

1980 WL 120773 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 17, 1980

***1 RE: [Section 59-111-50, 1976 Code of Laws of South Carolina](#) (Student loans and state employment)**

Roger Washington, Esquire
Office of the Governor
CETA Division
1800 St. Julian Place
Columbia, South Carolina 29204

Dear Mr. Washington:

You have recently asked this Office for an opinion concerning a proposed certification which may be printed on your agency's employment applications. You expressed concern that inquiries into the status of an applicant's student loans might violate the applicant's right of privacy and equal employment opportunity guidelines.

It is the opinion of this Office that although there may be potential pitfalls in giving effect to Section 8-111-50 of the Code, it is probably permissible to make inquiries about the status of an applicant's student loans in the manner that you have outlined in your letter.

In some instances the Freedom of Information Act, Section 30-4-40(2) permits a state agency head to withhold information from the public about the personal affairs of an employee or employment applicant. Thus, an agency head may be justified in refusing to honor information requests by members of the public about an applicant's student loans. Additionally, unless it can be demonstrated that disqualifying persons from employment by the state because of willful, i.e., intentional defaults in repaying student loans is not supported by a business necessity and has a disproportionate adverse impact on women and minority groups, the practice probably would not violate state or federal equal employment opportunity statutes.

For your information, I am enclosing a copy of an opinion of the Attorney General dated April 23, 1980, concerning the constitutionality of [Section 59-111-50 of the Code](#).

Sincerely,

Barbara J. Hamilton
Assistant Attorney General

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