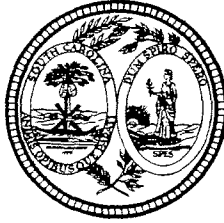


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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

December 16, 2004

Mr. Gregory S. Krabbe
City Ordinance Inspector
City of Seneca
Office of Clerk/Treasurer
225 E. North First Street
Seneca, South Carolina 29678

Dear Mr. Krabbe:

In a letter to this office you questioned whether a municipal police department and a clerk/treasurer's office are permitted to share information between them for official business purposes and the enforcement of codes. You indicated that in such circumstances, the requestor of information would be identified as with any other request.

Certain statutes authorize the sharing of information between governmental officials in specific instances. For instance, S.C. Code Ann. § 43-35-60 (Supp. 2003) provides that as to adult protection, "(u)nless otherwise prohibited by law, a state agency, an investigative entity, and law enforcement may share information related to an investigation conducted as a result of a report made under this chapter." It is further provided that information in these investigative records must not be disclosed publicly. Another provision, S.C. Code Ann. § 44-49-40 (2002) states that the Department of Alcohol and Other Drug Abuse Services "...shall arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances."

Even where the disclosure of information is prohibited, such as proscribed in S.C. Code Ann. § 6-1-120 (2004), which provides for the confidentiality of county or municipal taxpayer information, an exception is made for the sharing of information between public officials. Such statute provides:

Except in accordance with a proper judicial order or as otherwise provided by the Freedom of Information Act, it is unlawful for an officer or employee of a county or municipality, or the agent of such an officer or employee to divulge or make known in any manner the financial information, or other information indicative of units of units of goods or services sold, provided by a taxpayer included in a report, tax return, or application required to be filed by the taxpayer with that county or municipality...(in the named circumstances)....(However)...(n)othing in this section

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prohibits the...(3) sharing of data between public officials or employees in the performance of their duties.

An opinion of this office dated January 18, 1991 noted that:

Disclosure of ordinarily protected information by one governmental employee or department to another where such was necessary to the proper functioning of the city's officials or departments would...(be permitted)...As stated in Parrott v. Rogers, 103 Cal.App. 3d 377, 163 Cal.Rptr. 75 (1980), "(w)e are advised of no law or other authority which precludes investigation or inquiry into any aspect of the acts or records of a city's government, by a city official or employee otherwise authorized by law to do so for the purpose, as noted, for reporting or commenting to the city council or other department "upon the functioning of city government and recommending appropriate policies or changes in policy." Such a disclosure by one official or department to another is not a "public disclosure"...In the exercise of his functions the citizens' assistant, like all other of the City's officials and employees, is subject to the provisions of any law forbidding public, or private disclosure of designated records or information to "citizens" or others.

Additionally, as referenced in another opinion of this office dated July 16, 1987 dealing with the authority of state agencies to exchange information:

Section 30-4-30(a)...(a provision of the Freedom of Information Act)...of the Code provides that "any person has a right to inspect or copy any public record of a public body, except as otherwise provided by § 30-4-40..." The term "person" is defined as "any individual, corporation, partnership, firm, organization or association" by Section 30-4-20(b).

The opinion concluded that assuming a particular state agency fits within the definition of a "person", that agency could make a request for information from public bodies pursuant to the FOIA. Such a similar determination of a "person" could be made as to a particular municipal agency authorizing one agency to request and receive information from another agency where permitted.

I am unaware of any statutory provisions generally prohibiting the sharing of information between a municipal police department and a clerk/treasurer's office for official purposes and the enforcement of codes and, therefore, in my opinion such would be permitted. As you indicated, in such circumstances the requestor of information would be identified. Of course, it is impossible in an opinion of this office to address or anticipate all instances in which an exchange of information could arise. Therefore, if any agency is aware of a specific statute applicable to a particular situation that would forbid the sharing of information, there must be compliance with such provision. Furthermore, any disclosure by one official or department to another would be for official business

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only and should not be disclosed publicly or privately to the public at large unless otherwise specifically permitted..

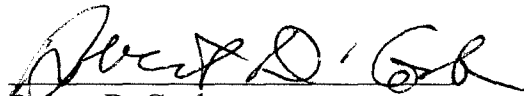
With kind regards, I am,

Very truly yours,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General