

1981 WL 158060 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 1, 1981

**\*1 Re: WIS-TV Freedom of Information Request**

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

Dear Chief Strom:

The letter from WIS-TV making an official written request pursuant to the South Carolina Freedom of Information Act to obtain a copy of a video-taped conversation between former Police Chief Arthur Hess and Sled informant, Joel Hendrix, has been referred to me.

The South Carolina Freedom of Information Act, Section 30-4-20(c), states that a 'public record' includes tapes and recordings retained by a public body. While prior to the trial of former Chief Hess this tape would not have been available as a public record due to the exemption from disclosure of records in the possession of law enforcement agencies, this exemption, under Section 30-4-40(a)(3), is qualified to the extent that a record is only exempt if it is to be used in a prospective law enforcement action. The tape requested has already become part of the record in two public trials and no anonymous informant, investigative technique, or danger to the life, health, or property to any person is involved. In light of the facts in this situation, it is my opinion that you are required by law to make the tape sought by WIS-TV available for copying.

I hope that this opinion will be of assistance to you. Please do not hesitate to call on me if I may be of further aid in this matter.  
Sincerely,

Judith Evans Finuf  
Assistant Attorney General

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