

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Single copy FOIA	6-1-10

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER 100467	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR CC: Steno bond * Response same as log # Hq. letter attached. Cleared 5/27/10, letter	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE 6-15-10 <input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

The McDaniel Corporation

The Retirement Planning Specialists

6156 St. Andrews Rd., Suite 108
Columbia, SC 29212

CRAIG M. McDANIEL
Certified Financial Planner

803-750-4848
Fax: 803-750-4928

RECEIVED

April 30, 2010

JUN 01 2010

Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202

Department of Health & Human Services
OFFICE OF THE DIRECTOR

To Whom It May Concern:

I would like to respectfully request pursuant to the South Carolina Freedom of Information Act (FOIA), information regarding employees' names, addresses and their employment status of any and all full or part-time employees, who are currently participating in the South Carolina Deferred Compensation Program who work in Richland, Lexington, and Newberry counties and who were born prior to January 1, 1956.

If you are unable to provide the above referenced information in its entirety, please advise as to how I may obtain the information and the reason for the refusal. Also, please advise me of the format in which I will receive the information and if there are any costs associated.

Sincerely,



Craig M. McDaniel CFP, CLU

CMM/MEC

Securities offered through Capital Investment Group, Inc.

17 Glenwood Avenue Raleigh, NC 27603 Member FINRA/SIPC

Craig M. McDaniel and The McDaniel Corporation are affiliated with Capital Investment Advisory Services, LLC

May 17, 2010

Craig M. McDaniel, CFP, CLU
The McDaniel Corporation
6156 St. Andrews Rd., Suite 108
Columbia, SC 29212

Re: FOIA Request

Dear Mr. McDaniel:

This is in response to your two recent requests for information from the South Carolina Department of Health and Human Services (DHHS) pursuant to the South Carolina Freedom of Information Act (FOIA). Your requests, both dated April 30, 2010, were received in our Office of Human Resources on May 4, 2010.

In one of your letters, you request "information regarding employees' names, addresses and their employment status of any and all full or part-time employees, who are currently participating in the South Carolina Deferred Compensation Program who work in Richland, Lexington, and Newberry counties and who were born prior to January 1, 1956." In your other letter, in addition to the current employment status and names of all DHHS full time employees, you request "any and all names of persons who as of January 1, 2010 had 27 years or more of service with your agency or a combination of state services totaling 27 years or more of service and who work in Richland, Lexington, or Newberry counties. Also, please indicate which employees participate in the TERI program."

Pursuant to S.C. Code Section 30-4-50, certain matters have been declared public information. These matters are:

- (1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;
- (2) administrative staff manuals and instructions to staff that affect a member of the public;
- (3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;
- (5) written planning policies and goals and final planning decisions;
- (6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- (7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30-4-70;

Craig M. McDaniel, CFP, CLU

May 17, 2010

Page 2

- (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.
- (9) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

You may access the names of all of our employees, both full and part-time, by visiting <http://webprod.cio.sc.gov/DirectWeb/agencySearch.do>. For salary information, you may visit <http://www.thestate.com/salaries/?appSession=004153708289475>. We are also able to provide the dates of employment of all of our employees.

However, employee addresses, employee participation in the South Carolina Deferred Compensation Program, employee participation in the TIERI program, county location, and birth date information has not been designated as public information and we consider this information to be of a personal nature, the public disclosure of which would constitute an unreasonable invasion of personal privacy. Therefore, such information is exempt from disclosure pursuant to S.C. Code Section 30-4-40(a)(2). Further, pursuant to S.C. Code Section 30-4-50(b), the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a FOIA request may not be utilized for commercial solicitation.

If you remain interested in receiving the dates of employment of all of our employees, please let me know. The cost to provide this information would be approximately \$24.00. You may reach me directly at 803-898-0218.

Sincerely,



Byron R. Roberts
Assistant General Counsel

BRR/b

Log # 0004064
000407

May 17, 2010

Craig M. McDaniel, CFP, CLU
The McDaniel Corporation
6156 St. Andrews Rd., Suite 108
Columbia, SC 29212

Re: FOIA Request

Dear Mr. McDaniel:

This is in response to your two recent requests for information from the South Carolina Department of Health and Human Services (DHHS) pursuant to the South Carolina Freedom of Information Act (FOIA). Your requests, both dated April 30, 2010, were received in our Office of Human Resources on May 4, 2010.

In one of your letters, you request "information regarding employees' names, addresses and their employment status of any and all full or part-time employees, who are currently participating in the South Carolina Deferred Compensation Program who work in Richland, Lexington, and Newberry counties and who were born prior to January 1, 1956." In your other letter, in addition to the current employment status and names of all DHHS full time employees, you request "any and all names of persons who as of January 1, 2010 had 27 years or more of service with your agency or a combination of state services totaling 27 years or more of service and who work in Richland, Lexington, or Newberry counties. Also, please indicate which employees participate in the TERI program."

Pursuant to S.C. Code Section 30-4-50, certain matters have been declared public information. These matters are:

- (1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;
- (2) administrative staff manuals and instructions to staff that affect a member of the public;
- (3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;
- (5) written planning policies and goals and final planning decisions;
- (6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- (7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30-4-70;

Craig M. McDaniel, CFP, CLU

May 17, 2010

Page 2

- (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.
- (9) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

You may access the names of all of our employees, both full and part-time, by visiting <http://webprod.cio.sc.gov/DirectWeb/agencySearch.do>. For salary information, you may visit <http://www.thestate.com/salaries/?appSession=004153708289475>. We are also able to provide the dates of employment of all of our employees.

However, employee addresses, employee participation in the South Carolina Deferred Compensation Program, employee participation in the TERI program, county location, and birth date information has not been designated as public information and we consider this information to be of a personal nature, the public disclosure of which would constitute an unreasonable invasion of personal privacy. Therefore, such information is exempt from disclosure pursuant to S.C. Code Section 30-4-40(a)(2). Further, pursuant to S.C. Code Section 30-4-50(b), the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a FOIA request may not be utilized for commercial solicitation.

If you remain interested in receiving the dates of employment of all of our employees, please let me know. The cost to provide this information would be approximately \$24.00. You may reach me directly at 803-898-0218.

Sincerely,



Byron R. Roberts
Assistant General Counsel

BRR/b