



## Fee Policies and Rates for access to BJWSA Records

Pursuant to the South Carolina Freedom of Information Act (FOIA)

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### 1.0 Purpose and Authorities

Records of Beaufort-Jasper Water and Sewer Authority (herein after referred to as BJWSA) are open for inspection and copying pursuant to and subject to the limitations of the South Carolina Freedom of Information Act, *South Carolina Code of Laws*, 1976, as revised, Section 30-4-10, *et seq.*. As provided for under Section 30-4-10(b) of the FOIA Act, fees may be established and collected to recover the direct costs of search, review, and duplications of requested copies.

### 2.0 Definitions

**“SEARCH”** includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Line-by-line searches will not be performed when duplicating an entire document would prove the less expensive and quicker method of complying with a request.

**“REVIEW”** is the process of examining documents in response to a request to determine whether any portion of any document located is permitted to be withheld. It also includes processing documents for disclosure, e.g., doing all that is necessary to excise them and otherwise preparing them for release. Review fees do not include time spent resolving general legal or policy issues regarding the application of exemptions.

**“DUPLICATION”** is the process of making a copy of a document necessary to respond to an FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine-readable documentation (e.g. magnetic tape or disk), among others.

**“COMMERCIAL USE REQUEST”** refers to a request from or on behalf of one who seeks information for a use or purpose that is related to commerce, trade, or the profit interest of the requester or of the person on whose behalf the request is made. When BJWSA has reasonable cause to doubt the use to which a requestor will put the records sought, or where that use is not clear from the request itself, additional clarification may be sought before assigning the request to a specific category.

**“EDUCATIONAL INSTITUTION”** refers to a preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, or an institution of vocational education operating a program or programs of scholarly research.

**“NON-COMMERCIAL SCIENTIFIC INSTITUTION”** refers to an institution that does not operate on a “commercial” basis as referenced in the above definition for COMMERCIAL USE REQUEST and is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

**“REPRESENTATIVE OF THE NEWS MEDIA”** refers to a person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term “news” means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at-large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of “news” who make their products available for purchase or subscription by the general public). These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g. electronic dissemination of newspapers through telecommunication services), such alternative media would be included in this category. In the case of “freelance” journalists, they may be regarded as working for a news organization if they can demonstrate a sound basis for expecting publication through such an organization, even though not actually employed by it. A publication contract would be the clearest evidence; however, BJWSA may also look to the past publication record of the requester in making this determination.

### 3.0 Categories of Requesters, Fees, and Fee Waivers

**CATEGORIES OF REQUESTERS:** BJWSA has designated four categories of requesters: (1) Commercial, (2) educational and non-commercial scientific institutions, (3) representatives of the news media, and (4) other requesters.

**FEES:** Fees vary by status of the requester, and include both the cost of reproduction and personnel costs for research and retrieval and any special services that may apply. If you are aware that the cost of providing requested records will exceed \$25.00, you should include in your request a statement indicating your willingness to pay for the fulfillment of your request. You may also set a cap in giving authorization. If charges will exceed that cap, you will be contacted to discuss ways to limit the search or to get approval for the full costs. You will be billed after the requested records are sent and you will have 30 days to remit payment. Costs exceeding \$250.00 may require advanced payment. Fees currently in force at the time of a request will be honored.

When BJWSA reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, it may aggregate requesters and charge fees accordingly.

If the potential costs of processing a request are of concern, you may ask for a cost estimate. We will provide you with an estimate of your fees for processing your request; however, it is often difficult to estimate the costs until a search for the requested documents is actually accomplished.

BJWSA fees are as follows:

#### **(1) Commercial Use Requesters**

Search: \$20.00 per hour\*

Review: \$20.00 per hour

Duplication: 20¢ per page

\*Search costs may be assessed even though no records may be found, or if there is no disclosure or records after review.

#### **(2) Educational & Non-Commercial Scientific Institutions**

Search: No fee

Review: No fee

Duplication: 20¢ per page after the first 100 pages

#### **(3) Representatives of the News Media**

Search: No fee

Review: No fee

Duplication: 20¢ per page after the first 100 pages

#### **(4) All Other Requesters – “ALL OTHERS” refers to requesters who do not fit into any of the other requester categories.**

Search: No fee for first two (2) hours; \$20.00 per hour thereafter\*

Review: No fee

Duplication: 20¢ per page after the first 100 pages

\*Search costs may be assessed even though no records may be found, or if there is no disclosure or records after review.

#### **(5) Other Charges**

Fees may be charged at actual cost for any request that requires special services or materials. These services, provided at the discretion of BJWSA, include but are not limited to:

- Document Certification: \$10.00 per document
- Shipping
- Video Tape
- Computer Disk
- Employee Transportation
- Contractor Duplication
- Computer Programming
- Computer Printout

**FEE WAIVERS AND REDUCTIONS:** If the total cost of supplying the requested information is less than \$25.00, the fees may be waived. In accordance with Section 30-4-30(b) of the FOIA, documents may be furnished without charge or at a reduced charge when it has been determined that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

You should make your request for a waiver or reduced fees at the same time you make your initial request for records. If your waiver or fee reduction request is not granted, the waiver/fee reduction denial letter sent to you will designate an appeal officer.

If it is determined that there is a commercial interest, a waiver or fee reduction will be granted if the public interest in disclosure is greater in magnitude than the requester's commercial interest.

#### 4.0 Payment Practices

**PAYMENTS:** Payments will be in the form of either a check, bank draft, or a money order made payable to Beaufort-Jasper Water and Sewer Authority.

**ADVANCE PAYMENT OR CONFIRMATION:** Only under specific circumstances will BJWSA require advance payment: (1) When fees exceed \$250.00 or when (2) a requester has previously failed to pay fees in a timely fashion. For those requesters with a record of prompt payment, a verbal assurance of payment may be sought. If the requester has no history of payment, advance payment up to the estimated cost may be requested. Requesters who have failed to pay in a timely fashion in the past or who are currently delinquent will be required to prepay up to the estimated amount.

**NONPAYMENT OF FEES:** Payment for request should be received by BJWSA within 30 days of the date of billing to avoid late fees. Advance payment of any past due amounts and late charges must be made prior to processing any new requests. BJWSA will use all methods allowable by law to recoup the full allowable direct costs in processing a request.

#### 5.0 Related Documents

- SC Freedom of Information Act, Section 30-4-10 et seq., SC Code of Laws, 1976, as amended.
- The Board of Directors of Beaufort-Jasper Water and Sewer Authority Public Information Policy