

Office of the Inspector General

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Review of the College of Charleston Freedom of Information Act Policy and Fee Schedule

I. Executive Summary

The South Carolina Office of the Inspector General (SIG) initiated a review in October 2018 of the College of Charleston's (CofC) Freedom of Information Act (FOIA) policy and fee schedule predicated on a credible complaint that alleged the CofC's FOIA policy did not conform to the state's revised 2017 FOIA law when it received 16 FOIA requests in March 2018.

The scope and objectives of this review were to:

- Review CofC's FOIA policy, fee schedule and process to determine its conformity to the state's 2017 FOIA law;
- Obtain a detailed breakdown of the fees associated with the 16 FOIA requests for greater transparency;
- Assess the allegation of the denial of records based on a claim of attorney/client privilege, and identify the redaction costs associated with this specific request; and
- Assess the allegation of potential fraud due to excessive costs/fees for the production of records.

Allegation #1 – Review of the College of Charleston (CofC) FOIA Policy

The state's FOIA law is found in [SC Code of Laws, §30-4-10 et seq.](#) On 5/19/2017, Governor Henry McMaster signed [House Bill 3352](#) into law, which amended the state's FOIA statutes. For purposes of this SIG review, two sections of the law were the most applicable to the allegations in the complaint.

[SC Code of Laws, §30-4-30\(B\)](#) allowed the CofC, a public body, to establish and collect reasonable fees not to exceed the actual cost for the search, retrieval, and redaction of records, and directed the fee schedule to be posted online by the public body. The law further required that the fee for the search, retrieval or redaction of the records should not exceed the prorated hourly salary "of the lowest paid employee who, in the reasonable discretion of the custodian of records, has the necessary skills to perform the request." The statute specifically stated that fees could not be charged for the examination and review of a document to determine if it was subject to disclosure. Other aspects associated with the cost of document production included copy charges could not exceed the prevailing commercial rate, and a deposit up to 25% of the estimated costs for the search, retrieval, redaction and copying could be required prior to the production of the records.

[SC Code of Laws, §30-4-30\(C\)](#) reduced a public body's response time to a written FOIA request from 15 to 10 business days in determining the availability of documents and the costs to fulfill the request. For records more than 24 months old, the response time should be within 20 business days. If the request was granted, the record was to be provided or made available for inspection or copying within 30 calendar days, or 35 calendar days if the information was more than 24 months old.

The SIG determined when the CofC received the complainant's 16 FOIA requests on 3/6/2018, the CofC's [2015 FOIA policy](#) in use and available to the public on its website was dated 9/28/2015. Various parts of the 2015 policy cited outdated response times and fees for FOIA requests. Consequently, the CofC's [2015 FOIA policy](#) in use at the time of the March 2018 FOIA requests did not conform to the state's 2017 FOIA law.

On 3/20/2018, the CofC updated its FOIA policy to reflect the 2017 revisions to the state's FOIA law after the complainant brought the discrepancy to the attention of the CofC.

However, the CofC's [2018 FOIA policy](#) Part 1, Section B "Costs," subsection (c), still did not conform to the state's 2017 FOIA statute, even though the policy accurately reflected [§30-4-30\(B\)](#) when it excluded assessing a

fee for the “review to legally determine if the documents are subject to disclosure.” Under this section of its [2018 FOIA policy](#), the CofC policy stated it charged for the **review** [SIG emphasis] of records as part of its FOIA process. Specifically, the policy stated in its entirety:

“The actual costs of the lowest paid employee duly qualified to locate, review, redact, if necessary, and produce the records requested, excluding review to legally determine if the documents are subject to disclosure. This charge shall be calculated by multiplying the hourly rate of the employees by the amount of time necessary to locate, review, redact, if necessary, and produce the final documents.”

As previously established, [§30-4-30\(B\)](#) only provided for fees to be charged for the search, retrieval, and redaction of records. Subsequently and during the course of this review, the CofC revised its 2018 FOIA policy on 2/18/2019, to address this discrepancy with the state’s FOIA law when the SIG brought the matter to the college’s attention. ([2019 FOIA policy](#))

Allegation #2 – Analysis of FOIA Production Costs

The SIG determined the CofC operated a decentralized FOIA process. This decentralization caused the prorated hourly rate to vary among the 16 departments for the applicable employees responsible for the search and retrieval of relevant records. The final authority and overall FOIA coordinator for the college’s FOIA process was the General Counsel (GC) in the Office of Legal Affairs.

The SIG determined the college responded to the complainant within the 10-day timeframe set forth in statute and provided an estimated cost of \$80,000 to search, retrieve, redact and copy the records for 15 of the 16 FOIA requests. The SIG undertook an analysis of the CofC’s FOIA process to provide more clarity into the cost breakdown for each request.

The records associated with FOIA request #1, in addition to requests #2 – #13, contained confidential student and witness information, including attorney/client privileged material, in a pending federal lawsuit when the March 2018 FOIA requests were received. These records subsequently became subject to a June 2018 confidentiality order in the federal lawsuit, which is currently pending in the U.S. District Court for South Carolina (USDC-SC).

FOIA Request #1

The request was for “all communications and/or records relating to” the work of an attorney in another matter related to the CofC. The CofC identified these records as attorney/client privileged material and denied the request. The records associated with this request are addressed separately under “Allegation #3” in the Executive Summary and Section V of this report.

FOIA Requests #2 – #4

These three requests were for “all communications and/or records relating to” three individuals associated with one student at the CofC. The GC estimated each CofC department required 15 minutes (0.25/ hour) per FOIA request for search and retrieval at a prorated hourly rate of \$27.33/hour. This equated to four hours for a total of \$109.32 per FOIA request, and a combined total of \$327.96 for the three FOIA requests.

Due to the need to redact a sizeable portion of those records for privacy-protected information, each department required 30 minutes (0.50/ hour) to redact the records at the prorated hourly rate of \$38.46/hour per FOIA request. This equated to eight hours of redaction time for a total of \$307.68 per FOIA request, and a combined

total of \$923.04 for the three FOIA requests. The SIG determined the estimated costs for the search, retrieval, and redaction for FOIA requests #2 – #4 was \$1,251. The college quoted an estimate of \$1,200.

FOIA Requests #5 – #12

These eight requests were for “all communications and/or records relating to” seven individuals associated with three students of CofC, and one other individual. The GC estimated each department required 15 minutes (0.25/ hour) per FOIA request for search and retrieval at a prorated hourly rate of \$27.33/hour. This equated to four hours for a total of \$109.32 per FOIA request, and a combined total of \$874.56 for the eight FOIA requests.

Unlike FOIA requests #2 – #4, it was estimated each department required only 15 minutes (0.25/ hour) of redaction time as there was less information on file for each individual. This equated to four hours of redaction time, at the prorated hourly rate of \$38.46, for a total of \$153.84 per FOIA request, and a combined total of \$1,230.72 for the eight FOIA requests. The SIG determined the estimated costs for the search, retrieval, and redaction for FOIA requests #5 – #12 was \$2,105.28. The college quoted an estimate of \$1,600.

FOIA Request #13

This request was for “all records relating to disciplinary actions” of a CofC student. The SIG did not receive a cost breakdown for this request. However, the college previously provided a \$200 estimate to the complainant for these same records, which were previously searched and retrieved under FOIA request #8. Therefore, the SIG deemed this additional \$200 quote as duplicative and excluded this amount from the SIG’s cost analysis.

FOIA Requests #14 & #16

The SIG combined requests #14 and #16 in so much as the scope of these requests were specific to email communications. These requests were for “all email records” for two senior CofC officials for the period of October 2016 through the date of the FOIA request, March 2018. The CofC combined the calculations for these two requests with the assistance of the CofC’s Information Technology (IT) department.

Based on the search parameters of the requests, the college’s IT department determined the search and retrieval process would produce 75,726 electronic records. Since the CofC did not have an automated process whereby it could redact electronic records, the email record was converted into a usable format to perform the redaction. This email conversion process was estimated to take 30 seconds per record, which equated to 631.05 hours. At a prorated hourly rate of \$43.43/hour, the estimated cost to search, retrieve, and convert the records to a format suitable for redaction totaled \$27,406.50.

The GC estimated at least one-third (25,242) of the emails along with attachments required redaction for privacy-protected information. The estimated redaction time for each email was three minutes (.05 hours). This equated to 1,262.10 hours for redaction at the hourly rate of \$38.46/hour, for an estimated cost of \$48,540.37. Additionally, a miscellaneous fee of \$100 for the “partial copying” of records was assessed.

The SIG determined the estimated costs for the search, retrieval (including document conversion), redaction, and copying of records for the combined requests #14 and #16 was \$76,046.87. The college quoted an estimate of \$76,000.

FOIA Request #15

This request was for “all telephone records” for a senior CofC official for the period of October 2016 through the date of the FOIA request, March 2018. The GC advised the SIG the senior official utilized a personal cell

phone to conduct official CofC business. The GC determined the senior official was the lowest paid employee capable of conducting the search and retrieval of the telephone records.

The GC estimated it would take 7.5 hours for the search and retrieval of records at a prorated hourly rate of \$117.95/hour. This equated to \$884.63. Additionally, the GC estimated a total of three hours of redaction time at a rate of \$38.46/hour. The SIG estimated the cost for redaction was \$115.38. The SIG determined the estimated costs for the search, retrieval, and redaction of records for request #15 was \$1,000.01. The college quoted an estimate of \$1,000.

Allegation #3 – Denial of Records Based on Attorney/Client Privilege

FOIA request #1 was denied by the CofC based on a claim of attorney/client privilege in its [3/30/2018 email response](#) to the complainant. At that time, the college was a defendant in a federal lawsuit in the USDC-SC (Civil Action No. 2:17-cv-01792-PMD-JDA). Outside counsel for the CofC had previously included the plaintiff's counsel in its communication to the complainant as the complainant also represented the same individual in a parallel matter. On 4/13/2018, the complainant filed a complaint in the Court of Common Pleas, Charleston County (2018-CP-10-01855), which named the CofC as a defendant and sought to enforce the production of records previously requested in March 2018 under the state's FOIA statutes.

In June 2018, the documents originally requested in the March 2018 FOIA requests were provided to the plaintiff's counsel under a confidentiality order as part of the discovery process in the federal lawsuit. As such, the complainant initiated a request for these records provided in the pending federal case. The CofC responded that the documents specific to the complainant's original FOIA request represented 25 pages of the 575 pages provided in the federal case and were exempt from disclosure as attorney/client privileged materials. While the CofC denied access to the complainant for the 25 pages based on an attorney/client privilege exemption, it agreed to provide the remaining 550 pages at a cost of \$1,150 due to the need for Family Educational Rights and Privacy Act of 1974 (FERPA) redactions. On 9/4/2018, the complainant was added to the confidentiality order in the federal case, which provided the complainant access to the previously denied 25 pages of attorney/client privileged information, as well as other discovery materials in the federal case.

To determine a more accurate cost for the redaction of these materials, the SIG used the CofC's estimated time of three minutes (.05 hours) to redact each page, at the prorated hourly rate of \$38.46/hour previously established under FOIA requests #14 and #16, which equated to 27.5 hours for the 550 pages. In view of the fact the college produced these materials as part of discovery in a federal lawsuit, and not as part of the FOIA request, no additional costs were attributed to this cost analysis. Furthermore, the college did not provide any estimate of copy charges in its estimate of \$1,150 to the complainant. Based on this analysis and available information provided by the CofC, the estimated costs for redaction of the 550 pages was \$1,057.65.

Summary FOIA Production Costs

In summary, the costs for the search, retrieval, redaction, and copying of records responsive to the 16 FOIA requests totaled \$81,460.81, whereas the college quoted an estimate of \$81,150. (See table below)

Cost Detail of FOIA Estimate for ALL Requests

Request No.	No. Hrs to Search	Hrly Rate to Search	[# Hrs*Hrly Rate]		Hrly Rate to Redact	[# Hrs*Hrly Rate]		Cost		
			Estimated Cost to Search	No. Hrs to Redact		Estimated Cost to Redact	Copy Fee	SIG Cost Analysis	CofC Estimate	
1	-	\$ -	\$ -	27.50	\$ 38.46	\$ 1,057.65	\$ -	\$ 1,057.65	\$1,150.00	
(2-16)	682.55	Varied	\$ 29,493.65	1,321.10	\$ 38.46	\$ 50,809.51	\$ 100.00	\$ 80,403.16	\$80,000.00	
Total	682.55		\$ 29,493.65	1,348.60		\$ 51,867.16	\$ 100.00	\$ 81,460.81	\$81,150.00	

Allegation #4 – Potential Fraud Related to FOIA Production Costs

The SIG determined the allegation of potential fraud by the CofC when it provided a good faith estimate of \$80,000 to search, retrieve, redact and copy records in its response to the complainant was unfounded.

A review of the college's FOIA policies for 2015, 2018 and 2019 each stated, "All fees are payable by check or money order made payable to the College of Charleston." The CofC's 2018 and 2019 FOIA policies further defined the delivery of FOIA-related fees to be addressed to the, "College of Charleston, Office of Legal Affairs, 66 George Street, Suite 302 Randolph Hall, Charleston, S.C. 29424." Upon receipt, the Office of Legal Affairs forwards the payment for FOIA-related fees to the CofC treasurer for deposit into the college's account.

Documentation provided by the complainant as well as the detailed SIG analysis of the FOIA production costs was consistent with the applicable fee schedules of 34 other state agencies and public higher education groups. The SIG found no documentation or indication the CofC deviated from its policy or process for the collection of FOIA-related fees in this matter.

Conclusion and Observation

The SIG determined the CofC's [2015 FOIA policy](#) did not conform to the state's 2017 FOIA law when it received the 16 FOIA requests on 3/6/2018. Even after updating its FOIA policy on 3/20/2018, the CofC's FOIA policy continued to be out of compliance as it indicated a fee was charged for the review of documents.

The SIG review determined that for the period of 3/20/2018 – 2/17/2019, and during the course of this review, the CofC's [2018 FOIA policy](#) did not conform to the state's FOIA law. This resulted in the issuance of a finding and recommendation to bring the FOIA policy into conformity with the state's FOIA law. However, when the SIG brought this observation to the attention of the GC the CofC revised its FOIA policy to its current [2019 FOIA policy](#) on 2/18/2019, prior to the issuance of this report, to address this discrepancy and conform to the state's FOIA law.

Due to its decentralized FOIA process, the CofC's fee schedule did not set forth the prorated hourly rate for the search, retrieval and redaction of records. Posting of a specific rate would have provided more transparency to the complainant when the CofC provided the \$80,000 estimate. While the college's practice of not listing a specific prorated hourly rate was consistent with seven other agencies, whose FOIA fee schedules were reviewed by the SIG, the absence of this information fueled the complaint of excessive fees and the suspicion of fraud.

Regardless, the SIG's analysis of the CofC's FOIA production costs for all 16 FOIA requests produced a detailed cost breakdown which differed by \$310.81 above the CofC's total estimate of \$81,150. The SIG determined the college was justified in its estimated charges. Based on its own experience, the SIG is aware of the large amount of time it takes to fulfill a request of 1,000 emails for a four-month timeframe, much less responding to a request for 75,726 emails for a two-year timeframe.

The complainant gained access to the FOIA request #1 documents, including those of attorney/client privilege material, after signing on to the confidentiality order in the federal lawsuit. The SIG determined the CofC's quote of \$1,150 to review [SIG emphasis] and redact 550 pages for FERPA did not conform with [SC Code of Laws, §30-4-30 \(B\)](#) in that, "Fees may not be charged for examination and review to determine if the documents are subject to disclosure." The SIG's cost analysis for the redaction of the 550 pages was \$1,057.65.

Finally, the SIG determined the allegation of fraud relative to the college's \$80,000 cost estimate was unfounded. The SIG found no documentation or indication the CofC deviated from its policies which indicated a fraud had occurred.

The state's FOIA law ([§30-4-100](#)) provides for a complainant to seek relief from excessive fees and production of records through a circuit court. Equally important, the responding public body can seek relief through a hearing before a circuit court if the FOIA request is deemed unduly burdensome, overly broad or vague. The complainant initiated a request in the Court of Common Pleas, Charleston County on 4/13/2018, but withdrew the complaint without prejudice on 9/7/2018. The SC Attorney General's Office (SAG) has opined ([OP. No. 92-40, July 23, 1992](#)) in which the SAG stressed that the reasonableness of the fees charged by a public body for production of records is ultimately a factual matter to be addressed by a court.

Other Observation

The process of converting an electronic record to a hard copy document, manually redacting content, and scanning the redacted document into an electronic record is cumbersome and inefficient. This process can be improved by utilizing off-the-shelf software, e.g., Adobe Acrobat Pro, to perform the redaction of an electronic PDF file. There are numerous commercial off-the-shelf products available to educational institutions at reasonable costs. The SIG strongly recommends the CofC explore this method of redacting documents for its FOIA process in order to be more efficient and reduce employee time engaged in these efforts.

The SIG wishes to convey its appreciation for the cooperation and courtesies provided by the CofC and its General Counsel to the SIG during this review.

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ADMINISTRATIVE: [College of Charleston's response](#) to the report.

II. Background

A. Predicate

The South Carolina Office of the Inspector General (SIG) initiated a review in October 2018 of the College of Charleston's (CofC) Freedom of Information Act (FOIA) policy and fee schedule. This review was predicated on a credible complaint that alleged the CofC's FOIA policy did not conform to the state's revised 2017 FOIA law after it received a series of 16 FOIA requests on 3/6/2018, at an estimated cost of \$80,000 to produce the records.

B. Scope and Objectives

The SIG identified four allegations in the complaint in need of further review: (1) the CofC's FOIA policy did not conform to the 2017 revision of the state's FOIA law; (2) the CofC did not provide transparency in its \$80,000 fee estimate; (3) the CofC denied a FOIA request based upon a claim of attorney/client privilege when the documents were previously produced in an unrelated court proceeding; and (4) the CofC potentially engaged in fraud due to the excessive costs/fees for production of the records.

The scope and objectives of this review were to:

- Review CofC's FOIA policy, fee schedule and process to determine its conformity to the state's 2017 FOIA law;
- Obtain a detailed breakdown of the fees associated with the 16 FOIA requests for greater transparency;
- Assess the allegation of the denial of records based on a claim of attorney/client privilege, and identify the redaction costs associated with this specific request; and
- Assess the allegation of potential fraud due to excessive costs/fees for the production of records.

III. Review of the College of Charleston's FOIA Policy

A. SC FOIA Law Key Provisions

The state's FOIA law was found in [SC Code Laws, §30-4-10 et seq.](#) On 5/19/2017, Governor Henry McMaster signed [House Bill 3352](#) into law, which amended the state's FOIA statutes. As a result, certain aspects of the law provided greater transparency and access to public records for persons seeking access to public documents. For purposes of this SIG review, two sections of the law were the most applicable to the allegations in the complaint.

SC Code of Laws, §30-4-30(B)

Specifically, §30-4-30(B) allowed the CofC, a public body, to establish and collect reasonable fees not to exceed the actual cost for the search, retrieval, and redaction of records. The law directed the fee schedule to be posted online by the public body.

In establishing the rate for the production of records subject to a FOIA request, the law required that the fee for the search, retrieval or redaction of the records should not exceed the prorated hourly salary "of the lowest paid employee who, in the reasonable discretion of the custodian of records, has the necessary skills to perform the request." Furthermore, §30-4-30(B) specifically stated that fees could not be charged for the examination and review of a document to determine if it was subject to disclosure.

Other key aspects to the 2017 FOIA law include:

- The public body was not required to create an electronic version of a public record where one did not exist;
- Copy charges may not apply to records transmitted in an electronic format;
- Copy charges could not exceed the prevailing commercial rate;
- Provided the public body the discretion to reduce or waive the cost for production of the documents; and
- A public body could require a deposit, not to exceed 25% of the anticipated cost for reproduction of the records prior to the public body searching for or making copies of the records.

[SC Code of Laws, §30-4-30\(C\)](#)

Pursuant to the 2017 FOIA law, §30-4-30(C) reduced the public body's response time to a written FOIA request from 15 to 10 business days in determining the availability of documents and the costs to fulfill the request. For records more than 24 months old, the response time should be within 20 business days. If the request was granted, the record must be provided or made available for inspection or copying within 30 calendar days, or 35 calendar days if the information was more than 24 months old. If a deposit is required as set forth in §30-4-30(B), the record must be furnished within the same timeframe after the deposit is received [SIG emphasis].

Finally, [§30-4-40](#) descriptively defined the information which may be considered exempt from disclosure either through requirement of the law or at the discretion of the public body. Under [§30-4-100](#), a complainant may apply to a circuit court for declaratory judgment, injunctive relief or both to enforce provisions of the FOIA statute. Equally important, under [§30-4-110](#) a public body may file a request for a hearing with the circuit court to seek relief from requests which it deems unduly burdensome, overly broad, or vague, among others.

A succinct guide to the various revisions to the state's FOIA law was found in the Municipal Association of South Carolina document titled, "[Changes to the Freedom of Information Act from H3352](#)."

B. CofC FOIA Policy Review

The SIG determined when the CofC received the complainant's 16 FOIA requests on 3/6/2018, the CofC's [2015 FOIA policy](#) in use and available to the public on its website was dated 9/28/2015. Specifically, the policy stated the college would respond to FOIA requests within 15 days of the request with anticipated costs ranging from a base fee of \$5.00 (for 10 pages or less) to "actual costs of the lowest paid employee duly qualified to locate, review, redact, if necessary, and produce the records requested, including possible legal review." The policy further provided all fees associated with the request be made payable to the CofC and full payment made in advance for estimates of \$100 or more. Consequently, the CofC's [2015 FOIA policy](#) in use at that time of the March 2018 FOIA requests did not conform to the state's 2017 FOIA law.

On 3/20/2018, the CofC updated its FOIA policy to reflect the 2017 revisions to the state's FOIA law after the complainant brought the discrepancy to the attention of the CofC.

However, the CofC's [2018 FOIA policy](#) Part 1, Section B "Costs," subsection (c), still did not conform to the state's 2017 FOIA statute, even though the policy accurately reflected [§30-4-30\(B\)](#) when it excluded assessing a fee for the "review to legally determine if the documents are subject to disclosure."

Under this section of its [2018 FOIA policy](#), the CofC policy stated it charged for the **review** [SIG emphasis] of records as part of its FOIA process. Specifically, the policy stated in its entirety:

“The actual costs of the lowest paid employee duly qualified to locate, review, redact, if necessary, and produce the records requested, excluding review to legally determine if the documents are subject to disclosure. This charge shall be calculated by multiplying the hourly rate of the employees by the amount of time necessary to locate, review, redact, if necessary, and produce the final documents.”

As previously established, [§30-4-30\(B\)](#) only provides for fees to be charged for the search, retrieval, and redaction of records. Subsequently and during the course of this review, the CofC revised its 2018 FOIA policy on 2/18/2019, to address this discrepancy with the state’s FOIA law when the SIG brought the matter to the college’s attention.¹

IV. Analysis of FOIA Production Costs

The SIG determined through interviews that the college operated a decentralized FOIA process in that other college departments may receive a FOIA request directly and be responsible for gathering the requested information. This decentralization caused the prorated hourly rate to vary for each request. The final authority and overall FOIA coordinator for the college’s FOIA process was the General Counsel (GC) in the Office of Legal Affairs.

The SIG determined the documents maintained at the CofC were in hardcopy and electronic format. Department employees were responsible for the search and retrieval of relevant records, while the Office of Legal Affairs and sometimes department employees redacted the records. Additionally, the CofC did not have an automated method to redact electronic records. As such, the SIG determined the CofC’s process for redacting electronic records required the printing of electronic records, the manual redaction of confidential information, and the scanning of redacted documents into an electronic format, if requested.

The records associated with FOIA request #1, in addition to requests #2 – #13 contained confidential student and witness information, including attorney/client privileged material, in a pending federal lawsuit when the March 2018 FOIA requests were received. These records subsequently became subject to a June 2018 confidentiality order in the federal lawsuit, which is currently pending in the U.S. District Court for South Carolina (USDC-SC).

A. CofC Production Costs Analysis

The SIG determined through interviews of the GC that the 16 FOIA requests were the largest set of requests received during the GC’s tenure at the college. Consistent with the state’s 2017 FOIA law, the college responded to the complainant within the 10-day timeframe, and provided an estimated cost to search, retrieve, and redact the records. Taken individually and based upon the scope of each request and the existence of records, the college quoted \$200 each for nine FOIA requests, three requests were \$400 each, one request was for \$1,000, and two combined requests totaled \$76,000. A sixteenth FOIA request was denied due to a claim of attorney/client privilege. In total, 15 of the 16 FOIA requests were estimated to cost \$80,000 for the search, retrieval, redaction and partial copying of records.

Since the CofC maintained a decentralized FOIA process, its FOIA fee schedule did not identify a single prorated hourly rate to conduct the search, retrieval, and redaction of records. The documentation provided to

¹ [2019 CofC FOIA Policy](#).

the complainant did not provide a cost breakdown of the \$80,000 estimate. However, the college provided a detailed cost breakdown to the SIG, which ranged from \$263.16 to \$76,046.87 based on an “overly conservative” estimate of 682.55 hours for search and retrieval, to 1,321.10 hours for redaction. (*See Table 1*)

The SIG undertook an analysis of the college’s FOIA process in this matter to provide more clarity into the cost breakdown for each of the 16 requests.

FOIA Request #1

The request was for “all communications and/or records relating to” the work of an attorney in another matter related to the CofC. The CofC identified these records as attorney/client privileged material and denied the request. The SIG’s cost analysis for FOIA request #1 is addressed separately in Section V of this report.

FOIA Requests #2 – #4

These requests were for “all communications and/or records relating to” three individuals associated with one student at the CofC. Fulfillment of this request included the search efforts of 16 CofC departments, all of which maintained their own records and conducted their own FOIA searches. Most departments maintained records in both paper and electronic format.

Search and Retrieval of Records

The GC estimated each department required 15 minutes (0.25/ hour) per FOIA request to conduct a search at a prorated hourly rate of \$27.33/hour. This equated to four hours total² for the search and retrieval of records for a total of \$109.32³ for each FOIA request. The combined subtotal for the search and retrieval of records for the three FOIA requests was \$327.96.

Redaction of Records

The CofC expected to redact a sizeable portion of those records due to privacy-protected information. The GC estimated each department required 30 minutes (0.50/ hour) to redact the records at the prorated hourly rate of \$38.46/hour for each FOIA request. This equated to eight hours⁴ of redaction time for a total of \$307.68⁵ for each FOIA request. The combined subtotal for the redaction of records for the three FOIA requests was \$923.04.

The SIG determined the estimated costs for the search, retrieval, and redaction for FOIA requests #2 – #4 was \$1,251. The college quoted an estimate of \$1,200 to the complainant for requests #2 – #4.

FOIA Requests #5 – #12

These eight requests were for “all communications and/or records relating to” seven individuals associated with three students of CofC, and one other individual. Fulfillment of this request included the search efforts of 16 CofC departments, all of which maintained their own records and conducted their own FOIA searches. Most departments maintained records in both paper and electronic format.

² Formula = 0.25 hours (x) 16 departments

³ Formula = 4 hours (x) \$27.33/hour

⁴ Formula = 0.50 hours (x) 16 departments

⁵ Formula = 8 hours (x) \$38.46/hour

Search and Retrieval of Records

The GC estimated each department required 15 minutes (0.25/ hour) per FOIA request to conduct a search at a prorated hourly rate of \$27.33/hour. This equated to four hours total⁶ for the search and retrieval of records for a total of \$109.32⁷ for each FOIA request. The combined subtotal for the search and retrieval of records for the eight FOIA requests was \$874.56.

Redaction of Records

The GC estimated each department required only 15 minutes (0.25/ hour) for redaction of the records as compared to 30 minutes required for requests #2 – #4, as there was less information on file for each individual. This equated to four hours⁸ of redaction time, at the prorated hourly rate of \$38.46, for a total of \$153.84⁹ for each FOIA request. The combined subtotal for the redaction of records for the eight FOIA requests was \$1,230.72.

The SIG determined the estimated costs for the search, retrieval, and redaction for FOIA requests #5 – #12 was \$2,105.28. The college quoted an estimate of \$1,600 to the complainant for requests #5 – #12.

FOIA Request #13

This request was for “all records relating to disciplinary actions” of a CofC student. The SIG did not receive a cost breakdown for this request. However, the college previously provided a \$200 estimate to the complainant for these same records, which were searched and retrieved under FOIA request #8. Therefore, the SIG deemed this additional \$200 quote as duplicative and excluded this amount from the SIG’s cost analysis.

FOIA Requests #14 & #16

The SIG combined requests #14 and #16 in so much as the scope of these requests were specific to email communications. These requests were for “all email records” for two senior CofC officials for the period of October 2016 through the date of the FOIA request, March 2018. The CofC combined the calculations for these two requests with the assistance of the CofC’s Information Technology (IT) department.

Search, Retrieval and Conversion of Records

Based on the search parameters of the requests, the college’s IT department determined the search and retrieval process would produce 75,726 electronic records. As previously noted, the CofC did not have an automated process whereby it could redact electronic records. Consequently, the college converted the electronic file into a usable format to perform any redaction to each email.

The GC estimated it would take 30 seconds per record for the IT department to convert the record to a useable format for redaction. This document conversion process equated to 631.05 hours.¹⁰ When multiplied by the prorated hourly rate of \$43.43/hour, the estimated cost to search, retrieve, and convert the records to a format suitable for redaction totaled \$27,406.50.¹¹

⁶ Formula = 0.25 hours (x) 16 departments

⁷ Formula = 4 hours (x) \$27.33/hour

⁸ Formula = 0.25 hours (x) 16 departments

⁹ Formula = 4 hours (x) \$38.46/hour

¹⁰ Formula = 75,726 emails (x) 30 seconds (or 120 records/hour)

¹¹ Formula = 631.05 (x) \$43.43/hour

Redaction of Records

Redaction of these records was for privacy-protected information, as well as Family Educational Rights and Privacy Act of 1974 (FERPA), a federal law that protects the privacy of student education records. The GC estimated at least one-third (25,242) of the emails along with attachments required redaction. The GC estimated the redaction process would take three minutes (.05 hours) per record. This equated to 1,262.10 hours¹² to redact the records, at the hourly rate of \$38.46/hour, for an estimated cost of \$48,540.37.¹³ Additionally, a miscellaneous fee of \$100 for the “partial copying” of records was assessed.

The SIG determined the estimated costs for the search, retrieval (including document conversion), redaction, and copying of records for the combined requests of #14 and #16 was \$76,046.87. The college quoted an estimate of \$76,000 for the same combined requests.

FOIA Request #15

This request was for “all telephone records” for a senior CofC official for the period of October 2016 through the date of the FOIA request, March 2018. The GC advised the SIG the individual utilized a personal cell phone to conduct official CofC business.

Search and Retrieval of Records

The GC determined the senior official was the lowest paid employee capable of conducting the search and retrieval of the telephonic records. The GC estimated it would take 7.5 hours for the search and retrieval of telephone records at a prorated hourly rate of \$117.95/hour. This equated to \$884.63.¹⁴

Redaction of Records

The GC estimated a total of three hours of redaction time at a rate of \$38.46. The SIG determined the cost for redaction of telephone records was \$115.38.¹⁵

The SIG determined the estimated costs for the search, retrieval, and redaction of records for request #15 was \$1,000.01. The college quoted an estimate of \$1,000 to the complainant for request #15.

The SIG’s analysis, as well as the CofC’s estimate did not include charges for other functions for fulfillment of the FOIA request, such as:

- Manual printing of e-mails for redaction. This was a step in the CofC’s process for redacting documents as the college did not incorporate an electronic means of redaction;
- Scanning the redacted documents for electronic transmission. This too was a step in the CofC’s process for redacting documents; and
- Final redactions performed by Office of Legal Affairs prior to release of the records to the complainant.

¹² Formula = 0.05 hours (x) 25,242

¹³ Formula = 1,262.1 hours (x) \$38.46/hour

¹⁴ Formula = 7.5 hours (x) \$117.95/hour

¹⁵ Formula = 3 hours (x) \$38.46/hour

The estimated fees for requests #2 – #16 listed in Table 1 provide a comparison of SIG costs analysis and the CofC’s summary estimate for the FOIA production costs in response to the FOIA complainant.

Table 1. Cost Detail of \$80,000 FOIA Estimate for Requests 2-16

Request No.	No. Hrs to Search	Hrly Rate to Search	[# Hrs*Hrly Rate]		No. Hrs to Redact	Hrly Rate to Redact	[# Hrs*Hrly Rate]		Cost		
			Estimated Cost to Search				Estimated Cost to Redact		Copy Fee	SIG Cost Analysis	CofC Estimate
1	-	-	-		-	-	-		-	-	Denied
2	4	\$ 27.33	\$ 109.32		8	\$ 38.46	\$ 307.68		-	\$ 417.00	\$400.00
3	4	\$ 27.33	\$ 109.32		8	\$ 38.46	\$ 307.68		-	\$ 417.00	\$400.00
4	4	\$ 27.33	\$ 109.32		8	\$ 38.46	\$ 307.68		-	\$ 417.00	\$400.00
5	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
6	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
7	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
▲ 8/13	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$400.00
9	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
10	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
11	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
12	4	\$ 27.33	\$ 109.32		4	\$ 38.46	\$ 153.84		-	\$ 263.16	\$200.00
▲ 14/16	631.05	\$ 43.43	\$ 27,406.50		1,262.10	\$ 38.46	\$ 48,540.37		\$ 100.00	\$ 76,046.87	\$76,000.00
15	7.5	\$ 117.95	\$ 884.63		3	\$ 38.46	\$ 115.38		-	\$ 1,000.01	\$1,000.00
Total (2-16)	682.55		\$ 29,493.65		1,321.10		\$ 50,809.51		\$ 100.00	\$ 80,403.16	\$80,000.00

▲ Respective requests were combined for cost estimates

B. Summary Analysis

In total, the estimated charges for 15 of the 16 FOIA requests included the cost to search, retrieve, and redact records, as well as minor copying costs. The CofC’s estimated cost of \$80,000 provided to the complainant was consistent with the SIG’s analysis and cost breakdown of \$80,403.16. A summary of these costs is set forth in Table 2 below.

Table 2. Summary of Estimated FOIA Hours and Fees

Function	SIG Cost Analysis		CofC Estimate	
	Total # Hrs	Total Fees	Total # Hrs	Total Fees
Search/Retrieval	682.55	\$ 29,493.65	-	-
Redact	1,321.10	\$ 50,809.51	-	-
Copy	-	\$ 100.00	-	-
TOTAL	2,003.65	\$ 80,403.16	-	\$ 80,000.00

The time estimates provided by the CofC to the SIG were potentially lower than the actual hours required to fulfill the FOIA request as there were steps excluded from the process.

By comparison, in November 2018, the SIG made a document search request to the SC Division of Technology (DTO) regarding a matter unrelated to the CofC. In its request, the SIG requested the emails of another agency for a four-month period with search parameters of 19 different names. The DTO’s response to the SIG was the production of 1,000 emails, which required the DTO’s computer system 40 hours to generate. This equated to 2 minutes, 24 seconds (.04 hours) to search and retrieve each email.

Consequently, if the CofC searched and produced emails at the same rate as the DTO did for the SIG, it would take 3,029.04 hours.¹⁶ The CofC's estimated time of 631.05 hours was 2,397.99 less under this example. Furthermore, the estimated cost to search and retrieve the emails would have cost an additional \$104,144.70 at the prorated hourly rate of \$43.43.

Using the SIG's request to DTO as a benchmark, the number of hours CofC estimated to fulfill the request were potentially underestimated for a request of this magnitude.

C. Overview of SIG Sampling of 35 Statewide Agencies

The SIG initiated an assessment sampling of 35 statewide agencies to include cabinet agencies, four-year public universities (including CofC), and statewide elected offices in their compliance with the state's revised FOIA laws. The review evidenced varying degrees of content were included in agency fee schedules, as well as identified a substantial variance in the fees for fulfillment of requests. The content of the fee schedules for the 35 agencies differed, to include:

- Four agencies did not list a fee for search;
- Fourteen agencies did not list a separate fee for retrieval;
- Fifteen agencies did not list a separate fee for redaction;
- Eight agencies indicated fees would be assessed based on the lowest prorated hourly rate without further information on the actual amount;¹⁷
- Fees for copies ranged from \$.05 to \$.50 per page (900% variance); and
- Fees for search, retrieval and redaction ranged from \$10.00 to \$47.65 per hour (377% variance).

Table 3 depicts how the CofC's revised fee schedule compared to the other agencies in the group sampling.

Table 3. Comparison of 35 Agencies' FOIA Policy Fee Schedules

Agency #	Search Fee per hr	Retrieval Fee per hr	Redaction Fee per hr
1	\$10	\$10	\$10
2	\$10	○	○
3	\$15	○	○
4	\$15	○	○
5	\$15	\$15	\$25
6	\$19	\$19	\$19
7	\$20	\$20	\$20
8	\$20	○	○
9	\$22	\$22	\$22
10	\$25	\$25	\$20
11	\$25	\$25	\$47.65
12	\$25	\$25	\$47
13	\$25	○	○
14	\$25	\$25	○
15	\$25.92	\$25.92	\$25.92
16	\$28	○	○
17	\$30	○	○
18	\$33.33	\$33.33	\$33.33

Agency #	Search Fee per hr	Retrieval Fee per hr	Redaction Fee per hr
19	\$37	○	\$37
20	\$45	\$45	○
21	\$20 > 30 min	\$20 > 30 min	\$20 > 30 min
22	\$20hr >10hrs	○	○
23	\$20hr >2hrs	○	○
24	●	●	●
25	●	●	●
26	●	●	●
27	●	●	●
28	●	●	●
29	●	●	●
CofC	●	●	●
31	●	●	●
32	○	○	○
33	○	○	○
34	○	○	○
35	○	○	○

○ Not specified in agency's FOIA Fee Schedule

● Lowest paid staff salary

¹⁶ Formula = 0.04 hours (x) 75,726 emails

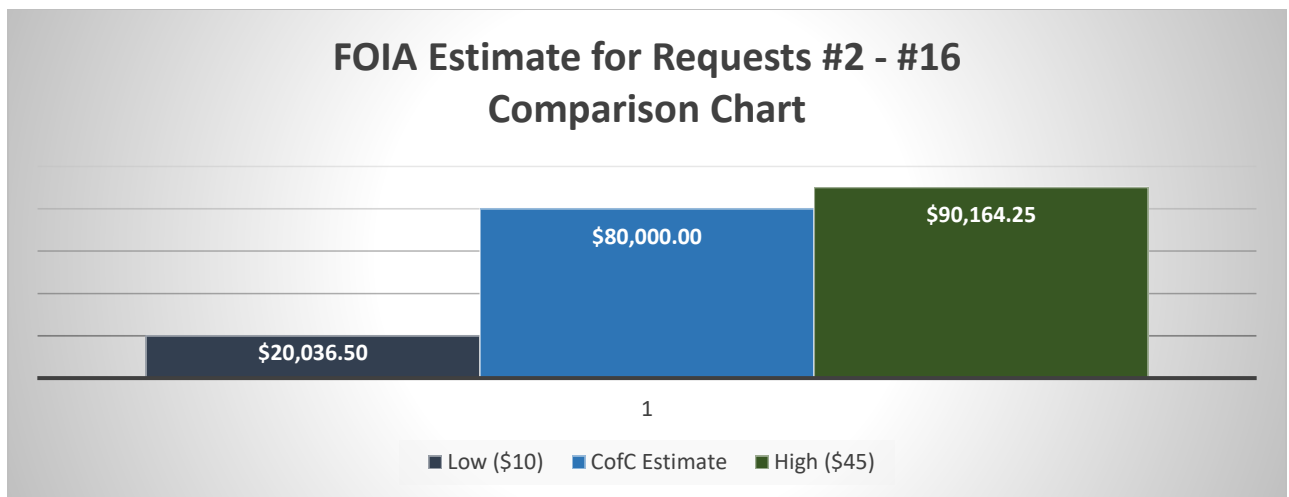
¹⁷ CofC is one of the eight agencies noted here. In its 5/31/2018 **Answer of the College of Charleston (Jury Trial Demanded)** for C/A No.: 2018-CP-10-01855, the college identified agencies with similar FOIA fee schedules: SC Department of Administration, SC Secretary of State, SC Office of the Comptroller General, SC Department of Natural Resources, and the Town of Mount Pleasant.

When compared against the reported hourly rates of the other 34 agencies reviewed by the SIG:

- The CofC's estimated hourly rates (\$27.33 to \$43.43) for search/retrieval fell in line with 48% of agencies that reported an actual hourly rate of \$25 or more.
- The CofC's estimated hourly rate (\$117.95) for the search/retrieval of phone records was an outlier of 162% above the highest rate of \$45 reported by other agencies.
- The CofC's estimated hourly rate (\$38.46) for redaction fell in line with 25% of agencies that reported an actual hourly rate of \$37 or more.

Figure 1 below shows the overall estimate by the CofC compared to estimates for a request of a potentially similar size in hours at the lowest (\$10/hour) and highest common rate of both search and redaction (\$45/hour) of other agencies reviewed by SIG.

Figure 1



V. Denial of Records Based on Attorney/Client Privilege

The records associated with FOIA request #1, in addition to requests #2 – #13, contained confidential student and witness information, including attorney/client privileged information, in a pending federal lawsuit when the March 2018 FOIA requests were received. These records subsequently became subject to a June 2018 confidentiality order in a federal lawsuit, which is currently pending in the USDC-SC.

This request was denied by the CofC based on an attorney/client privilege exemption in its [3/30/2018 email response](#) to the complainant. At that time, the college was a defendant in a federal lawsuit in the USDC-SC (Civil Action No. 2:17-cv-01792-PMD-JDA). Outside counsel for the CofC had previously included the plaintiff's counsel in its communication to the complainant as the complainant also represented the same individual in a parallel matter. On 4/13/2018, the complainant filed a complaint in the Court of Common Pleas, Charleston County (2018-CP-10-01855), which named the CofC as a defendant and sought to enforce the production of records previously requested in March 2018 under the state's FOIA statutes.

In June 2018, the documents originally requested by the complainant in March 2018 were provided to the plaintiff's counsel under a confidentiality order as part of the discovery process in the federal lawsuit. Following this discovery, the complainant initiated a request for these records provided in the pending federal case. The CofC responded that the documents specific to the complainant's original FOIA request represented

25 pages of the 575 pages provided in the federal case and were exempt from disclosure as attorney/client privileged materials.

However, the college advised the complainant the remaining 550 pages were unrelated to the original FOIA request, were not subject to the confidentiality order, but were subject to FERPA regulations and required redaction at an estimated fee of \$1,150. The estimated cost was initially communicated to the complainant as, "...the cost to review [SIG emphasis] and redact documents for FERPA purposes..." Subsequent communication with the complainant clarified the estimate as, "...the charges are for redaction efforts only, as permitted by the policy and the law."

On 9/4/2018, the complainant was added to the confidentiality order in the federal case, which provided the complainant access to the previously denied 25 pages of attorney/client privileged information, as well as other discovery materials in the federal case.

A. SIG Analysis

While the CofC denied the complainant access to the 25 pages based on an attorney/client privilege exemption, it agreed to provide the remaining 550 pages at a cost of \$1,150 due to the need for FERPA redactions. The college provided no further information on how this estimate was calculated.

To determine a more accurate cost for the redaction of these materials, the SIG used the CofC's estimated time of three (3) minutes to redact each page, at the prorated hourly rate of \$38.46/hour previously established under FOIA requests #14 and #16.

The SIG estimated the redaction time of three (3) minutes (0.05/hour), equated to 27.5 hours¹⁸ for the 550 pages. At the prorated hourly rate of \$38.46 for redaction, the fee for redacting 550 pages totaled \$1,057.65.¹⁹ In view of the fact the college produced these materials as part of discovery in a federal lawsuit, and not as part of the FOIA request, no additional costs were attributed to this cost analysis for the search and retrieval of the documents. Furthermore, the college did not provide an estimate of copy charges in its estimate of \$1,150 to the complainant.

Based on this analysis and available information provided by the CofC, the SIG determined the estimated costs for redaction of the 550 pages was \$1,057.65 for FOIA request #1.

B. Total Production Costs for FOIA Requests #1 – #16

In summary, the costs for the search, retrieval, redaction, and copying of records responsive to the 16 FOIA requests totaled \$81,460.81, whereas the college estimate was \$81,150, as summarized in Table 4 below.

Table 4. Cost Detail of FOIA Estimate for ALL Requests

Request No.	No. Hrs to Search	Hrly Rate to Search	[# Hrs*Hrly Rate]		Hrly Rate to Redact	[# Hrs*Hrly Rate]		Cost	
			Estimated Cost to Search	No. Hrs to Redact		Estimated Cost to Redact	Copy Fee	SIG Cost Analysis	CofC Estimate
1	-	\$ -	\$ -	27.50	\$ 38.46	\$ 1,057.65	\$ -	\$ 1,057.65	\$1,150.00
(2-16)	682.55	Varied	\$ 29,493.65	1,321.10	\$ 38.46	\$ 50,809.51	\$ 100.00	\$ 80,403.16	\$80,000.00
Total	682.55		\$ 29,493.65	1,348.60		\$ 51,867.16	\$ 100.00	\$ 81,460.81	\$81,150.00

¹⁸ Formula = 0.05 hours (x) 550 pages

¹⁹ Formula = 27.5 hours (x) \$38.46/hour.

VI. Allegation of Fraud Relative to FOIA Production Costs

The SIG determined the allegation of potential fraud by the CofC when it provided a good faith estimate of \$80,000 to search, retrieve, redact and copy records in its response to the complainant was unfounded.

A review of the college's FOIA policies for 2015, 2018 and 2019 each stated, "All fees are payable by check or money order made payable to the College of Charleston." The CofC's 2018 and 2019 FOIA policies further defined the delivery of FOIA-related fees to be addressed to the, "College of Charleston, Office of Legal Affairs, 66 George Street, Suite 302 Randolph Hall, Charleston, S.C. 29424." Upon receipt, the Office of Legal Affairs forwards the payment for FOIA-related fees to the CofC treasurer for deposit into the college's account.

Documentation provided by the complainant as well as the detailed SIG analysis of the FOIA production costs was consistent with the applicable fee schedules of 34 other state agencies and public higher education groups. The SIG found no documentation or indication the CofC deviated from its policy or process for the collection of FOIA-related fees in this matter.

VII. Conclusion and Observation

When the CofC received the 16 FOIA requests on 3/6/2018, its [2015 FOIA policy](#) did not conform to the 2017 FOIA statute. On 3/20/2018, the college made changes to its policy to bring it into conformity with the law. However, the policy continued to be non-conforming to the state's FOIA law when it indicated a fee was charged for the [review](#) of documents which is prohibited under [SC Code of Laws, §30-4-30 \(B\)](#) in that, "Fees may not be charged for examination and review to determine if the documents are subject to disclosure."

The SIG review determined that for the period of 3/20/2018 – 2/17/2019, and during the course of this review, the CofC's FOIA policy did not conform to the state's FOIA law. This resulted in the issuance of a finding and recommendation to bring the college's FOIA policy into conformity with the state's FOIA law. Subsequently, when the SIG brought this observation to the attention of the GC the CofC revised its FOIA policy to its current [2019 FOIA policy](#) on 2/18/2019, prior to the issuance of this report, to address this discrepancy and conform to the state's FOIA law.

Due to its decentralized FOIA process, the CofC's fee schedule did not set forth the prorated hourly rate for the search, retrieval and redaction of records. While this was consistent with seven other agencies, whose FOIA fee schedules were reviewed by the SIG, the absence of this information fueled the complaint of excessive fees and the suspicion of fraud.

The SIG's analysis of the CofC's FOIA production process for the FOIA requests produced a detailed cost breakdown for each request and comparison to the summary estimates provided by the college to the complainant. The SIG determined the college was justified in its estimated charges, and the allegation of fraud was unfounded. Based on its own experience, the SIG is aware of the large amount of time it takes to fulfill a request of 1,000 emails for a four-month timeframe, much less responding to a request for 75,726 emails for a two-year timeframe.

Finally, the complainant gained access to the FOIA request #1 documents, including those of attorney/client privileged material, after signing on to the confidentiality order in the federal lawsuit. The SIG determined the CofC's quote of \$1,150 to [review](#) [SIG emphasis] and redact 550 pages for FERPA did not conform with [SC Code of Laws, §30-4-30 \(B\)](#) in that, "Fees may not be charged for examination and review to determine if the documents are subject to disclosure." The SIG analysis for the redaction of the 550 pages was \$1,057.65.

The state's FOIA laws ([§30-4-100](#)) provided for a complainant to seek relief to excessive fees and production of records through a circuit court. Equally important, the responding public body can seek relief through a hearing before a circuit court if the FOIA request was deemed unduly burdensome, overly broad or vague. The complainant initiated a request in the Court of Common Pleas, Charleston County on 4/13/2018 but withdrew the complaint without prejudice on 9/7/2018. The SC Attorney General's Office (SAG) has opined ([OP. No. 92-40, July 23, 1992](#)) in which the SAG stressed that the reasonableness of the fees charged by a public body for production of records is ultimately a factual matter to be addressed by the court.

Other Observation

The process of converting an electronic record to a hard copy document, manually redacting content, and scanning the redacted document into an electronic record is cumbersome and inefficient. This process can be improved by utilizing off-the-shelf software, e.g., Adobe Acrobat Pro, to perform the redaction of an electronic PDF file. There are numerous commercial off-the-shelf products available to educational institutions at reasonable costs. The SIG strongly recommends the CofC explore this method of redacting documents for its FOIA process in order to be more efficient and reduce employee time engaged in these efforts.

The SIG wishes to convey its appreciation for the cooperation and courtesies provided by the CofC and its General Counsel to the SIG during the course of this review.

VIII. Finding and Recommendation

Finding #1: For the period of 3/20/2018 – 2/17/2019, the College of Charleston’s [2018 FOIA policy](#) Part 1, Section B “Costs,” subsection (c), did not conform to the state’s 2017 FOIA statute in that the policy stated it charged for the **review** [SIG emphasis] of records as part of its FOIA process. Specifically, the college’s policy stated in its entirety:

“The actual costs of the lowest paid employee duly qualified to locate, review, redact, if necessary, and produce the records requested, excluding review to legally determine if the documents are subject to disclosure. This charge shall be calculated by multiplying the hourly rate of the employees by the amount of time necessary to locate, review, redact, if necessary, and produce the final documents.”

[SC Code of Laws, §30-4-30 \(B\)](#) states in part, “...Fees may not be charged for examination and review to determine if the documents are subject to disclosure.”

Recommendation #1: The CofC should revise its policy and fee schedule to conform to the state’s FOIA law and the allowable fees it can assess when responding to a request for records under the state’s FOIA law.

Administrative Note: This finding and recommendation was addressed by the college on 2/18/2019, when it amended its FOIA policy to conform to the state’s FOIA law. (See [CofC response](#) and [2019 FOIA policy](#))

Key Document Hyperlinks

College of Charleston FOIA Request Policy 5.1

[2015 FOIA Policy](#), dated 9/28/2015

[2018 FOIA Policy](#), dated 3/20/2018

[2019 FOIA Policy](#), dated 2/18/2019

South Carolina Code of Laws

[Title 30 - Public Records, Chapter 4](#)

South Carolina General Assembly 122nd Session (2017-2018)

[House Bill 3352, Office of Freedom of Information Act Review](#)

Municipal Association of South Carolina

[“Changes to the Freedom of Information Act from H3352”](#)

SC Attorney General’s Office

[OP. No. 92-40, July 23, 1992](#)