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October 26, 2022

VIA E-MAIL ONLY

Michael A. Whitsitt, Esq.
The Whitsitt Law Firm
1476 Ben Sawyer Boulevard, Suite 3
Mount Pleasant, SC 29464

RE: Freedom of Information Act Request

Dear Michael:

As I previously advised you, our firm represents Beaufort County School District. I am in receipt of your e-mail dated October 12, 2022, which included a request for information pursuant to the South Carolina Freedom of Information Act ("FOIA"). Specifically, you requested:

... copies of all communications referencing [Dr. Deidre Moss-Pinkney] sent in the past year to or from Carla Shelton (with appropriate redactions for any student information as per FERPA).

RESPONSE:

The District will make public records responsive to this request available to you under the FOIA, §30-4-30, subject to the exemption and redaction of records that are exempt from disclosure pursuant to the FOIA, including §§ 30-4-40(a) (2) and (4). The District is also unable to produce confidential student educational records, as they are protected from disclosure under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

Due to the nature of records requested, which could include many routine emails at the school level, the District estimates that more than 747 email records will be responsive to your request. As authorized by the FOIA, §30-4-30, the District will require a deposit of \$281.00 **[25% of the total]** prior to making responsive records available. This deposit is based upon the fee that the District will need to charge for the search, retrieval and redaction of records based on the time required of the designated staff member, which will amount to approximately 25 hours of work at the employee's hourly rate of \$44.96 per hour for a total of \$1,124.00. Additionally, there will be a cost for the copies. If the total costs turn out to be less than the deposit amount, the difference will be reimbursed to you. Otherwise, the remainder will be billed to you.

• Retired ♦ Certified Mediator

♦ Also admitted in North Carolina □ Also admitted in Georgia ▷ Also admitted in New Jersey

Once the records are printed, the District will have to review each record one by one to identify exempt records, or records containing exempt information, based on all the exclusions referenced above. This process will need to take place before the records can be produced to you. The District will withhold taking any further action with respect to production of the records responsive to your FOIA request otherwise subject to disclosure until it has received the requested deposit from you. Additionally, if you would like to narrow your request for records, we can provide you with a revised cost estimate.

If, instead, you intended to request a copy of Dr. Deidre Moss-Pinkney's personnel file, Dr. Moss-Pinkney has access to her personnel file at all times through her account in Frontline. She can use her login to view the file.

With kind regards, I am

Sincerely yours,

A handwritten signature in black ink that reads "Kathryn Long Mahoney". The signature is fluid and cursive, with the first name "Kathryn" being more prominent than the last name "Mahoney".

Kathryn Long Mahoney
kmahoney@hmwlegal.com

/drh

c: Wendy Cartledge, Esq.
Alice Walton