

**POLICY REGARDING REQUESTS FOR PUBLIC RECORDS
UNDER THE FREEDOM OF INFORMATION ACT**

RICHLAND-LEXINGTON AIRPORT DISTRICT

The Richland-Lexington Airport District (“District” or “RLAD”) is a political subdivision of the State of South Carolina and operates the Columbia Metropolitan Airport (the “Airport” or “CAE”). The District operates as a special-purpose district under the laws of the State of South Carolina and is governed by an appointed commission.

Policy Statement: Richland-Lexington Airport District Commission (the “Commission”), the governing body of the District, recognizes the findings of the General Assembly of South Carolina that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. In order to ensure that the District conducts its business in an open and public manner, it shall be the policy of the District to comply with both the letter and the spirit of the South Carolina Freedom of Information Act (“FOIA”), as codified at Sections 30-4-10 *et seq.* of the Code of Laws of South Carolina 1976, as amended, when processing requests for access to public records (this “Policy”).

Making a FOIA Request: All requests for public documents pursuant to FOIA, except for those described below, must be made *in writing* and submitted either [(i) in person at the administrative offices of the Richland-Lexington Airport District located at 3250 Airport Boulevard, Suite 10, West Columbia, SC 29170, in the office of Gregg Hornsby who serves as the Director of Finance and Administration for the Richland-Lexington Airport District (the “Director”); (ii) by mail to the Richland-Lexington Airport District c/o Columbia Metropolitan Airport Attn: Secretary, 3250 Airport Boulevard, Suite 10, West Columbia, SC 29170; or (iii) by electronic mail to g.hornsby@flycae.com.] Requests should be made using the FOIA Request Form (the “Request Form”) provided by the District and made available to the public, a copy of which is attached to this Policy. Requests made by letter or in some other written form shall contain substantially the same information provided for on the Request Form. When requests are submitted by fax or submitted in a form not containing the information set forth on the Request Form, the requesting individual may be asked to submit the request using one of the methods specified in this Policy, provided, however, that the District shall respond to any written request for records regardless of the form thereof. In order to ensure the most accurate and prompt response, requests should be as detailed, specific, and descriptive as possible.

Requests to inspect the following public records need not be in writing and the requestor shall not be charged a fee in connection with the examination thereof (although the requestor shall be charged the standard rate for copies of any such records), provided the requestor appears at the office(s) of the District in-person and within normal business hours:

1. Minutes of all public meetings of the District for the preceding (6) six months; and
2. Documents produced by the District or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding (6) six months.

Processing FOIA Requests: Where any employee of the District receives any written request for public records, the request should immediately be stamped with the date of receipt and delivered to the Director. The Director should evaluate each request based upon the statutory requirements of FOIA regarding any applicable exemptions, federal restrictions on disclosure, or limitations on the commercial use of data. However, the presumption in evaluating FOIA requests should be in favor of disclosing the requested records. Where an exemption to FOIA could possibly permit the Director not to disclose the requested records, the Director should consult with RLAD's attorney to determine if an exemption applies and whether RLAD should decline to disclose the records based upon the exemption.

Initial Response Deadlines: The Director must respond to all FOIA requests within the time frames outlined below:

<u>Document Age</u>	<u>Response time</u>
Less than 24 months old	Within 10 business days
More than 24 months old	Within 20 business days

It shall be the policy of the District to respond to FOIA requests as quickly as possible. Where possible, the response to the request should include the requested records. Otherwise, the response should either inform the requestor that the requested records will be made available, along with the means of obtaining them and any additional costs that will be charged for making the records available, or it should inform the requestor that the requested records fall under an exemption to FOIA and will not be disclosed and the basis for declining to disclose the requested records. The initial response shall constitute the final determination of the District as to whether records are available and subject in whole to an exemption under FOIA but will not constitute a final opinion as to whether portions of the requested records are subject to redaction under a FOIA exemption.

Production Deadlines: For all granted requests, the District shall furnish the records within the time frames outlined below, as measured from the date of initial or response or, where applicable, the payment of a deposit.

<u>Document Age</u>	<u>Production time</u>
Less than 24 months old	30 calendar days
More than 24 months old	35 calendar days

The response and production deadlines may be extended by written mutual consent. Nothing in this Policy shall be construed as requiring District to create new records or summarize existing records in order to respond to a request. Requested records shall be released in the format most convenient to District. District may, in its sole discretion, create electronic records where they do not otherwise exist.

Records Exempt From Disclosure: District adopts as a part of this Policy any and all exemptions, restrictions or limitations contained within FOIA, as FOIA may be amended from time to time, along with any other exemptions, restrictions or limitations that may be provided for now or in the future under South Carolina or federal law. As previously stated herein, the Director, consulting with District attorney, shall determine whether an exemption to the disclosure requirements of

FOIA applies to any request. Where an exemption, restriction, or limitation applies, the Director, based upon consultation with District attorney, should decide whether to deny disclosure based upon the application of the available exemption, restriction, or limitation. Where records contain certain information exempt from disclosure but which otherwise fall outside of an exemption, restriction, or limitation, the exempted information shall be redacted and requested records shall otherwise be disclosed. District may request for a hearing before the Circuit Court of Richland County to seek relief from unduly burdensome, overly broad, vague, repetitive, or otherwise improper requests, or where it receives a request but is unable to make a good faith determination as to whether the information is exempt from disclosure.

Costs for Processing FOIA Requests: The Commission, pursuant to Section 30-4-30 of FOIA, has established the fee schedule below, which may be approved and updated as part of District regular schedule of fees and charges. The charges set forth therein are no greater than, and in some instances may be less than, the actual cost to District of searching for and making copies of requested public records. The minimum charge of \$3.00 is applied to all FOIA requests, which is determined to be the minimum cost of the staff time and materials necessary to respond to even the most minimal request. Where the cost to respond to a FOIA request exceeds \$3.00, the actual cost to respond to the FOIA request shall be charged. In general, costs for staff time necessary to respond to a FOIA request shall not exceed the prorated hourly salary of the lowest cost employee of District who, in the sole opinion of the Director, has the training necessary to fulfill the request. Costs shall not be charged for time spent examining records to determine whether they may be disclosed. Charges for copies of records will not exceed the standard commercial rate. Additionally, copy charges do not apply to electronic copies; however, District may charge a fee for cost of staff time to transfer the document to electronic format and the actual cost to the District for electronic media. Where it is anticipated that the staff time necessary to comply with a request may exceed five hours, the requestor may be required to pay a deposit of one quarter of the estimated costs of complying with the request before staff will begin searching for or making copies of the requested records. Each requesting party shall pay the full amount due prior to delivery of the requested records.

Prohibition on Commercial Solicitation Use: Knowingly obtaining or using personal information obtained from District for commercial solicitation is strictly prohibited. The measure employed by District to ensure that no record is used for commercial solicitation purposes shall be to deny requests for records under FOIA where the only reasonably perceptible use for the requested records by the requesting party is commercial solicitation. Upon denial of a request by District, the requesting party is to be notified that it has the burden to demonstrate a purpose for which the requested records may be used that is not commercial solicitation. All responsive communications provided by District shall include a Certification of FOIA Fulfillment (the "Certification"), a copy of which is attached hereto. The Certification will be signed by District staff person charged with providing requested records and will include the following statement:

Pursuant to § 30-2-50 of the Code of Laws of South Carolina 1976, as amended, you are prohibited from knowingly using public records obtained from the Richland-Lexington Airport District for commercial solicitation. Violation of this law is punishable by law as a misdemeanor, resulting in up to a year in prison or a fine not to exceed \$500.

Fee Schedule for Staff Time and Copies

Description	Charge*
A minimum charge to pay costs for responding to all FOIA requests	\$3.00 (paid upon receipt of records)
Charge per page for hard copy of records	\$0.20 per copy
Charge for staff time to search, retrieve, or redact records	\$20.00 per hour
Charge for other media used to provide records	Actual cost of media to District
Deposit for anticipated or apparent staff time exceeding 5 hours	¼ of estimated costs

RICHLAND-LEXINGTON AIRPORT DISTRICT
3250 Airport Boulevard, Suite 10, West Columbia, SC 29170
803-822-5015

FREEDOM OF INFORMATION ACT REQUEST FORM

The Richland-Lexington Airport District Commission (the "Commission"), as the governing body of the Richland-Lexington Airport District ("District") has adopted its "Policy Regarding Requests for Public Records Under the Freedom of Information Act" (the "Policy"). Pursuant to the Policy, requests for information made under the Freedom of Information Act, codified at Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended ("FOIA"), shall be made using this form. This form must be signed and submitted either (i) in person at the offices of RLAD, which are the administrative offices of the Richland-Lexington Airport District, located at 3250 Airport Boulevard, Suite 10, West Columbia, SC 29170; (ii) by mail to Richland-Lexington Airport District c/o Columbia Metropolitan Airport Attn: Director of Finance and Administration, 3250 Airport Boulevard, Suite 10, West Columbia, SC 29170; or (iii) by electronic mail to g.hornsby@flycae.com. Additional fees may also be charged. Requests should not be faxed.

NAME: _____ DATE OF REQUEST: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

I, the undersigned, agree to pay the charges set by the fee schedule below for the services and copies I have requested.

SIGNATURE: _____

INFORMATION REQUESTED (please be as specific as possible and attach additional pages, if needed):

Section 30-4-30(b) of FOIA authorizes District, as a public body, to charge and collect fees for the actual costs of responding to requests for public information. District has duly adopted the fee schedule set forth below for copies and for staff time in searching for and providing requested information. An additional deposit is required for requests that are anticipated to require greater than (5) five hours of staff time.

PURSUANT TO § 30-2-50 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, YOU ARE PROHIBITED FROM KNOWINGLY USING PUBLIC RECORDS OBTAINED FROM RLAD FOR COMMERCIAL SOLICITATION. VIOLATION OF THIS LAW IS PUNISHABLE AS A MISDEMEANOR, RESULTING IN UP TO A YEAR IN PRISON OR A FINE NOT TO EXCEED \$500. MY FILING OF THIS REQUEST CONSTITUTES ACKNOWLEDGMENT OF THIS PROHIBITION.

Fee Schedule for Staff Time and Copies

Description	Charge
Minimum charge to pay costs for responding to all FOIA requests	\$3.00 (paid upon receipt of records)
Charge per page for hard copy of records	\$0.20 per copy
Charge for staff time to search, retrieve, or redact records	\$20.00 per hour, per employee
Charge for other media used to provide records	Actual cost of media to District
Deposit for anticipated or apparent staff time exceeding 5 hours	¼ of estimated costs

FOR SYSTEM USE ONLY

RECEIVED BY: _____ DATE RECEIVED: _____

ASSIGNED TO: _____ DATE RESPONSE DUE: _____

CERTIFICATION OF FOIA FULFILLMENT

RICHLAND-LEXINGTON AIRPORT DISTRICT

PURSUANT TO §§ 30-2-50 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, YOU ARE PROHIBITED FROM KNOWINGLY OBTAINING OR USING INFORMATION OBTAINED FROM THE RICHLAND-LEXINGTON AIRPORT DISTRICT FOR COMMERCIAL SOLICITATION. VIOLATION OF THIS PROHIBITION IS PUNISHABLE BY LAW AS A MISDEMEANOR, RESULTING IN UP TO A YEAR IN PRISON OR A FINE NOT TO EXCEED \$500.

I, _____, the undersigned employee of the Richland-Lexington Airport District, certify that I have processed your request for access to public records pursuant to the Freedom of Information Act and am making available to you via {[U.S. Mail], [E-mail], [in-person delivery] (circle one)} the requested records contained herein.

By: _____
Name: _____
Title: _____