

April 2, 2008

Ken Fields, Investigator
Office of Professional Standards
City of Rock Hill Law Center
120 East Black Street
Rock Hill, South Carolina 29730

Dear Investigator Fields:

In a letter to this office you indicated that you have received a request to provide the names and badge numbers of all officers employed by the Rock Hill Police Department who work openly with the public.

S.C. Code Ann. § 30-4-50, a provision of this State's Freedom of Information Act, states that

(A) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30-4-20, 30-4-40, and 30-4-70 of this chapter:

(1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies....

The Rock Hill Police Department would be within the definition of a "public body" as defined by S.C. Code Ann. § 30-4-20(a).

A prior opinion of this office dated September 30, 1993 stated that

[a]ssuming that one of the listed limitations does not restrict access to the enumerated information, the names, race, sex, title, and dates of employment of employees and officers of public bodies would be disclosable.

As stated in an opinion of this office dated January 24, 2007,

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Our Supreme Court recently surmised: “The purpose of the FOIA is to protect the public by providing a mechanism for the disclosure of information by public bodies.” Sloan v. Friends of Hundley, Inc., 369 S.C. 20, 26, 630 S.E.2d 474, 478 (2006). In addition, the Supreme Court instructed: “FOIA is remedial in nature and should be liberally construed to carry out the purpose mandated by the legislature.” Quality Towing, Inc. v. City of Mytle Beach, 345 S.C. 156, 161, 547 S.E.2d 862, 864-865 (2001).

Consistent with the above, in the opinion of this office, this State’s Freedom of Information Act would require that upon request, you should provide the names and badge numbers of officers employed by the Rock Hill Police Department, assuming, of course, that no other provision, specifically Sections 30-4-20, 30-4-40 or 30-4-70, would restrict access to that information in a particular situation.

If there are any questions, please advise.

Sincerely,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Deputy Attorney General