

# The State of South Carolina



## Office of the Attorney General

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ATTORNEY GENERAL

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December 21, 1993

James T. McCarter, P.E.  
South Carolina State Board of Registration for  
Professional Engineers and Land Surveyors  
Post Office Box 5048  
Columbia, SC 29250-0408

Dear Mr. McCarter:

You have requested the opinion of this Office as to whether a Register of Mesne Conveyance (RMC) must make available mylar copies of plats. According to the information provided, paper copies and microfilm copies exist of the same document but the mylar copy may, at least upon occasion, be more readable or usable for a surveyor.

Under the Freedom of Information Act, the mylar copies must be made accessible to those requesting copies under the terms of that statute. Under this Act "[a]ny person has a right to inspect or copy any public record...except as otherwise provided by § 30-4-40, in accordance with reasonable rules concerning time and place of access." S.C. Code Ann. § 30-4-30 (a) (1991). The mylar copies appear to be "public record[s]" in that this term includes "...all...papers, maps...or other documentary materials regardless of physical form or characteristics...in the possession of...a public body." (Emphasis added). § 30-4-20 (c). Because the mylar copies appear to be physically different from the microfilm and original plat, they would constitute public records under this definition. None of the exceptions to disclosure in § 30-4-40 appear to apply.

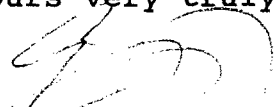
*Request Letter*

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Although the mylar copies are subject to disclosure under this law, I note that under § 30-4-30 (b), "[t]he public body may establish and collect fees not to exceed the actual cost of researching for or making copies of records." The "[f]ees charged...must be uniform for copies of the same record or document." In addition, "reasonable rules" may be made "concerning time and place of access." Id.

I hope that this information will be of assistance to you.

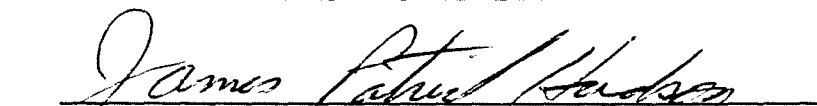
Yours very truly,



J. Emory Smith, Jr.  
Deputy Attorney General

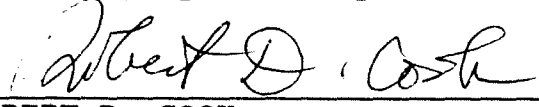
JESjr:ppw

REVIEWED AND APPROVED BY:



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JAMES PATRICK HUDSON  
Chief Deputy Attorney General



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ROBERT D. COOK  
Executive Assistant for Opinions