

Regulation 61-117

Access to Restricted Information

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SC DEPARTMENT of
**ENVIRONMENTAL
SERVICES**

Statutory Authority:	S.C. Code Section 30-4-45
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A. Purpose and Scope.

This regulation applies to information that has been designated pursuant to Code Section 30-4-45(A) or (B) for release.

B. Definitions.

1. “Department” means the Department of Health and Environmental Control.
2. “Governmental functions” means the official activities of a state, federal, or local governmental entity.
3. “Department’s Headquarters” means the Department’s office at 2600 Bull Street, Columbia, South Carolina.
4. “Requestor” means the individual or entity requesting access to Restricted Information.
5. “Restricted Information” means any information in the possession of the Department that is designated and identified by the Department in the written notification to the Attorney General pursuant to S.C. Code Section 30-4-45(B).
6. “Vulnerable zone” means a circle, the center of which is within the boundaries of a facility possessing hazardous, toxic, flammable, radioactive, or infectious materials subject to S.C. Code Section 30-4-45 and the radius of which is that distance a hazardous, toxic, flammable, radioactive, or infectious cloud, overpressure, radiation, or radiant heat would travel before dissipating to the point it no longer threatens serious short-term harm to people or the environment.

C. Release of Restricted Information.

1. Restricted Information, if not otherwise exempt from disclosure pursuant to applicable law, may be released to state, federal, and local authorities as required to carry out official governmental functions, as follows:
 - a. The requestor must appear in person at the Department’s Headquarters and must sign a register and show photographic identification issued by a state, federal or local government agency; and
 - b. The requestor must provide a written statement that: describes the intended use of the Restricted Information being requested; describes the format and medium for access to the requested information; attests that the requested information will be for official use only; and certifies that the requested information will not be released further except as required to carry out official governmental functions and in accordance with Code Section 30-4-40(c).
2. If copies are requested, the requestor must pick them up at the Department’s Headquarters in person, or by official courier. Copies will not be mailed, faxed, e-mailed, or sent by delivery service. An official courier who picks up requested copies must appear in person at the Department’s Headquarters and must sign a register and show photographic identification issued by a state, federal, or local governmental agency.
3. The Department may provide state, federal or local government officials or their authorized representatives access to Restricted Information that is maintained on an electronic data system provided such access is controlled (eg. password protected) and the information is necessary to carry out official governmental functions.

D. Disclosure in Vulnerable Zone.

1. Persons living or working within a vulnerable zone will be provided Restricted Information as follows:
 - a. The requestor must provide written verification of the location and address of his/her home or place of business along with a photographic identification.
 - b. The Department will determine whether the location lies within the vulnerable zone of any facility for which Department records are requested.
 - c. If the location for which the Restricted Information is sought does not lie within the vulnerable zone of any facility, the Department will so notify the requestor and will deny the request.
 - d. If the location lies within the vulnerable zone of any facility or facilities, the requestor will be provided an opportunity to review the Restricted Information that identifies the facility, shows the vulnerable zone on a local area map, and identifies the nature of the event for which the vulnerable zone was determined.
2. The requestor may review the Restricted Information at the Department's Headquarters and may take written notes, but will not be provided with copies or be allowed to make copies, scans, photographs, or otherwise duplicate the information.

E. Special Requests.

1. Restricted Information, if not otherwise exempt from disclosure pursuant to applicable law, may be released in response to a special request, as follows:
 - a. The requestor must demonstrate to the satisfaction of the Department that the Restricted Information, if released, will be used solely for the purpose of conducting academic or scientific research, advance knowledge about South Carolina's environment, or otherwise be of benefit to the state;
 - b. The requestor must appear in person at the Department's Headquarters and must sign a register and show photographic identification issued by the agency or organization for which the requestor is conducting research; and
 - c. The requestor must provide a written statement that: describes the intended use of the Restricted Information being requested; describes the format and medium for access to the requested information; provides that the requested information will be for research purposes only; and certifies that the requested information will not be released further.
2. If copies are requested, the requestor must pick them up at the Department's Headquarters in person, or by official courier. Copies will not be mailed, faxed, e-mailed, or sent by delivery service. An official courier who picks up requested copies must appear in person at the Department's Headquarters and must sign a register and show photographic identification issued by the agency or organization for which the requestor is conducting research.

F. Requests for Restricted and Unrestricted Information.

1. Upon receipt of a request that seeks both Restricted Information and unrestricted information, the Department will segregate restricted and unrestricted information in response to the request.

2. Those documents containing only unrestricted information will be provided in accordance with normal Department procedures. So much of the request as seeks Restricted Information will be responded to in accordance with Code Section 30-4-40(c) and this regulation.

G. Customary Charges for Copies.

The Department's customary charges authorized in S.C. Code Section 30-4-30 for searching and making copies of records are applicable to requests for release of Restricted Information covered by this regulation.