



State of South Carolina

Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

March 12, 2012

The Honorable C. Bradley Hutto
South Carolina Senate District 40
Gressette Senate Office Building, Ste. 510
Columbia, South Carolina 29202

Dear Senator Hutto:

We have received your letter clarifying the scope of your initial request for records under the Freedom of Information Act. In your clarifying request you ask for "e-mails that no longer exist on computers in your office, but are retained on either a public or private server or any other type of 'back up' system." Accordingly, we contacted the Division of State Information Technology at the Budget and Control Board to identify what steps would need to be taken, and at what cost, to search the "back up" system as you have requested.

The Division of State Information Technology reports that it will cost approximately \$9,000.00 to perform the additional searches that you are requesting, including redirecting approximately 200 hours of employee time away from normal job duties. The enclosed letter provides an explanation of the steps that DSIT would be required to take to conduct your additional searches.

Our office has provided hundreds of pages of records to you and your colleagues thus far without charging for either our searching time or copying costs. However, your updated request involves a difficult process of transferring data from back up storage media requiring a significant amount of DSIT's time and resources. If you still want DSIT to perform this search of the back up media storage system, please provide our office with a payment of \$9,000.

If you have any questions, please do not hesitate to contact us.

Sincerely,

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

Swati S. Patel
Chief Legal Counsel

Enclosure

NIKKI HALEY, CHAIRMAN
GOVERNOR

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STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



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March 1, 2012

Swati S. Patel
Chief Legal Counsel
State of South Carolina
Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Ms. Patel:

I have received your letter dated February 17, 2012. You have informed this office that the Governor's Office recently responded to a Freedom of Information Act request from Senator C. Bradley Hutto, in which he requested certain emails of the Governor's Office. Senator Hutto has now asked the Governor's Office to seek out and produce additional emails that are retained on either a private or public server or any other type of backup system. You indicate that you are not aware of any additional responsive emails that have not already been produced to Senator Hutto. However, since the Division of State Information Technology (DSIT) provides email services to the Governor's Office, you have asked that we identify the steps that would be taken and the cost to the Governor's Office for DSIT to conduct a search for emails located on backup tapes or other offline storage devices used by DSIT to provide email services to the Governor's Office.

You have stated that all email addresses that end with the root "@gov.sc.gov" would be subject to the search. You estimate that Senator Hutto's request would require DSIT to account for at least 22 terms when performing the search of the referenced email accounts.

There is no way to directly search the backup storage media used by DSIT. Instead, you must transfer the data located on the backup storage media into an email system so that the data can be searched. To do so, DSIT would be required to set up a new, isolated Exchange email system environment. This would entail DSIT establishing a virtual email server, a new virtual Active Directory domain controller and an Exchange management workstation. It would take approximately sixteen hours of personnel time to set up each server and approximately four hours of personnel time to set up the workstation. It would also take approximately two hours of personnel time to establish an area in DSIT's storage area network (SAN) to store the data and perform the searches requested.

Ms. Patel
March 1, 2012
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Once the system described above is operational, DSIT would then engage in the restoration process. Pursuant to this process, DSIT would restore the oldest backup first and search the relevant email accounts using the referenced search terms. DSIT would then search the Exchange logs from that day's backup using the referenced search terms. Any emails found that contain the referenced search terms would be segregated and saved. DSIT would then repeat this process for each day's backup storage media. It is estimated that it would take approximately one hour of personnel time to mount each backup and a least one hour of personnel time to search each backup. Based on these time estimates, it may be possible to search four days of backups each workday. As there are approximately eighty backups, it would take at least twenty full workdays to search the backups to determine whether any emails exist which may meet your search requirements.

The process for loading and searching the backup storage media is labor intensive and will require DSIT to devote personnel to this project. It is estimated that it will take at least 200 hours of DSIT personnel time to perform this project. The hourly rate of the DSIT personnel needed to perform these tasks is \$45.00 per hour. Thus, the overall cost for conducting a search in accordance with the parameters described in your letter would be approximately \$9000.00.

I note that DSIT would be conducting this search at the request of and under the terms set forth by the entity that owns the records, which in this case is the Governor's Office. At the request of the Governor's Office, DSIT will take the steps described herein to determine the existence of any emails meeting the specifications of your request and provide you with those emails. DSIT has no way to determine the extent to which the release or disclosure of any emails would be prohibited by law or exempt from production under the Freedom of Information Act. Any decisions in this regard would be responsibility of the Governor's Office. Please let me know if the Governor's Office would like DSIT to proceed with the search.

Sincerely,



Jimmy Earley