

1981 WL 157773 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 12, 1981

**\*1 Re: Lee Roy Martin FOIA File Request**

Mr. J. P. Strom  
Chief  
S. C. Law Enforcement Division  
P. O. Box 21398  
Columbia, SC 29221

Dear Chief Strom:

You have written this office to inquire whether or not the South Carolina Law Enforcement Division must furnish an investigatory file pursuant to a request made by a reporter-writer for the Spartanburg Herald pursuant to the South Carolina Freedom of Information Act.

A review of the Freedom of Information Act, Section 30-4-40, denoted 'Matters Exempt From Disclosure', reveals the following: (a) The following matters may be exempt from disclosure under the provision of this Chapter:

(3) Records of law enforcement and safety agencies not otherwise available by law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:

(A) Disclosing identity of informants not otherwise known;

(B) The premature release of information to be used in a prospective law enforcement action;

(C) Disclosing investigatory techniques not otherwise known outside the government;

(D) By endangering the life, health or property of any person.

The file sought was compiled approximately thirteen (13) years ago. However, it is possible that within the file there may be statements of informants not otherwise known to the public and perhaps investigatory matters secret in nature. In light of

Section 30-4-30(b), which states that:

If any public record contains material which is not exempt under Item (a) of this Section, the public body shall separate the exempt and non-exempt material available for examination.

Therefore, the South Carolina Law Enforcement Division should review the case file, removing the identity of informants unknown to the general public, and removing any investigatory material disclosing techniques secret in nature, along with any other information which might endanger the life, health or property of any person.

If I may be of any further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,

Judith Evans Finuf  
Assistant Attorney General

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