

FREEDOM OF INFORMATION AND MUNICIPAL COURTS

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Municipal Court Administration Association of
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Effect of the FOIA

- General Principles
- Overview

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- Excerpts from the FOIA

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Section 30-4-15. Findings and purpose.

The General Assembly finds 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. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

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Section 30-4-20. Definitions.

- (a) "Public body" means any department of the State, . . . any public or governmental body or political subdivision of the State, including counties, municipalities . . .
- (c) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body . . .

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Section 30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records; presumption upon failure to give notice; records to be available when requestor appears in person.

- (a) Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and place of access.
- (b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records . . .
- (c) Each public body, upon written request for records made under this chapter, shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefor . . .

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(d) The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

(1) minutes of the meetings of the public body for the preceding six months;

(2) all reports identified in Section 30-4-50(A)(8) for at least the fourteen-day period before the current day; and

(1) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

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Section 30-4-40. Matters exempt from disclosure.

(a) A public body may but is not required to exempt from disclosure the following information:

(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, and telephone number or other such information of an individual or individuals who are handicapped or disabled when the information is requested for person-to-person commercial solicitation of handicapped persons solely by virtue of their handicap. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

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(3) Records of law enforcement and public safety agencies not otherwise available by state and federal law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:

(A) disclosing identity of informants not otherwise known;

(B) the premature release of information to be used in a prospective law enforcement action;

(C) disclosing investigatory techniques not otherwise known outside the government;

(D) by endangering the life, health, or property of any person; or

(E) disclosing any contents of intercepted wire, oral, or electronic communications not otherwise disclosed during a trial.

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(4) Matters specifically exempted from disclosure by statute or law.

(18) Photographs, videos, and other visual images, and audio recordings of and related to the performance of an autopsy, except that the photographs, videos, images, or recordings may be viewed and used by the persons identified in Section 17-5-535 for the purposes contemplated or provided for in that section.

(d) A public body may not disclose a "privileged communication," "protected information," or a "protected identity," as defined in Section 23-50-15 pursuant to a request under the South Carolina Freedom of Information Act. These matters may only be disclosed pursuant to the procedures set forth in Section 23-50-45.

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Section 30-4-50. Certain matters declared public information; use of information for commercial solicitation prohibited.

(8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

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Section 30-4-100. Injunctive relief; costs and attorneys fees.

Section 30-4-110. Penalties

- Willful violation as misdemeanor
- First offense – fine up to \$200 or imprisonment up to 30 days
- Second offense – up to \$200 or up to 60 days
- Third offense and subsequent offense - \$300 or up to 90 days

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- Other things
 - Family and Personal Identifying Information Privacy Protection (S.C. Code, Title 30, Chapter 2)
 - Relationship to` Rule 5, SC Rules of Criminal Procedure and Brady motions
 - Relationship to Victims Rights
 - Relationship to sealed documents
 - Bench Book for Summary Court Judges
 - Supreme Court's Task Force on Public Access to Court Records
 - Supreme Court Orders
 - 2007 Interim Guidance on Personal Data Identifiers in Appellate Court Filings
 - 2005 Access to Court Exhibits
