

May 16, 2007

The Honorable John M. Knotts, Jr.  
Senator, District No. 23  
P. O. Box 142  
Columbia, South Carolina 29202

Dear Senator Knotts:

You have asked for clarification as to a recent opinion to you regarding the question of whether a municipal law enforcement officer is authorized to routinely require a driver to provide his or her social security number upon being stopped for a traffic offense.

Consistent with the earlier opinion, in the opinion of this office, a municipal law enforcement officer is not permitted to routinely ask a driver to provide his or her social security number upon being stopped for a traffic offense. As stated in the earlier opinion, “[t]o do so could potentially constitute an unreasonable invasion of privacy under this State’s freedom of information act as well as constituting a violation of the federal Privacy Act of 1974 and the constitutionally protected right to privacy.” Therefore, an officer should not routinely request such information as part of a stop for a traffic offense.

If there is anything further, please advise.

Sincerely,

Henry McMaster  
Attorney General

By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Assistant Deputy Attorney General