

1980 WL 121125 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 25, 1980

**\*1 RE: Opinion No. \_\_\_, January 25, 1980**

Mr. James E. Clyburn  
Commissioner  
South Carolina Human Affairs Commission  
P. O. Drawer 11300  
Columbia, South Carolina 29211

Dear Mr. Clyburn:

This is to acknowledge receipt of and thank you for your letter of February 28, 1980, concerning the above-captioned matter. This response is the result of a conference which I had with Mr. Joe Smalls and Mr. Jim Ryan of your office concerning the opinion.

First, it should be noted at the outset that the opinion was limited to the facts which were noted therein, and that it was formulated with the assumption that the reader was unfamiliar with the Human Affairs Act. I understand that your concern with the opinion was that it could, perhaps, be construed broadly as a limitation upon the powers of the Commission.

We do not assume in the opinion that identifying information of a confidential nature would necessarily be made public by the Human Affairs Commission, and we do not feel that the opinion could be read so broadly. The opinion was merely intended to explain why, under the facts presented to this office, the provisions of §§ 1-13-90(c), (d), (e) do not apply.

Also, it should be noted that the opinion was limited to the disclosure of identifying information arising out of child abuse and adoption proceedings in the Family Courts of South Carolina. This would not preclude the use of non-identifying information in such cases for the more generalized purpose and power of the Human Affairs Commission to 'investigate problems in Human Affairs in the State and in connection therewith, to hold hearings, to request the attendance of persons who shall give testimony . . . .' [S.C. Code, § 1-13-70\(n\) \(1976\)](#), as amended.

If you have need of any further information or clarification concerning this matter, please do not hesitate to contact the undersigned at this office.

Thank you.

Very truly yours,

Lindy P. Funkhouser  
Assistant Attorney General

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