



State of South Carolina

Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

December 21, 2011

Mr. Christopher Warren Haire
Managing Editor
Charleston City Paper
1049 B Morrison Drive
Charleston, South Carolina 29403

Dear Mr. Haire:

On December 1 and December 2, 2011, our office received your Freedom of Information Act requests for:

- (1) "all emails between South Carolina Gov. Nikki Haley between Chief of Staff Tim Pearson Nov. 1, 2011 and Nov. 30, 2011";
- (2) "all emails between South Carolina Gov. Nikki Haley between [sic] Legislative Liason [sic] Katherin [sic] Veldran between Nov. 13, 2011 and Dec. 2, 2011"; and
- (3) "all emails, office memos, and . . . documents detailing the S.C. Governor's Office policies regarding the deletion and retention of emails by the governor and the governor office's staff."

With regard to items (1) and (2), please be advised that this office does not have any records responsive to your request.

With regard to item (3), first let me clarify that the Office of the Governor does not have any policy regarding deletion of emails. Our office follows the Public Records statutes (S.C. Code Ann. §§ 30-1-10 et seq.) and their accompanying regulations (S.C. Code Ann. Regs. 12-300 et seq.). These provisions direct public bodies to retain 'records of long term or enduring value' and those that reflect matters of a 'non-routine nature,' but do not require the retention of routine matters, such as communications regarding program procedures, general work activities, and responses to information requests, which may not need to be retained when they are no longer needed internally for reference. The Office of the Governor's longstanding retention policy is modeled after these provisions. Our office policy and record retention regulations are attached.

Sincerely,

A handwritten signature in dark ink, appearing to read "Swati S. Patel".

Swati S. Patel
Chief Legal Counsel

SSP/emw

GOVERNOR NIKKI HALEY

EXECUTIVE OFFICE RECORDS AND RETENTION SCHEDULE

Records created and received by the Governor's Office during the Administration of Governor Nikki Haley.

1. Governor's Correspondence

Incoming Logged Correspondence

Description: Incoming mail, facsimiles and e-mails directed to Governor Haley. Logged with identification number. Filed with copy of response, if any. Filed in Agency's central records in numerical order by log number.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley.

State Archives: Selection of needed documentation. Permanent.

Unnumbered Correspondence

Description: Mail, facsimiles and e-mails initiated on behalf of Governor Haley other than in response to incoming correspondence as described above. Filed in Agency's central records alphabetically by recipient's last name.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley.

State Archives: Selection of needed documentation. Permanent.

Chronological Correspondence Files

Description: Archival copy of outgoing correspondence from Governor Haley. Filed chronologically by date of correspondence.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley.

State Archives: Selection of needed documentation. Permanent.

2. Governor's Personal and Briefing Materials

Description: Governor Haley's personal briefing materials on miscellaneous subjects as well as personal correspondence initiated by the Governor. Personal contact databases.

Retention Schedule: Agency during term of Governor Haley. Selected items of historical significance to Archives following close of last term of Governor Haley.

State Archives: Selection of needed documentation. Permanent.

3. Governor's Proclamations

Description: Proclamations of Governor Haley.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley. Microfilm optional.

State Archives: Selection of needed documentation. Permanent.

4. Meeting Minutes (Boards and Commissions of State Agencies)

Description: Records of official proceedings of state agency governing bodies. Information includes agenda, date, place, list of attendees and a summary of discussion and decisions. Official minutes also include all information attachments such as reports, surveys, proposals, studies and charts distributed to members for discussion and for use in making decisions on agency policy, planning and administrative matters.

Agency: Five years after fiscal year. Microfilm optional.

State Archives: Permanent.

5. Orders of the Palmetto and Silver Crescent

Description: Applications and relevant information in regard thereto. Copies of final orders. Database of applicants and awards.

Retention Schedule: Agency during term of Governor Haley. Destroy application files following close of last term of Governor Haley. Governor's Awards Database to Archives.

State Archives: Selection of needed documentation. Permanent.

6. Administrative Correspondence Files (Executive Levels)

Description: Correspondence related to the administration of an agency or division. Communications concerning coordination of programs, agency policy and responsibilities of a non-routine nature that impact on the agency or its divisions.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley. Microfilm optional.

State Archives: Selection of needed documentation. Permanent.

7. Administrative Files (Executive Levels)

Description: Documents actions of an agency director, deputy director and division directors. Information includes memoranda and reports concerning agency policy, organizational and program development records and non-routine fiscal data and personnel information. These records reflect administration of policy, coordination of agency functions and management of program activity.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley.

State Archives: Selection of needed documentation. Permanent.

8. Administrative Reference Files (Non-Executive Levels)

Description: Routine office management files retained below the agency director, deputy director and division director levels. Included are convenience copies of memoranda, reports, printed matter and other reference materials. Topics include such subjects as job activities, program material, general office information, professional associations, parking for staff, disaster preparedness and other related topics.

Retention Schedule: Until no longer needed for reference. Destroy.

9. Administrative Regulations

Description: Used for general operation of agency programs. Information includes regulations, instructions or other issuances that establish methods to administer an agency's mission, functions and responsibilities.

Retention Schedule: Until superseded.

State Archives: Selection of needed documentation. Permanent.

10. General Correspondence (Non-Executive Levels)

Description: Routine correspondence created or retained below the levels of agency director, deputy director and division director. Letters and memoranda reflecting communications regarding program procedures, general work activities and responses to information requests.

Retention Schedule: Agency during term of Governor Haley. Destroy.

11. Mailing Lists

Description: Address databases and mailing lists III Governor's Correspondence office.

Retention Schedule: Maintain in Agency indefinitely.

12. Calendars

Description: Used to keep track of work-related events and commitments of agency staff members. Information includes daily appointment books, electronic calendars and other records indicating dates for meetings and work activities.

Retention Schedule: 1) Calendars of staff members -until no longer needed for reference, then destroy. 2) Calendars of Governor Haley -Agency during term of Governor Haley. Archives following close of last term of Governor Haley.

State Archives: Selection of needed documentation from Governor Haley's calendars. Permanent.

13. Legal

General legal

Description: Information concerning individual legal cases in which the Governor's office has been a party or with which the Governor's office has been involved including some or all of the following documents: affidavits, summons and complaints, responses, orders of dismissals, notices and general appeals, laws and regulations applying to a particular case, legal briefs, transcripts of proceedings, orders, court decisions and related information, background investigation materials, copies of indictments, interrogations and other legal documents and related correspondence and copies of Attorney General opinions.

General Correspondence and legal case files involving requests for legal aid, waivers of extradition, safekeeping, renditions, early release, status of aliens, fugitive warrants from magistrates and elections in South Carolina.

Portions of this series are being kept permanently by the Archives through the Attorney General's office. Court records in this series are also available in the court having jurisdiction over the cases.

Agency: Three years after cases are closed. Microfilm optional.

State Archives: Selection of needed documentation. Permanent.

Executive orders

Description: Executive Orders issued by Governor Nikki Haley. Archives following close of last term of Governor Haley. Microfilm optional.

State Archives: Selection of needed documentation. Permanent.

Freedom of Information Act Requests

Description: Freedom of Information Act Requests and responses thereto.

Retention Schedule: Agency during term of Governor Haley. Archives following close of last term of Governor Haley. Microfilm optional. State Archives: Selection of needed documentation. Permanent.

14. Public Relations and Press

Description: Press releases, media advisories, public service announcement scripts, speeches, talking points, fax lists, biographies, web site text, op-ed pieces, excerpts of Governor's public schedule, Governor's weekly columns and events information.

Retention Schedule: Agency until no longer needed for reference.

State Archives: Selection of needed documentation. Permanent.

15. Scheduling

Description: Governor's daily schedules, invitations, regrets and correspondence in regard thereto.

Retention Schedule: Agency until no longer needed for reference. Destroy.

16. Office of Director of Executive Office Programs and Cabinet Affairs

Description: General information concerning state agencies for reference purposes. General correspondence, copies of studies, magazine and newspaper articles, management letters, Legislative Audit Council reports on agencies and state agency budgets.

Agency: Until no longer needed for reference.

State Archives: Selection of needed documentation. Permanent.

17. Office of Director of Boards and Commissions

Description: Letters from citizens, associations and legislators recommending appointments to boards and commissions, nomination applications, confidential personnel questionnaires, confidential financial statements of net worth, statement of economic interest forms, SLED criminal history reports, credit reports, resumes, letters from the Governor notifying appropriate parties of board membership changes and letters from the Governor nominating, appointing, and removing members of boards and commissions.

Retention Schedule: Agency until no longer needed for reference.

State Archives: Selection of needed documentation. Permanent.

18. Policy Area Records

Description: Correspondence of the Policy Directors, including Education, Health, Economic Development, Natural Resources and Criminal Justice. Information on policy areas on state and national levels. Policy staff notes and working papers.

Agency: Until no longer needed for reference.

State Archives: Selection of needed documentation. Permanent.

SOUTH CAROLINA CODE OF REGULATIONS

CHAPTER 12.

SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY

ARTICLE 3.

GENERAL RETENTION SCHEDULE FOR STATE ADMINISTRATIVE RECORDS

12-300. Introduction and General Matters; Application of Schedule.

The following general records retention schedule contains minimum retention periods for the official copy of the agency's records. These retentions and dispositions apply regardless of physical format, i.e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, state agencies must complete and submit a report of records destroyed form to the State Archives after eligible records have been destroyed. These forms are available from the Department's Division of Archives and Records Management. State agencies must also contact the State Archives to transfer permanent records to the State Archives for archival retention. Before disposing of public records under this general schedule, state agencies are responsible for ensuring that records are no longer required for federal or state audits, for legal purposes, for litigation, for fiscal information, and/or for any other action. This general schedule supersedes all schedules approved previously for the same records series. However, state agencies may opt out of this general schedule, and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary or in order to avoid conflict with other laws and regulations.

12-301. Annual Accountability Reports.

A. Description: Used to determine whether an agency is effectively achieving its legislative mission and program objectives. This record series is prepared by all state agencies and submitted to the Budget and Control Board for distribution to the General Assembly and the Governor's Office. Information includes an agency's mission statement, program objectives, work performance measurement data, analysis of program cost allocations, and related information. The record copy of this series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Budget.

B. Retention: Until no longer needed for reference; destroy.

12-302. Meeting Minutes (Executive Levels).

A. Description: Used to document the meetings of an agency's executive staff which includes the director, the deputy director, and the division directors. Information includes agenda, place, date, list of attendees, and a summary of discussions and decisions. Also included are informational attachments which are closely related to the meeting minutes.

B. Retention:

(1) Agency: 3 years.

(2) State Archives: Permanent.

12-303. Meeting Minutes (Non-Executive Levels).

A. Description: Used to document the meetings of agency staff below the agency director, deputy director, and division director levels. Meetings may also include non-agency attendees. Information includes agenda, location, date, list of attendees, attachments, and a summary of discussions and decisions.

B. Retention: 2 years; destroy.

12-304. Contracts.

A. Description: Used to document the contractual relationship between agencies and service providers. Information includes the contract with description of the services to be provided, dates of the contract, signatures, and correspondence.

B. Retention: 3 years after cancellation or expiration of the contract; destroy.

12-305. Administrative Correspondence Files (Executive Levels).

A. Description: Correspondence is related to the administration of an agency or division. Communications concern coordination of programs, agency policy, and responsibilities of a non-routine nature that impact on the agency or its divisions. These letters are usually found at the agency director, deputy director and division director levels.

B. Retention:

(1) Agency: 3 years after fiscal year. Microfilm optional.

(2) State Archives: Selection of needed documentation. Permanent.

12-306. Administrative Files (Executive Levels).

A. Description: Document actions of an agency director, deputy director and division directors. Information includes memoranda and reports concerning agency policy, organizational and program development records, strategic plans/mission statements, non-routine fiscal data, personnel information and related notes. These records reflect administration of policy, coordination of agency functions, and management of program activity.

B. Retention:

(1) Agency: 3 years after fiscal year. Microfilm optional.

(2) State Archives: Selection of needed documentation. Permanent.

12-307. Administrative Reference Files (Non-Executive Levels).

A. Description: Routine office management files retained below the agency director, deputy director and division director levels. Included are memoranda, reports, printed matter, and other reference materials. Topics include: job activities, program material, general office information, professional associations, charitable affairs, parking for staff, disaster preparedness, and other related topics.

B. Retention: Until no longer needed for reference; destroy.

12-308. Administrative Regulation Background Files.

A. Description: Used for the general operation of agency programs. Information includes regulations; instructions; other issuances that establish methods to administer an agency's mission, functions, and responsibilities; and other related information.

B. Retention:

(1) Agency: Until superseded.

(2) State Archives: Selection of needed documentation. Permanent.

12-309. Agency Annual Reports.

A. Description: Published report of agency activities made annually to the General Assembly. Information includes financial summaries, objectives, goals, and other data concerning the agency during the fiscal year. Most annual reports contain an organizational chart, along with brief narratives, and statistical information concerning each major section and division of the agency.

B. Retention:

(1) Agency's Copy: Until no longer needed for reference.

(2) State Archives: Permanent (2 copies)

(3) State Library: (15 copies)

12-310. Agency Publications.

A. Description: Printed material published by state agencies for internal and external distribution. This series includes directories, manuals, research reports, surveys, and other agency publications (except annual report).

B. Retention:

(1) Agency's Copy: Until no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

(3) State Library: (15 copies).

12-311. Agency Organizational Charts.

A. Description: Reflect the organizational structure of the agency and its divisions. Information includes a diagram which shows a systematic and symbolic arrangement of an agency's divisions and program areas by name and function.

B. Retention:

(1) Agency's Copy: Until no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

12-312. Attorney General Opinions.

A. Description: Official opinions issued by the Attorney General or his assistants. These are legal interpretations written upon request of an agency to guide in enforcing and obeying the law. Also included is related correspondence. The record copy of this series is scheduled for permanent retention by the State Archives through the Attorney General's office.

B. Retention: Until superseded and no longer needed for reference; destroy.

12-313. Calendars.

A. Description: Used to keep track of work related events and commitments of agency staff members. Information includes daily appointment books, calendars, and other records indicating dates for meetings and work activities.

B. Retention: Until no longer needed for reference; destroy.

12-314. Computer Utilization Summaries.

A. Description: Generated to determine staff use of an agency's computer systems. Information details the total time the system is used, amount of individual staff time the system is used, and total time work stations are used (including job queue and printers).

B. Retention: 3 years; destroy.

12-315. Conferences, Workshops, And Seminars (Agency Sponsored).

A. Description: Files concerning each conference, workshop or seminar sponsored by the agency. Information includes registration material, letters, brochures, lists of restaurants, hotel listings, and other related information.

B. Retention: Until no longer needed for reference; destroy.

12-316. Deeds and Leases to State Property Files.

A. Description: Document deeds and leases to real property owned or used by the state. Information includes description and location of the property, maps, sale agreements, land acquisition forms, deeds, lease agreements, and related correspondence. The record copies of deeds and leases are scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of General Services.

B. Retention: Until property is sold, disposed of, or relinquished, and is no longer needed for reference; destroy.

12-317. General Correspondence (Non-Executive Levels).

A. Description: Routine correspondence created or retained below the levels of agency director, deputy director and division director. Letters and memoranda reflect communications regarding program procedures, general work activities, and responses to information requests.

B. Retention: Until no longer needed for reference; destroy.

12-318. Information Technology Plans.

A. Description: Prepared by state agencies outlining their anticipated needs for information technology. Plans reflect information requirements, equipment needs, service specifications, cost, and technology purchase requests. The record copy of this series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Research and Statistics.

B. Retention: 3 years; destroy.

12-319. Internal Management Policy and Procedure Files.

A. Description: Policies, procedural directives and manuals developed by the agency to govern its internal management functions such as payroll, procurement, personnel administration, equipment inventory, and other internal management matters.

B. Retention:

(1) Agency: Until superseded, updated, or no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

12-320. Legislative Reference File.

A. Description: Records pertaining to bills, prospective legislation and laws. Information includes bill and supporting material concerning proposed legislation, such as newspaper clippings, reports, and correspondence. The series also includes copies of approved legislation.

B. Retention:

(1) Agency: Until no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

12-321. Litigation Case Files.

A. Description: Document judicial proceedings, which involve the agency. Files include some or all of the following documents: affidavits, summons and complaints, responses, orders of dismissals, notice and general appeal, laws and regulations applying to a particular case, legal briefs, transcripts of proceedings, orders, court decisions, and related information. Portions of this series are scheduled for permanent retention by the State Archives through the Attorney General's office. Court records in this series are also available in the court having jurisdiction over these cases.

B. Retention:

(1) Agency: 6 years after the case is closed. Microfilm optional.

(2) State Archives: Selection of needed documentation. Permanent.

12-322. Mailing Lists.

A. Description: Used to record the names and addresses of clients and other persons with whom the agency has regular contact. Information includes mailing lists, and registers concerning employees, officials, and constituents, whom agency staff communicate with regularly.

B. Retention: Until superseded; destroy.

12-323. Meeting Minutes (Boards And Commissions Of State Agencies).

A. Description: Records of official proceedings of state agency governing bodies. Information includes agenda, date, place, list of attendees, and a summary of discussion and decisions. Official minutes also include all informational attachments such as reports, surveys, proposals, studies and charts distributed to members for discussion, and for use in making decisions on agency policy, planning and administrative matters.

B. Retention:

(1) Agency: 3 years. Microfilm optional.

(2) State Archives: Permanent.

12-324. Motor Vehicle Insurance.

A. Description: Record of motor vehicle insurance retained by an agency. It includes insurance policies which list effective policy dates, amounts of coverage, number of vehicles covered, and rate. Also included are notes, correspondence and other related information.

B. Retention: 1 year and until renewal of insurance policy; destroy.

12-325. Motor Vehicle Operations And Maintenance Files.

A. Description: Files of motor vehicle operations and maintenance. Included are requests for state vehicles, vehicles inspection/use reports, motor vehicle accident reports, motor vehicle inventories, and other related information.

B. Retention: 3 years; destroy.

12-326. Permanent Improvement Files.

A. Description: Files concern construction of and permanent improvements to the agency's facilities. Information includes project proposal, capital improvement requests, authorizations to execute construction contracts, cost estimates, construction contracts, related memoranda, correspondence, blueprints, and specifications.

B. Retention:

(1) Records created before 1980:

(a) Agency: Until completion of construction project and no longer needed for reference.

(b) State Archives: Selection of needed documentation. Permanent.

(2) Records created in 1980 and later: Until completion of construction project and no longer needed for reference; destroy.

12-327. Photographs.

A. Description: Photographic proofs and negatives of agency activities. Photographs may include identification according to time, place, and agency activity.

B. Retention:

(1) Agency: Until no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

12-328. Property Inventories.

A. Description: Itemized lists of fixed assets (except land and buildings) completed by state agencies. Information includes inventories of equipment, furniture, and other similar property.

B. Retention: 3 years; destroy.

12-329. Public Relations File.

A. Description: Information concerning agency publicity. Included are press releases, biographies, newspaper clippings, promotional materials, bulletins, broadcast scripts, photographs, visual documentation, and other related items.

B. Retention:

(1) Agency: Until no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

12-330. Disaster/Emergency Preparedness and Recovery Plans.

A. Description: Document the plans for protection and reestablishment of agency services and equipment in case of disaster. Information includes plan, procedures, checklists, and emergency phone numbers and addresses.

B. Retention: Until superseded by revised plan; destroy.

12-331. Records Management Files.

A. Description: Files related to an agency's records management program. Included are records retention schedules, guidelines, information concerning records inventory and scheduling, records transfers, microfilm applications, disposal notices, and other related data.

B. Retention:

(1) Record Copy: In State Archives as scheduled.

(2) Agency's Copy: Until superseded and no longer needed for reference; destroy.

12-332. Speeches (Executive Levels).

A. Description: Drafts and final copies of speeches given by an agency director, deputy director and division directors. Speeches may concern policy issues, strategic planning, legislation concerning the agency, and other related topics.

B. Retention:

(1) Agency: Until no longer needed for reference.

(2) State Archives: Selection of needed documentation. Permanent.

12-333. Speeches (Non-Executive Levels).

A. Description: Drafts and final copies of speeches given by employees below the agency director, deputy director and division directors' level. Speeches concern program procedure, work activities, and related topics.

B. Retention: Until no longer needed for reference; destroy.

12-334. Surveys/Maps.

A. Description: Developed by an agency to carry out its mission and function. Information concerns roads, boundaries, property lines, corners, monuments, road marker placements, structures, sites, and other related data.

B. Retention:

(1) Agency: Until no longer needed for reference. Microfilm optional.

(2) State Archives: Selection of needed documentation. Permanent.

12-335. Telephone Logs.

A. Description: Listing of telephone calls made by agency personnel for a particular time period. Logs reflect date, time, caller, recipient of call, and nature of business discussed.

B. Retention: 3 years and until reconciliation of telephone billing; destroy.

12-336. Work Reports.

A. Description: Reports of work activities performed by personnel carrying out regular or special duties. Series does not include published project reports or reports to the Governor or General Assembly. These documents reflect dates, person responsible for report, and a running account of activities performed.

B. Retention: 2 years or until summarized or superseded; destroy.