

In the Court of Common Pleas of South Carolina
[#] Judicial Circuit
[Name] County

[PLAINTIFF'S FULL NAME],
Plaintiff,
v.
[PUBLIC BODY'S FULL NAME],
Defendant.

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) **Civil Action No. [#]**
) **The Honorable [Judge's Name]**
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COMPLAINT

This is a lawsuit seeking to enforce the right to inspect public records pursuant to the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. § 30-4-10 (2013), *et seq.* On [Date], Plaintiff [Plaintiff's Full Name], a South Carolina student journalist, requested data from Defendant [Public Body's Full Name] relating to [description of issue]. Through [his/her] reporting, [Mr./Ms.] [Plaintiff's Last Name] seeks to inform the public about [description of events that caused the issue and/or the importance of issue]. Regrettably, [Public Body's Abbreviated Name] has denied [Mr./Ms.] [Plaintiff's Last Name]'s requests for [access to/copies of] the requested records, in violation of S.C. Code Ann. § 30-4-30. This Court's intervention is consequently required.

Jurisdiction and Venue

1. This action arises under the authority vested in this Court by virtue of S.C. Code Ann. § 14-5-310, *et seq.*, and § 30-4-100.

2. All matters complained of in this action occurred in [City], which is located in [Name] County. Venue for this action is therefore proper in [Name] County, South Carolina, pursuant to S.C. Code Ann. § 15-7-10, *et seq.*

Parties

3. Plaintiff [Plaintiff's Full Name] is a citizen and resident of [Name] County, South Carolina, and is a "person" as that term is defined in S.C. Code Ann. § 30-4-20(b). [Mr./Ms.] [Plaintiff's Last Name] was [Title] of the student newspaper at [High School/University] during the time period at issue.

4. Defendant [Public Body's Full Name] is a "public body" as that term is defined in S.C. Code Ann. § 30-4-20(a), and is therefore subject to the disclosure requirements set forth in the FOIA. Defendant maintains its primary place of business at [Address], is a legal resident of [Name] County, South Carolina, and is amenable to service of process in [Name] County. At all times relevant to the facts herein, Defendant acted by and through its agents, servants, or employees.

Background

5. The allegations set forth in the foregoing paragraphs 1-4 are incorporated herein by reference.

6. [Describe Plaintiff's initial attempts to obtain the requested records prior to the transmission of the written FOIA request.]

7. On [Date], Plaintiff made a written FOIA request to Defendant, in which Plaintiff asked to [inspect/copy] public records pursuant to S.C. Code Ann. § 30-4-30(a). A true and correct copy of Plaintiff's written FOIA request to Defendant is attached hereto as Exhibit A.

8. Plaintiff's written FOIA request sought disclosure of [description of records requested]. Plaintiff's FOIA request further requested that Defendant waive all fees associated with searching and for copying these public records, on the grounds that the disclosure of the requested information is in the public interest and will contribute significantly to the public's

understanding of [description of issue]. Plaintiff's FOIA request also asked that, if Defendant did not agree to the requested waiver, it notify [him/her] if the cost for copying the requested public records would exceed \$[#].

9. [Describe the way in which Plaintiff properly delivered his/her written FOIA request to the South Carolina public body.]

10. [Describe any response received from the South Carolina public body. Make sure to (a) include the dates of all correspondences, (b) describe what types of materials the public body declined to produce, and (c) describe the public body's stated reasons for withholding documents.] [Attach as Exhibits B, C, etc. any further communications between Plaintiff and the South Carolina public body.]

11. Defendant's production remains incomplete and does not include all non-exempt public records in Defendant's custody or control that are subject to the FOIA. In particular, Plaintiff knows, or believes based on the best available information, that Defendant possesses [describe any withheld documents known to exist] that it has yet to produce.

Count One: Violation of the South Carolina Freedom of Information Act

12. The allegations set forth in the foregoing paragraphs 1-11 are incorporated herein by reference.

13. S.C. Code Ann. § 30-4-30(a) provides that "[a]ny person has a right to inspect or copy any public record of a public body, except as otherwise provided by § 30-4-40, in accordance with reasonable rules concerning time and place of access." S.C. Code Ann. § 30-4-30(c) provides that a South Carolina public body in receipt of a written FOIA request "shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of

any such request notify the person making such request of its determination and the reasons therefor.”

14. Plaintiff had a right to inspect or copy the records described in his/her records request because they constitute “public records,” as that term is defined in S.C. Code Ann. § 30-4-20(c), and are not exempt from disclosure under S.C. Code Ann. § 30-4-40.

15. [IF APPLICABLE: Defendant did not notify Plaintiff of any determination regarding Plaintiff’s written records request, or the reasons for any such determination, within fifteen business days after receipt of Plaintiff’s request. Plaintiff’s request must therefore be considered approved pursuant to S.C. Code Ann. § 30-4-30(c).]

16. Defendant violated the FOIA by failing to permit Plaintiff to inspect, and by failing to provide Plaintiff with copies of, all public records requested in Plaintiff’s written document request. [IF APPLICABLE: Defendant further violated the FOIA by withholding records in full based on its contention that portions of the records are exempt from disclosure. Defendant was required pursuant to S.C. Code. Ann. 30-4-40(b) to “separate the exempt and nonexempt material and make the nonexempt material available in accordance with the requirements of this chapter.”]

Count Two: [Possible additional allegations may be applicable if some, but not all, of the requested document were provided.]

17. The allegations set forth in the foregoing paragraphs 1-16 are incorporated herein by reference.

18. With respect to the partial production of public records that it did make, Defendant also violated FOIA’s requirement that records “be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned.” *See*

S.C. Code Ann. § 30-4-30(b). [Describe how the South Carolina public body failed to provide the requested documents in a convenient and practical form.]

19. With respect to the partial production of public records that it did make, Defendant additionally violated the FOIA's prohibition against charging only the "actual cost of searching for or making copies of records," and failed to satisfy the requirement that "[t]he records . . . be furnished at the lowest possible cost to the person requesting the records." *See* S.C. Code Ann. § 30-4-30(b). [Describe how the South Carolina public body charged more than the actual costs of producing the requested documents.]

20. The production of the requested documents is in the public interest because [Describe the way in which the information contained in the requested documents benefits the general public]. Therefore, Defendant should have furnished the requested records to Plaintiff without charge or at a reduced charge.

21. By failing to give Plaintiff access to and copies of the public records Plaintiff requested, [and by its other actions described above,] Defendant has violated and is continuing to violate Plaintiff's rights under FOIA. Defendant's violations of FOIA have caused and are causing Plaintiff irreparable injury for which no adequate remedy at law exists.

Prayer for Relief

Wherefore Plaintiff respectfully requests that the Court enter an order awarding the following relief, as authorized by S.C. Code Ann. § 30-4-100:

1. A declaratory judgment that Plaintiff is entitled to inspect and obtain copies of all documents requested in Plaintiff's written FOIA request, which is attached hereto as Exhibit A.

2. An injunction requiring Defendant to produce immediately the public records requested in Plaintiff's written FOIA request, which is attached as Exhibit A to this Complaint,

Exhibit A

[Plaintiff's Full Name]
[Plaintiff's Street Address]
[Plaintiff's City, State, and Zip Code]
[Plaintiff's Phone Number]
[Plaintiff's E-mail Address]

[Date]

[Public Body Custodian of Records' Full Name and Title]
[Public Body's Full Name]
[Public Body's Street Address]
[Public Body's City, State, and Zip Code]

Dear [Mr./Ms.] [Last Name of Public Body Custodian of Records]:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 *et seq.*, I am requesting from [Public Body's Full Name] (“[Public Body's Abbreviated Name]”) an opportunity to inspect or obtain copies of [Describe the public records sought with enough detail for the public body to respond].

I am also requesting a waiver of all fees associated with searching for and copying these public records, on the grounds that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of [Description of issue]. *See* S.C. Code Ann. § 30-4-30(b). If [Public Body's Abbreviated Name] does not agree to the requested waiver, please notify me if the cost for copying the requested public records exceeds \$[#].

The South Carolina Freedom of Information Act requires that public bodies respond to FOIA requests within 15 business days. *See* S.C. Code Ann. § 30-4-30(c). If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect the copies or the ability to inspect the requested records. If [Public Body's Abbreviated Name] denies any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

[Plaintiff's Full Name]