

1983 WL 181974 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 18, 1983

*1 Robert M. Bell, Esquire
Aiken County Attorney
P. O. Drawer I
Langley, South Carolina 29384

Dear Mr. Bell:

This is in response to your letter of June 3, 1983, addressed to the Attorney General. You have asked whether a member of the Aiken County Council has the right of access to the personnel records of county employees. You have further asked that, in answering this question, we assume that (1) the council member is conducting a 'one-man' investigation or inquiry and (2) the council member seeks to obtain the personnel records directly from the personnel office instead of going through the County Administrator.

I have enclosed herewith an opinion of this Office dated December 2, 1977, from then Assistant Attorney General Karen L. Henderson to then Richland County Councilwoman Susie B. Newman which answered this very question in the affirmative. That a council member seeks access to personnel records of county employees pursuant to his own investigation or inquiry and that he elects to bypass the County Administrator in seeking access to such records would not, in our opinion, deprive him of his right of access to such records.

As to the dictum in the enclosed opinion concerning the public's right to inspect personnel records pursuant to the Freedom of Information Act, you should be advised that the new Freedom of Information Act, Act No. 593 of 1978, codified at § 30-4-10 et seq., Code of Laws of South Carolina (Cum.Supp. 1982), has substantially altered the public's right of access to information contained within the personnel files of public employees. See § 30-4-40(a)(2) and (6), id.; and compare § 30-4-50(1), id. Although limitation of the general public's right to inspect and copy information in a personnel file pursuant to the Freedom of Information Act does not affect a council member's right to view and copy such information for legitimate and official purposes, the dictum in the enclosed opinion should not be represented as constituting the current state of the law.

Sincerely,

Vance J. Bettis
Assistant Attorney General

1983 WL 181974 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.