VIA E-MAIL

South Carolina State Ports Authority
176 Concord Street
P.O. Box 22287
Charleston, SC 29413
FOIA@SCSPA.com

Re: Freedom of Information Act Request – Polling related to Charleston cruise operations, conservation groups, elected officials, and private individuals.

Dear Sir or Madam:

On behalf of the South Carolina Coastal Conservation League (the League) and pursuant to the South Carolina Freedom of Information Act (FOIA), S.C. Code Ann. § 30-4-10 et seq., the Southern Environmental Law Center (SELC) requests access to all public records, documents, and communications related to the South Carolina State Ports Authority’s (SPA) commission of opinion polling regarding cruise operations in Charleston, South Carolina, including polling concerning conservation groups, elected officials, and private individuals including Dana Beach, the League’s executive director.

Under South Carolina law, “public record” for the purposes of this request includes all documentary materials concerning the polling, regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. S.C. Code Ann. § 30-4-20(c). This request specifically includes all polling questions, polling results, notes, and communications between SPA and its contractors, including electronic correspondence, which may be produced in either printed or electronic format.

A response to this request is required within 15 days of receipt of this request. S.C. Code Ann. § 30-4-30(c). If written notification of the determination of the public body as to the availability of the requested public records is neither mailed nor personally delivered to the person requesting the document within 15 days, the request must be considered approved. Id.

In addition to making responsive documents available for request, should you determine that certain documents are responsive to this request and choose not to produce them on the basis of any claimed privilege or exemption from disclosure, we request that you produce a detailed list of those documents including the date of the document; the authors and recipients; the subject matter of the document; and the basis for the claimed exemption or privilege from disclosure. Further, where a document contains specific information that you claim is exempt or privileged, we request that you simply redact the information so claimed.
S.C. Code § 30-4-30(b) provides that documents may be furnished without charge or at a reduced charge where the agency determines that furnishing the information can be considered as primarily benefiting the general public. Because the requestors are non-profit organizations with a long history of communicating with the general public on matters of conservation and environmental protection, disclosure of the requested records would be in the public interest. We therefore request a waiver of fees under Section 30-4-30(b).

Should SELC’s request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, we request that you contact SELC before processing this request if the fee is expected to be in excess of $200. SELC reserves its right to appeal a fee waiver or reduction denial.

In addition, because the volume of records responsive to our request may be large, we are willing to work with your agency to minimize the work necessary to respond. We are available to review documents prior to any duplication and are willing to discuss other ways to facilitate your response to our FOIA request.

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please feel free to call me at (843) 720-5270.

Sincerely,

/s/
J. Blanding Holman, IV
Southern Environmental Law Center