations for these expenses.

Department of Labor, Licensing and Regulation. The Department of Labor, Licensing and Regulation (LLR) indicates that it responds to over 1,000 requests for information each year. LLR notes that requests are currently handled by an attorney, a FOIA coordinator, and other employees throughout the agency assisting part time. As this bill would shorten the timeline to prepare a response, LLR indicates that the agency would need 1.0 FTE executive assistant as a FOIA coordinator at a salary cost of \$75,000 and 1.0 FTE paralegal at a salary cost of \$55,000

for potential legal proceedings when LLR requests more time for FOIA requests. Therefore, LLR expects to request Other Funds authorization for 2.0 FTEs and \$130,000 for salaries of these FTEs.

Department of Corrections. The Department of Corrections (SCDC) indicates that it received 399 FOIA requests in 2024. SCDC maintains electronic records and paper records using numerous records storage systems at its 21 institutions. SCDC anticipates that this bill would result in a significant increase in workload due to the shortened timeline to search the paper records at these 21 institutions, and SCDC anticipates needing 3.0 public information coordinator FTEs at a total compensation cost of \$175,966, 1.0 attorney FTE at a total compensation cost of \$93,125, and 1.0 administrative coordinator FTE at a total compensation cost of \$82,782 to manage the workload within the required timeframe. SCDC does not indicate any expected operational or equipment costs. Therefore, SCDC indicates that the expenditure impact of this bill is \$351,873 annually beginning in FY 2025-26. SCDC expects to request an increase in General Funds for these expenditures.

Public Service Authority. The South Carolina Public Service Authority “Santee Cooper” (PSA) indicates that this bill would require staff and software to be readily available to respond to FOIA requests under the shorter timeline. To accomplish this, PSA anticipates that it would need to hire 2.0 FTEs to respond to FOIA requests; 1.0 records analyst at a total compensation cost of \$89,441, and 1.0 attorney at a total compensation cost of \$144,065. PSA indicates that it would require equipment at a one-time cost of \$4,000 and a recurring cost of \$960 to support these FTEs. Further, PSA notes that in 2024, it received 35 FOIA requests, of which 15 were complex or required a high volume of records. Based on this, PSA estimates that under this bill it may need to seek judicial relief for additional time for approximately 10 percent of these complex requests, or approximately 1.5 annually. PSA anticipates recurring legal fees of \$3,975 for seeking judicial relief for the estimated 1.5 requests that may require additional time annually. Therefore, PSA expects an expenditure impact of \$242,441 in FY 2025-26 and \$238,441 thereafter. PSA is supported by its rate payers and does not receive appropriations from the state; therefore, these expenditures would be borne in its operations and maintenance budget.

Office of Regulatory Staff. The Office of Regulatory Staff (ORS) indicates that this bill would shorten the timeline for staff to respond to FOIA requests, resulting in an increase in workload that would need to be handled by hiring 1.0 FTE for their legal staff at a total compensation cost of \$109,376. ORS indicates that this FTE will require an additional \$1,563 in administrative costs, resulting in a total recurring annual expenditure impact of \$110,939. ORS is funded by assessments made to regulated utilities across the state. Therefore, ORS indicates that the agency will request an increase in Other Funds authorization as a result of this bill.

State Library. The State Library indicates that this bill would require work out of the scope of existing staff and personnel in order to respond to FOIA requests in a timely manner as this bill stipulates. In order to accomplish the responsibilities of this bill, the State Library expects an expenditure impact of \$101,883 for 1.0 attorney’s total compensation cost, a laptop and office equipment at a one-time cost of \$4,000, and recurring costs of \$5,000 for software required to support this FTE. Therefore, the expenditure impact of this bill to the State Library is anticipated

to be \$110,883 in FY 2025-26 and \$106,883 thereafter. The State Library anticipates requesting General Fund appropriations for these expenditures.

University of South Carolina. The University of South Carolina (USC) indicates that this bill would shorten the University's timeline for responding to FOIA requests. Many of their FOIA requests require redaction of private information, which can be labor intensive for requests that include many records. USC indicates that the university communications team would require 2.0 FTEs at a total compensation cost of \$90,000 to facilitate FOIA requests within the time required by this bill. Additionally, the USC Office of General Counsel may require additional legal staff to review FOIA requested records; however, the number of staff is undetermined as it will depend on the number of FOIA requests that require a significant legal workload. Therefore, the expenditure impact of this bill on USC is at least \$90,000. USC anticipates requesting General Funds appropriations as a result of this bill.

College of Charleston. The College of Charleston (COC) received approximately 110 FOIA requests last year, and the majority of these requests required multiple records across campus and required redaction of information. COC indicates that this bill would reduce the time that the College has to respond to FOIA requests and indicates that it would require hiring 1.0 FTE paralegal at a total compensation cost of \$107,625 to search for, collect, and redact records for requests in a timely manner. COC also anticipates that approximately 30 percent of requests would require seeking judicial relief in order to have enough time to answer the request. Due to the increase in use of COC counsel, COC indicates that this would be a cost of 0.3 FTE of an attorney, at a total compensation cost of \$43,050. Finally, in order to review security camera footage in a timely manner for FOIA requests, COC indicates the need for 0.25 FTE of a public safety officer at a total compensation cost of \$27,309. Finally, COC indicates that it anticipates annual court filing fees of \$4,500 due to judicial relief for lengthy FOIA requests. Therefore, the expenditure impact of this bill on COC is expected to be \$182,484. COC anticipates requesting General Funds appropriations as a result of this bill.

Medical University of South Carolina. The Medical University of South Carolina (MUSC) indicates that the agency would need 0.5 FTE of a paralegal for processing FOIA requests at a total compensation cost of \$66,240, and 0.5 FTE of an attorney for review and redaction of these requests at a total compensation cost of \$108,000 to fulfill the requirements of the bill. MUSC anticipates requiring approximately 10 hours a month of outside legal counsel to handle the increased legal workload as a result of this bill. Therefore, the expenditure impact of this bill on MUSC is expected to be \$195,840. MUSC anticipates requesting General Funds appropriations for these expenses.

State Revenue

Public bodies are authorized to establish and collect reasonable fees for the search, retrieval, and redaction of records. Agencies are not authorized to establish fees that exceed the prorated hourly salary of the lowest-paid staff member who can fulfill the request. Agencies are also authorized to furnish records at the lowest possible cost and must not exceed the prevailing commercial rate for the producing of copies. Each agency establishes its own fee schedule and the size and scope of each FOIA request may be different and have different fees. While the

number of FOIA requests may change as a result of the bill, this change is undetermined. Therefore, the potential change in Other Funds revenue as a result of this bill is undetermined.

Local Expenditure

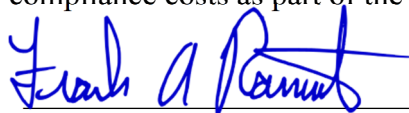
In order to determine the impact on local governments, RFA contacted counties, MASC on the behalf of municipalities, and SCDE contacted school districts. All of the 7 counties that responded stated that this bill will increase local expenditures. Both Chester and Clarendon Counties anticipate hiring 1.0 FTE each as a FOIA specialist to meet the administrative requirements of this bill. Dorchester County anticipates hiring an attorney, incurring costs in their records department, and creating a records system to maintain compliance with this bill. Aiken County notes that they currently receive more than 350 FOIA requests annually and anticipate hiring 1.0 FTE as a FOIA coordinator at a total compensation cost of \$83,050. Fairfield County indicates that they would need to hire 1.0 FTE as a paralegal at a total compensation cost of \$60,000 and expect increased legal fees of up to \$10,000 annually to fulfill this bill's shorter timeline. Sumter County anticipates hiring a paralegal with a total compensation cost of \$97,500 to fulfill FOIA requests on time. Orangeburg County indicated that the frequent basis of FOIA requests and the current staffing of many of the county's departments would lead to the county hiring additional staff to meet this bill's obligations, the cost of which is undetermined.

MASC indicates that this bill would shorten the timeline to produce records and would greatly increase the administrative burden for municipalities. MASC indicates that this may lead to operational impacts to municipal governments as staff may be taken off of core duties and dedicated to fulfilling FOIA requests as a result of this bill. MASC expressed concern that this bill does not establish criteria for whether it is "practically possible" for local governments to respond timely to FOIA requests and believes this may result in legal challenges that increases compliance costs to local governments through the cost of paying legal counsel and staff time for court proceedings.

Of the 21 responding school districts, 8 indicated that this bill will have no expenditure impact, and 2 replied that there may be some impact, but costs are undetermined. The remaining 11 school districts provided annual expenditure impacts ranging from \$8,750 to \$499,423. These school districts cite the potential costs of paying overtime for existing staff to expedite the existing timelines of FOIA responses, the possible need for contracted staff or hiring additional FTEs to comply with the requirements of this bill, and the potential legal costs of compliance with this bill's provisions. Additionally, some districts have indicated the potential need for software to track FOIA requests, file management systems, redaction tools, or staff training.

Local Revenue

This bill may impact local fee revenue for FOIA requests. MASC indicates that this bill eliminates the requirement that the full balance of the total cost of the request to be paid upon the production of the requested records. MASC interprets that this may allow local governments to collect FOIA fees as they see fit, but this ambiguity may result in legal challenges and increase compliance costs as part of the collection of these fees.



Frank A. Rainwater, Executive Director