

1980 WL 120707 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1980

*1 Mr. W. D. Alexander
U.S. Department of Agriculture
Office of Inspector General
1447 Peachtree Street, N.E.
Atlanta, Georgia 30309

Dear Mr. Alexander:

You have requested an Attorney General's opinion concerning the right of your Office to have access to the data records of the South Carolina Employment Security Commission. There is no provision in state law for the Attorney General to advise or issue opinions to a department or agency of the United States. See § 1-7-10, Code of Laws of South Carolina, 1976.

As a matter of information, however, the Employment Security Commission is governed by the requirements of § 41-29-170, Code of Laws of South Carolina, 1976 (as amended), as you noted. According to that statute, the U.S. Department of Agriculture might have access to certain information in the records of the Employment Security Commission if the Department were charged with the administration of a public assistance law. Thus, the resolution of this matter would seem to turn on whether the Food Stamp Act were a public assistance law and then if so, whether the U.S. Department of Agriculture were charged with the administration of that law. The Food Stamp Act is most likely not a public assistance law as that term is used in the South Carolina statute. See Maricopa County v. State, 51 Ariz. 372, 77 P. 2d 212. At the time of its enactment in 1941 this statute most likely referred only to those programs, enumerated under the Social Security Act, providing for cash payments to recipients. Id. The Food Stamp Act is not such a program. Therefore, it is most likely that the U.S. Agriculture Department is not authorized under State law to have access to the records of the Employment Security Commission.

It has been pointed out to us that the information in the computer records of the Employment Security Commission is available through the computer terminals located at the State Department of Social Services. Thus, it would appear that your Office already has immediate access to this very information from the Department of Social Services. If we may be of additional assistance, please let us know.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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