

1980 WL 120930 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 16, 1980

**\*1 Subject: Libraries, Public Information, Names, Blind Persons**

Names of borrowers of Library of Congress reading equipment may not be provided to the South Carolina Commission of the Blind without the prior approval of the borrower and the Library of Congress.

Ms. Betty E. Callaham  
Librarian  
South Carolina State Library

QUESTION PRESENTED:

Can the South Carolina State Library provide the names of borrowers of Library of Congress reading equipment to the South Carolina Commission for the Blind without the waiver of confidentiality by the borrower and the Library of Congress?

CITATION OF AUTHORITIES:

[Section 30-4-40\(a\)\(4\), South Carolina Code of Laws \(1976\)](#).

[36 C.F.R. § 703.3\(a\)\(11\)](#).

DISCUSSION:

Federal regulations exempt from public disclosure records of the Library of Congress which relate to specific reader use of the collections, either in the Library or through lending service. [36 C.F.R. § 703.3\(a\)\(11\)](#). In 1973, the South Carolina State Library became a lending agency for the Library of Congress to provide lending library services from the Library of Congress to the visually and mentally handicapped. The written agreement entered into between the Library of Congress and the South Carolina State Library in 1973 contains a provision prohibiting the release of certain information:

The records as a whole, or any part thereof, may not be released to any agency or individual not involved in library service for blind and physically handicapped persons provided by the library without the written permission of the Library and the reader or readers involved. (Emphasis added.)

Therefore, the release of this information is prohibited by federal law, which the State must comply with as a condition of receiving this federal grant. The South Carolina Freedom of Information Act, [Section 30-4-40\(a\)\(4\), South Carolina Code of Laws \(1976\)](#), exempts from disclosure—

Matters specifically exempted from disclosure by statute or law;

Since the federal law is binding on the State this information would be exempted from disclosure under the South Carolina Freedom of Information Act except for agencies and individuals ‘involved in library services for the blind and physically handicapped.’ This office has been advised that the Commission for the Blind will no longer provide such library services, and,

therefore, would not be eligible to receive records on borrowers. Of course, waiver of this confidentiality by the borrower and the Library of Congress would permit release of these records.

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Senior Assistant Attorney General

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