Freedom of Information Act

The Freedom of Information Act addresses the availability of public records and the accessibility to public meetings of public bodies.

FOIA Requests

Generally, requests to the Division of State Human Resources must be in writing for information under the Freedom of Information Act except when the requestor appears in person for certain information under the S.C. Code of Laws 30-4-30(d). Generally, an agency must respond to written requests within 15 days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request, except as otherwise provided by S.C. Code of Laws Section 30-4-30(c). The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document.

Employment Information Required to be Disclosed

Generally, the names, sex, race, title, and dates of employment of employees and officers of public bodies are made public information.

Employment Information Not Required to be Disclosed

In general, the FOIA allows but does not require:

- information of a personal nature which would constitute unreasonable invasion of personal privacy;
- all compensation with certain exemptions;
- information discussed in a public meeting during executive session; and
- certain materials on not fewer than the final three applicants under consideration for a position.

Applicants

Generally, all materials on at least the final three applicants under consideration for a position, regardless of form, gathered by a public body during a search to fill an employment position may be released. The information that may not be released includes the applicant’s income tax returns, medical records, social security number or information otherwise exempt from disclosure.

Public Hearings

An employee may demand that an adversarial hearing be conducted publicly when discussing their employment.

Updated June 2019
## Limitations on Disclosing a Public Employee’s Salary

<table>
<thead>
<tr>
<th>Category</th>
<th>Information Disclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Salary $50,000 or more annually, part-time employees, persons paid an honoraria or other compensation for special appearances, performances, or the like and employees at the level of agency/ department head.</td>
<td>Disclose exact compensation.</td>
</tr>
<tr>
<td>B. Classified / Unclassified employees, including contract instructional employees (not subject to A. above) earning between $30,001 to $49,999.</td>
<td>Disclose compensation level within a range of $4,000 beginning at $30,001.</td>
</tr>
<tr>
<td>C. Classified employees (not subject to A. above) earning $30,000 or less annually.</td>
<td>Disclose the position’s salary range.</td>
</tr>
<tr>
<td>D. Unclassified employees, including contract instructional employees (not subject to A. above) earning $30,000 or less annually.</td>
<td>Disclose compensation level within a range of $4,000, such ranges to commence at $2,000 and increase in increments of $4,000.</td>
</tr>
</tbody>
</table>

For additional information please refer to the resources below:

- S.C. Code Section 30-4-10 through Section 30-4-165
- State Human Resources Regulations 19-703.05 & 19-720.03