

1979 WL 42856 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 9, 1979

*1 Dr. Donald L. Johnson
Superintendent
Horry County Public Schools
Post Office Box 1739
Conway, South Carolina 29526

Dear Dr. Johnson:

This Office has received a request for an opinion as to the application of the State's Freedom of Information Act ([Sections 30-4-10 to 30-4-110](#)) Code of Laws, 1976, to records concerning public employees when such records are requested by the employee himself or his authorized representative.

In brief, unless the documents or records involved are exempt from disclosure under [Code Section 30-4-40](#), 'all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of or retained by a public body' are public records ([Code Section 30-4-10](#)) and 'any person' is entitled to their disclosure.

A school district is, of course, a public body and must make due disclosure as required by the Act, and disclosure to an employee is clearly not limited to the employee's personnel file.

This Office is informed that the two documents requested by your district's former employee, Ms. A. E. Hamburger, are notes or summaries of two conversations concerning said employee. The first concerns a conversation between yourself and an employee of the Department of Social Services, a Ms. Julie Vaught, dated about January 1978; and the second is a conversation between yourself and DSS employee Ms. Joyce Strickland, dated about February 1978. We are further informed that Ms. Hamburger has previously read the two documents in question and is aware of their general content.

The only exception in [Code Section 30-4-40](#) which might prevent disclosure of these documents would be section (a)(2): Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy, including, but not limited to, information as to gross receipts contained in applications for business licenses.

This would not apply in the present case as the 'information of a personal nature' is information concerning the very person who has requested the disclosure, and the employee in question has already seen the contents of the documents.

It is therefore the opinion of this Office that disclosure of the above-described documents must be made to the employee requesting same or to her authorized representative, under the Freedom of Information Act. Please do not hesitate to call if you have further questions in the matter.

Sincerely,

Katherine W. Hill
Assistant Attorney General

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