

South Carolina needs strong Freedom of Information Act

Staff Reports

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It's probably fair to say a lot of people in our society feel a healthy dose of skepticism toward many politicians.

It's not unreasonable to feel that way, either.

After all, if you read the paper or watch the news, it's not very hard to find reasons to raise your eyebrows, or even your voice, over decisions they make about spending your money.

I really do believe that most elected officials try to be considerate in making these decisions. And some positions in government are actually designed with specific watchdog functions to help ensure the public interest is being protected.

My office — the comptroller general's office — is one of these positions. That's why I support an effort that has been gathering steam for several years to strengthen our state's Freedom of Information Act.

The FOIA is one of the people's best safeguards against cozy deal-making and government secrecy.

By taking just a few minutes to submit a request following the guidelines of this law, citizens can access most state and local government records. These include contracts, public employee salaries, communications — you name it. (The FOIA and a citizens guide to the law are available on the South Carolina Press Association website: <http://scpress.org/foia.html>.)

It's not just governmental bodies that are subject to the law, though. Any entity that receives or spends public funds needs to comply with it. That includes museum commissions, arts groups and all sorts of nonprofits and public-private partnerships.

To be sure, this law is a powerful weapon in the battle for better transparency by government. And along those same lines, the FOIA goes hand in hand with the role of my office.

But what exactly is a "comptroller general," you might ask?

Well, my position is basically the state's chief financial officer and its chief accountant. It's my job to make sure the state's books stay balanced. For that to happen, the right kinds of internal controls over the flow of money must be in place.

So by its very nature, the role of comptroller general is one of a watchdog. My agency, in a manner of speaking, is in the business of good government.

That's why, for example, I created the South Carolina Fiscal Transparency website, www.cg.sc.gov/fiscaltransparency/Pages/default.aspx, and made it a part of my own agency's website. Using the transparency site, citizens can quickly find out how state agencies, publicly funded colleges, many local governments and all school districts in the state are spending taxpayers' money — and even how South Carolina's stimulus funds have been spent.

The expenditures are detailed right down to specific recipients and amounts.

So it is in this spirit of open, honest government that I throw my full support behind the effort to improve and strengthen the state's Freedom of Information Act.

Here's the thing: Although it's a good law, it has some serious loopholes — and sometimes public bodies exploit those weaknesses to stymie requests for information.

Don't just take it from me: Several national good-government groups, including the Center for Public Integrity, have rated our state's sunshine law among the weakest in the country.

For instance, there's no deadline in the law telling government entities when they must actually provide requested information. That allows them to drag their feet if they so choose.

The law also gives public bodies the room to charge costly fees for providing information to the public, and some may do so as a punitive measure to discourage requests. (As a general rule, my office does not charge to comply with FOIA requests, unless they are submitted by for-profit parties and are burdensome to provide.)

State Rep. Bill Taylor from Aiken County has a solution to the problems with our FOIA. Taylor has introduced a bill to close the loopholes and strengthen the law in ways that better serve the public interest and also are fair to government entities.

(It should be noted that some people send out voluminous FOIA requests that take many hours, and many tax dollars for compiling and copying records, to fulfill.)

At any rate, an ethics reform commission created by Gov. Nikki Haley released its recommendations in January and included improving the FOIA among its suggestions.

The commission's proposed changes closely resemble Rep. Taylor's bill, which is in the House and could be approved at the committee level very soon.

Taylor, who spent many years in TV news at all levels, says some folks misperceive his bill as being all about the media. "It isn't," he says. "It's really just the concept of transparency in government. We just need to have it, and that's all."

He adds, "I call mine the people's bill."

That's a perfect name for it to me. I urge the General Assembly to pass Taylor's bill and send it to Haley for her approval.

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NOTE: On Tuesday, the House Judiciary Committee passed an amendment to Rep. Bill Taylor's FOIA bill that would change the legislative exemption, but then voted to delay action on the bill for a week.



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