

1980 WL 121072 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 31, 1980

*1 Mr. Joseph A. Keener
Payroll Supervisor
Charleston County School District
Division of Business Services
2100 Leeds Avenue
Charleston, SC 29405

Dear Mr. Keener:

You have asked for clarification as to how the "Privacy Act of 1974" would effect payroll matters. The Act you refer to was repealed in 1978 by Act No. 593, which became effective on July 18, 1978. The new Act is referred to as the "Freedom of Information Act" and may be found in the South Carolina Code of Laws (1976), as amended, Section 30-4-10, et. seq.

Section 30-4-50 declares that certain matters are specifically made public information. Among these items are the names, sex, race, title and dates of employment of all employees and officers of public bodies. Under an earlier Opinion of this office, it was held that public agencies should release an employee's salary, grade and job description, upon request, under the Freedom of Information Act. Any further disclosure could come only if the employee authorized the release, or if a court of competent jurisdiction ordered disclosure. However, this Opinion was issued prior to the effectiveness of the new Act and is no longer binding. The present Act, under Section 30-4-40, which is labeled "Matters Exempt from Disclosure", states under (a)(6) that salaries of employees below the level of department head are exempt from disclosure under the provisions of this chapter. However, salary schedules showing compensation ranges for each employee classification, including longevity steps, must be made available upon request. Therefore, under the new Act, a specific salary of an employee is not subject to disclosure without the permission of that employee. In order to protect the district from possible litigation involving an unreasonable invasion of personal privacy, you should not release a specific salary without the permission of the party effected. However, you may state that the employee is classified in a certain range and that his salary schedule is within a certain sum or amount.

I hope that I have been of some assistance to you. Best wishes for a happy new year.

Sincerely,

Judith Evans Finuf
Assistant Attorney General

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