

1981 WL 157882 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 24, 1981

***1 Re: Freedom of Information Act—Police Incident Reports**

Mr. George A. Wood
Town Manager
Town of Kingstree
P. O. Box 207
Kingstree, SC 29556

Dear Mr. Wood:

The Attorney General has asked me to reply to your letter of July 17, 1981. I am enclosing an Opinion dealing with investigatory files which, I believe, is the Opinion to which you referred.

Section 30-4-40(a)(3) of the South Carolina Freedom of Information Act declares that:

(a) The following matters may be exempt from disclosure under the provisions of this chapter:

(3) Records of law enforcement and public 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.

It has been the policy of this office to hold that police records, including incident reports, need not be disclosed pursuant to a request made under the Freedom of Information Act if the incident report is a part of a file which is still active or if the incident report contains any information which might endanger the life, health or property of any person. If a report was in a closed file, but contained the identity of an informant or disclosed a secret investigatory technique, then this data should be stricken from the report prior to its being released.

I hope that this letter will be of assistance to you. Please do not hesitate to call on me.

Sincerely,

Judith Evans Finuf
Assistant Attorney General

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