

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Roberts/FOIA	9-12-13

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER 000106	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____
cc: Cox Cleared 9/26/13, letter attached	<input checked="" type="checkbox"/> FOIA DATE DUE 9-27-13
	<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.			

Brenda James

From: Colleen Mullis
Sent: Wednesday, September 11, 2013 4:33 PM
To: Brenda James
Cc: Kim Cox
Subject: FW: FOIA request
Attachments: AP FOI request - DHHS 9-11-13.doc

Brenda can you log this request and distribute it for fulfillment.

Vicki Johnson has been working on similar requests so you may want to put a note to send it to her on the cover sheet.

Thank you.

Colleen

From: Adcox, Seanna M. [<mailto:SAdcox@ap.org>]
Sent: Wednesday, September 11, 2013 4:29 PM
To: Office of Communications
Cc: Colleen Mullis
Subject: FOIA request

Please confirm that this has been received.

Thanks,

Seanna Adcox
The Associated Press
Columbia, SC

(803) 799-5510, office
(803) 767-8563, cell

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1898 and delete this email. Thank you.

[IP_US_DISC]

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Associated Press

**1401 Shop Road, Columbia, S.C. 29201
(803) 799-5510**

Sept. 11, 2013

Colleen Mullis
Office of Communications
South Carolina Health and Human Services

Dear Ms. Mullis:

This is a request under the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 (the "Act"). I am making this request in my capacity as a full-time journalist with The Associated Press.

Pursuant to the Act, I am requesting a copy of the personnel file of former DHHS employee Christopher Lykes Jr. This request includes, but is not limited to, any and all documents, notes, or emails, in whatever tangible or physical form, that relate to the requested records.

I would like to receive the information in electronic format. I note that under the Act, "records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. S.C. Code Ann. § 30-4-30(b).

I ask that you waive any and all fees associated with this request pursuant to S.C. Code Ann. § 30-4-30(b). I am making the request as an AP reporter and this request is made as part of newsgathering. Release of the information will primarily benefit the general public because it will provide information on the work records of a former employee charged with stealing patients' data. If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. I remind you that the State must furnish documents "at the lowest possible cost to the person requesting the records" and that a public body may not collect fees exceeding the "actual cost of searching for or making copies of records." S.C. Code Ann. § 30-4-30(b).

If this request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act, and inform me of appeals procedures available to me under the law. I also expect

you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. †

Under the Act, this request must be acted upon as soon as possible, but in no event later than fifteen (15) business days following receipt of this letter. S.C. Code Ann. § 30-4-30(c). If your response is not mailed or personally delivered to me within 15 days of this letter, AP's request is considered approved. S.C. Code Ann. § 30-4-30(c).

As I am making this request as a journalist and the information is of timely value, I would appreciate your communicating with me by telephone (office: 803-799-5510; or cell: 803-767-8563; or by e-mail: sadcox@ap.org), rather than by mail, if you have questions regarding this request

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

Thank you for your assistance.

Sincerely,

Seanna Adcox

Associated Press

Office: 803-799-5510; Cell: 903-767-8563



TO:

FROM:

SUBJECT: Cost of Processing FOIA Request #

The South Carolina Department of Health and Human Services has received and processed your FOIA request. The cost for processing this information is as follows:

Staff processing time at \$10.00 per hour	_____ Hours	\$_____
Pages copied at \$.10 per page	_____ Pages	\$_____
Pages faxed at \$.20 per page	_____ Pages	\$_____
Shipping and Handling Costs		\$_____
Other costs associated with the FOIA request:	_____	\$_____
Total Amount Due SCDHHS:		\$_____

Please remit the above amount to the following address:

Bureau of Fiscal Affairs
South Carolina Department of Health and Human Services
Post Office Box 8297
Columbia, South Carolina 29202-8297

Please contact _____ should you have any questions.

Signature

Date:



September 26, 2013

Ms. Seanna Adcox
The Associated Press
1401 Shop Road
Columbia, SC 29201

Dear Ms. Adcox:

Your Freedom of Information Act request dated September 11, 2013 was referred to me for handling. You requested "a copy of the personnel file of former DHHS employee Christopher Lykes Jr."

As you may know, "information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy" is exempt from disclosure under S.C. Code Ann. §30-4-40(a)(2). As to personnel records which contain evaluations, comments, health information, tax ID numbers, emergency contacts, etc., the General Assembly has specifically made some of that information available to the public in S.C. Code Ann. §§30-4-40(a)(6) (compensation or ranges of compensation), 30-4-40(a)(13) (certain employment application information) and 30-4-50(A)(1) (names, sex, race, title and dates of employment of all employees and officers of public bodies). Therefore, we have enclosed the information from Mr. Lykes' personnel records that the statutes allow. You will be able to track that information back to the statute by its composition. This information consists of:

- a) Mr. Lykes successful employment application redacted as allowed in the statute;
- b) Demographic information releasable under the statute;
- c) Mr. Lykes last salary range within the agency.

Our expense for assembling this information is Ten and Eighty Hundredths dollars (\$10.80). Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services
Department of Receivables
Post Office Box 8297
Columbia, SC 29202-8297

If there are any questions, please feel free to contact me at the address below or at my direct line: (803) 898-2648.

Sincerely,

Vicki Johnson
Assistant General Counsel

VJ/lb

cc: Lynette Wilson

Enclosure

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

Wiki
RECEIVED

SEP 13 2013

ACTION REFERRAL

SCDHHS
Office of General Counsel

TO	DATE
Roberts/FOIA	9-12-13

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SEP 13 2013

DHHS
Office of General Counsel

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[IP_US_DISC]

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SEP 13 2013

SCDHHS
Office of General Counsel

Sept. 11, 2013

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Please contact _____ should you have any questions.

Signature

Date: