

EXECUTIVE ORDER NO.

2019-21

WHEREAS, on May 19, 2017, the undersigned signed Act No. 67 of 2017, which amended certain provisions of the South Carolina Freedom of Information Act (“FOIA”), codified as amended at Title 30, Chapter 4 of the South Carolina Code of Laws; and

WHEREAS, as expressly noted in section 30-4-15 of the South Carolina Code of Laws, “it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy”; and

WHEREAS, pursuant to article IV, section 15 of the South Carolina Constitution, as Governor of the State of South Carolina, the undersigned “shall take care that the laws be faithfully executed”; and

WHEREAS, in furtherance of the foregoing, the undersigned requested that the State Inspector General conduct a comprehensive study and survey of Cabinet agencies and public higher education institutions regarding the implementation of FOIA and related practices and procedures; and

WHEREAS, on June 19, 2019, the State Inspector General published a report, titled “Study of Executive Branch State Agencies Freedom of Information Act Policies and Fee Schedules,” which documents the findings of the aforementioned survey and review and any corresponding recommendations.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct that all Cabinet agencies shall conduct a comprehensive review of existing FOIA policies, practices, and procedures to ensure that the same are compliant with both the letter and the spirit of FOIA. I further order that, on or before December 31, 2019, all Cabinet agencies shall submit a report to the undersigned confirming their compliance with the foregoing directive and identifying any resulting amendments, revisions, or adjustments to their FOIA policies, practices, or procedures. In reviewing existing FOIA policies, practices, and procedures and in making any necessary or appropriate amendments, revisions, or adjustments thereto, all Cabinet agencies shall utilize the findings and recommendations set forth in the State Inspector General’s June 19, 2019 report.

In furtherance of the aforementioned principles and considerations, it is further advised and recommended that executive agencies not in the undersigned’s Cabinet or otherwise subject to the undersigned’s direct authority shall likewise act in accordance with this Order and the foregoing directives. This Order is effective immediately.

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June 20, 2019

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 20th DAY OF
JUNE, 2019.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State