

POLICY ON RESPONDING TO FREEDOM OF INFORMATION ACT REQUESTS

Purpose: To provide guidance to all faculty and staff regarding the appropriate response to requests for records which are “public records” as defined in the South Carolina Freedom of Information Act.

Definitions: “Public records” includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics, including electronic materials such as email, and which are: prepared, owned, used or in the possession of Clemson University or any of its employees within the scope of any employee’s employment. Only records which are specifically exempted from disclosure by FOIA may not be disclosed.

“Requests” is any verbal or written demand to inspect or copy a public record, made by any person. To be valid, a request need not cite FOIA and no reason for requesting the public records is necessary.

“FOIA agent” is the person designated by a college or budget center to receive and coordinate the response to all FOIA requests received by or related to that college or budget center. The FOIA agent shall ensure compliance with this policy.

Policy: Each budget center shall designate an individual to be the FOIA agent for that area. This individual shall be responsible for compliance with the terms and procedures described in this policy. All FOIA requests received by or related to a college or budget center shall be forwarded immediately to the FOIA agent. The date of the receipt of a FOIA request shall be considered to be the date it is received by the appropriate FOIA agent. The FOIA agent should date stamp all requests on the date he/she receives it.

The FOIA agent shall maintain a log of all FOIA requests received by their college or budget center. The log shall include, at a minimum, the date the request was received, the material provided, the date it was sent to the requesting party and the amount, if any, charged for retrieving and reproducing the material. The log should be maintained for a minimum of five (5) years from the date of the request.

If a budget center receives a verbal request for records, it is Clemson’s policy to ask that the request be made in writing. This policy is to help avoid disputes about what documents were requested and that the documents provided were responsive to the request.

The FOIA agent shall respond to all requests no later than fifteen (15) business days (excluding Saturdays, Sundays, and legal public holidays) after receipt. This response may be copies of the materials requested, a denial of the request with explanation of the reasons therefore, or acknowledgement of the request's receipt and an estimate of the time the material will be ready for production or inspection.

The FOIA agent may provide an estimate of the costs of providing any public records and may require pre-payment of some or all of these costs. A college or budget center may choose to provide records at no cost. If charges are to be made, they may not exceed the following rates:

- A \$5.00 retrieval fee, per FOIA request;
- A photocopy fee of not more than \$0.25 per page (Note: actual costs may be charged for special copy needs, such as blueprints);
- The actual costs of the lowest-paid employee qualified to locate, review and produce any records requested. This charge shall be calculated by multiplying the hourly rate of the employee by the amount of time necessary to produce the records.

Reimbursement related to responses to FOIA requests shall be billed, collected and retained by the college or budget center responding to the request. Reimbursement may be required prior to copying or producing the records.

Individual colleges or budget centers may develop specific criteria and protocols for responding to FOIA requests concerning records in their possession. Any such criteria or protocol shall be consistent with this policy and shall be reviewed and approved, in advance, by the Office of Public Affairs and the Office of General Counsel.

The FOIA agent shall forward a copy of all FOIA requests to the Office of Public Affairs and the Office of the General Counsel upon receipt.

The FOIA agent shall consult with the Office of General Counsel regarding any request not addressed in their individual college or budget center protocol. They are encouraged to consult with the Office of General Counsel on any matter affecting compliance with FOIA.

Copies of all materials to be produced pursuant to a FOIA request shall be reviewed by Public Affairs prior to release. The FOIA agent shall notify Public Affairs no less than three working days prior to the release date to allow Public Affairs the opportunity to inspect or obtain copies of the materials to be released.