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The State of South Carolina



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October 15, 1986

The Honorable Alex Harvin, III  
The Majority Leader  
House of Representatives  
Post Office Box 266  
Summerton, South Carolina 29148

Dear Representative Harvin:

In response to your follow-up letter dated September 24, 1986, the difficulty in formulating a response when information is sought under the Freedom of Information Act, without actually reviewing a particular document and being acquainted with all relevant facts, must be noted.

Section 30-4-20(a), Code of Laws of South Carolina (1985 Cum. Supp.), specifically includes the South Carolina Public Service Authority within the definition of the term "public body." Clearly, then, that entity is subject to the Freedom of Information Act, except as the various exemptions may apply.

As stated in our opinion of September 19, 1986, such a contract as a lease entered into by a state agency subject to the Act (here, the Public Service Authority) would generally be disclosable under the Act. However, the limitations noted in that opinion must still be considered. It is exceedingly difficult to be more specific because, when a request under the Act is received by an agency, each document requested must be reviewed in its entirety to determine whether any or all of the document is subject to disclosure. The agency is then mandated by Section 30-4-40(b) of the Code to separate the exempt from the non-exempt materials prior to disclosure. Because such determination is made on a document-by-document, and perhaps line-by-line, basis, we are able to suggest only generally which limitations to disclosure may apply.

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I regret that we cannot be more specific or clear in this matter but hope you will understand the difficulty in so doing.

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

*Robert D. Cook*

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