

1981 WL 158072 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 10, 1981

***1 Re: Information Available under the South Carolina Freedom of Information Act**

W. R. Turner, Jr., M.D.
Chairman
University Faculty Grievance Hearing Committee
Medical University of South Carolina
171 Ashley Avenue
Charleston, SC 29403

Dear Dr. Turner:

You have written concerning the legality of providing 'the Chairman's evaluation on every BCIM faculty member's performance for 1979-1980', which is Item 6 under a 'Request to Produce' filed in a grievance proceeding before the Medical University Grievance Hearing Committee. Upon written request under Section 30-4-30 of the South Carolina Freedom of Information Act, any person has a right to inspect or copy any public record of a public body unless otherwise excepted. The 'Request to Produce', which you have forwarded to me, makes no reference to the South Carolina Freedom of Information Act. However, if the Freedom of Information Act was to be relied upon, there are certain matters exempt from disclosure. The definition of public record is extremely broad and includes all books, papers, tapes, documents, etc., in the possession of a public body unless otherwise exempted by law. To limit the scope of this definition, Section 30-4-40(a)(2) of the South Carolina Freedom of Information Act states that information of a personal nature where public disclosure would constitute an unreasonable invasion of personal privacy is exempt from disclosure under the provisions of this chapter.

An earlier Attorney General Opinion, No. 77-243, relying on the South Carolina Supreme Court case [Cooper v. Bales, 268 S.C. 270, 233 S.E.2d 306 \(1977\)](#), has stated that under a request made pursuant to the Freedom of Information Act the only information which should be released, absent employee authorization or court order, is an employee's salary, grade, and job description.

It is the opinion of this office that the evaluation of every BCIM faculty members' performance for the year 1979-1980 would certainly constitute information of a personal nature, such that public disclosure would constitute an unreasonable invasion of personal privacy and that this information should not be made public, absent the employee's consent or court order.

I hope that this will be of assistance to you, and 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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