6082 Library

The State of South Carolina

OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

December 6, 1996

The Honorable Michael L. Fair
Senator, Greenville County
501 Gressette Senate Office Building
P.O. Box 142
Columbia, SC 29202

Dear Mike:

You have requested the advice of this Office as to whether a school district may require its students to use student identification cards which display their social security numbers. According to the information that you have provided, the cards are required for access to the library and for the purchase of food in the cafeteria.

The enclosed prior informal opinion of an attorney in our Office appears to apply here. (July 5, 1996). That letter addressed the federal privacy law at 5 U.S.C. 552a which makes unlawful a Federal, State or local government agency's denial of a "...right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number." Exceptions are made where required by federal law or when required by State or local regulation prior to January 1, 1975. I am not aware of the applicability of any such exceptions to the circumstances that you have described.[1] Accordingly, in the absence of any such exceptions which could be identified by the school district, the district does not appear to have the authority to deny library or cafeteria access to a student refusing to disclose his or her social security number.

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[1] I have not researched all federal regulations concerning matters such as the school lunch program, but if any such exceptions were contained in such regulations, the school district should be aware of them or be able to obtain them.

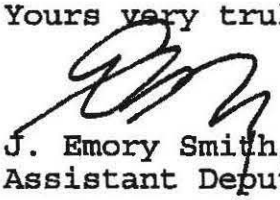
Request Letter

You have also asked what policy sets up an "identification computer system" to accumulate information on students. I am not aware of any authority that would prohibit a school district from maintaining permissible student records by computer. If you have particular questions regarding this matter, please let me know.

This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

I hope that this information is of assistance to you. If you have any questions or need further assistance, please let me know.

Yours very truly,



J. Emory Smith, Jr.
Assistant Deputy Attorney General

JESjr

CC: The Honorable Michael L. Fair
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