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Office of the Attorney General

State of South Carolina

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Gentlemen:

In reference to your letter of May 18, 1972, inquiring as to whether or not the 'Confidential Appraisal' form of the Office of Educational Placement falls within the definition of 'consumer report' under the Fair Credit Reporting Act, it is the opinion that it does not.

The term 'consumer report' does not include any report composed entirely of information as to transactions and experiences between the consumer and the person making the report . . .

It is important to note that the exception to the definition of 'consumer report' which encompasses trade reference information is limited to 'transactions and experiences' between the person contacted for information and the consumer, of which that person has first hand knowledge. Compliance with the Fair Credit Reporting Act, Division of Special Projects Bureau of Consumer Protection at 23 (1971).

Thus, as long as the 'Confidential Appraisal' covers only information that is within the personal knowledge of the appraiser, the Office of Educational Placement is not bound by the provisions of the Fair Credit Reporting Act.

I hope this satisfactorily answers your question. If you have further questions, please do not hesitate to contact this office.
Sincerely,

Elizabeth Crum
Law Clerk

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