



## FOIA Rate Guidelines – Cherokee County, SC

Government Organizations are authorized by law to recover the direct costs of providing information to a FOIA requester. Cherokee County has established a fee schedule to recover its direct costs. The fee schedule sets rates for the time it takes an employee to search for the information you request, as well as the time it takes to complete the FOIA review of the information (to determine which information may be released and which is exempt from disclosure). A fee schedule is provided that also includes how much Cherokee County charges for reproduction, computer searches, and information released on electronic media.

When submitting a FOIA request you must specify the maximum amount you are willing to pay for processing of your request. If you do not specify the maximum amount you are willing to pay, or otherwise agree in writing to pay all applicable processing fees, Cherokee County will not initiate a records search and your request will either be returned to you or held in abeyance until a fee agreement is reached. Your request should include your name, address, an electronic mail address if available, and the telephone number at which you can be reached during normal business hours so that we may contact you.

### Fee Categories:

For fee purposes, Cherokee County requires that requesters be placed in one of the following three categories:

- **Commercial Use Requesters**
  - Commercial Use Requesters are those who seek records for "a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is being made," which can include furthering those interests through litigation.
  - Designation of a requester as a "commercial-use requester," therefore, will turn on the use to which the requested information would be put, rather than on the identity of the requester. Cherokee County will seek additional information or clarification from the requester when the intended use is not clear from the request itself.
- **Educational, or News Media Requesters**
  - An "educational institution" is defined as to include various schools, as well as institutions of higher learning and vocational education. This definition is limited, however, by the requirement that the educational institution be one "which operates a program or programs of scholarly research."
  - To qualify for inclusion in this fee subcategory, the Guidelines specify that the request must serve a scholarly research goal of the institution, not an individual goal. Thus, a student seeking inclusion in this subcategory, who "makes a request in furtherance of the completion of a course of instruction is carrying out an individual research goal," and would not qualify as an educational institution requester.

- “Representative of the news media,” includes “any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” The definition of “news” per this policy is information that is about current events or that would be of current interest to the public. Freelance journalists shall be considered representatives of the news media if they “can demonstrate a solid basis for expecting publication through [a news media] entity, whether or not the journalist is actually employed by the entity.” A request from a representative of the news media that supports a news-dissemination function “shall not be considered to be a request that is for a commercial use.”
- All Others.
  - When a FOIA request is submitted by someone on behalf of another person -- for example, by an attorney on behalf of a client -- it is the underlying requester's identity and/or intended use that determines the requester category for fee purposes. When such information is not readily apparent from the request itself, Cherokee County will seek additional clarification from the requester before assigning a requester to a specific requester category.

**You must not obtain or use personal information received from a state agency, a local government, or other political subdivision of the state for commercial solicitation. violating this law is punishable by up to a \$500 fine, a year in prison, or both.**

**Cherokee County outlines all types of fees and their associated costs, as well as which fees will be assessed based on the confirmed request category per table below.**

Cherokee County FOIA Fee Schedule			
January 2025			
Request Type	Fee Type		
	Search Fee	Review Cost	Duplication Charge
<b>Commercial Use</b>	Fee Will be Assessed See Range in FOIA Fee Schedule Document	Fee Will be Assessed See Range in FOIA Fee Schedule Document	\$0.50 Per Page; \$6.00 Per CD/DVD; any other type of media duplication requested will be assessed on a case-by-case basis
<b>Educational/News Media Outlet</b>	Fee May be Assessed See Range in FOIA Fee Schedule Document	Fee May be Assessed See Range in FOIA Fee Schedule Document	\$0.50 Per Page; after first 100 pages provided to requester at no cost; any other type of media duplication will be assessed on a case-by-case basis
<b>Others</b>	Fee Will be Assessed See Range in FOIA Fee Schedule Document	Fee Will be Assessed See Range in FOIA Fee Schedule Document	\$0.50 Per Page; after first 100 pages provided to requester at no cost; any other type of media duplication will be assessed on a case-by-case basis

### Fee Definitions and Guidelines

- Search Fees
  - The term “search” means locating records or information either “manually or by automated” means.
  - Includes all the time spent looking for responsive material, including if necessary page-by-page or line-by-line identification of material within documents.
  - Cherokee County will charge requestor for search time even if we fail to locate any records responsive to the request or even if the records located are subsequently determined to be exempt from disclosure.
  - Cherokee County’s searches for responsive records will be done in the most efficient and least expensive manner
  - "Reasonable efforts" in electronic searches will be conducted if requested to do so by requesters willing to pay for that search activity.
- Review Costs
  - This fee consists of the direct costs incurred during the initial examination of a document for the purposes of determining whether [it] must be disclosed [under the FOIA].

- Review time includes processing the documents for disclosure, i.e., doing all that is necessary to prepare them for release.
- Duplication Charges
  - This fee represents the reasonable direct costs of making copies of documents.
  - Copies can take various forms, including paper copies or machine-readable documentation.
  - Other types of media can be provided per the requestor, and costs associated with duplicates on other types of media will be determined on a cost-by-cost basis.

## **Payment**

In the event that Cherokee County anticipates the fees for furnishing the information to be more than \$25.00, and/or above the maximum amount requestor indicated that he/she/they was willing to pay for the information, Cherokee County will notify the requester in advance before proceeding with the request. At that time, the requester has the opportunity to accept the outlines of the search, or to work with the agency to narrow the scope of the request and thus reduce costs

Cherokee County will not request for any payment in advance, i.e., payment before work is begun or continued on a request, unless Cherokee County first estimates that the assessable fee is likely to exceed \$250, or unless the requester has previously failed to pay a properly assessed fee in a timely manner (i.e., within thirty days of the billing date.) Payment by requestor shall be made prior to Cherokee County's release of processed records under the FOIA request.

If it can be reasonably deduced that a requester or group of requesters is attempting to divide a request into a series of requests for the purpose of avoiding the assessment of fees, Cherokee County may aggregate those requests and charge accordingly.

Fees will not be reimbursed to the requestor based on the satisfaction level of Cherokee County's response to the FOIA request.