

1982 WL 189341 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 22, 1982

*1 Ms. Mary Teague
Personnel Coordinator
South Carolina Arts Commission
1800 Gervais Street
Columbia, SC 29201

Dear Ms. Teague:

You have sought my view regarding performance evaluations prepared by the South Carolina Arts Commission and placed in the files of performing artists with whom the Commission has contracted.

In my view, while the Commission may refer to such evaluations in determining whether or not to contract with an artist as to future services (since such use would be a routine use compatible with the purpose for which it was collected), it cannot use those evaluations to provide references to others unless the express written consent of an artist for that particular use has first been obtained. See, 5 U.S.C.A. §§ 552 et seq., cf.; Local 2047, American Federation of Government Employees v. Defense General Supply Center, 423 F.Supp. 481 (E.D.Va. 1976).

Best wishes,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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