

1977 S.C. Op. Atty. Gen. 129 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-154, 1977 WL 24496

Office of the Attorney General

State of South Carolina

Opinion No. 77-154

May 13, 1977

\*1 James A. Bell, Esquire  
Post Office Box 905  
St. George, South Carolina 29477

Dear Mr. Bell:

You have requested an opinion from this Office as to whether or not the minutes of meetings of public bodies such as school district boards of trustees are public records and, consequently, available for inspection and copying by the public. In my opinion, they are.

Section 1-20.1, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum.Supp.) provides in part as follows:  
'Public agency' means any public or governmental bodies or political subdivisions of the State, including . . . school districts . . .

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'Public records' means the records of meetings of all public agencies and includes all other records which by law are required to be kept or maintained by any public agency, and includes all documents containing information relating to the conduct of the public's business prepared, owned, used or retained by any public agency, regardless of physical form or characteristics. . . .

There are exceptions to 'public records' such as medical records, scholastic records and 'records concerning which it is shown that the public interest is best served by not disclosing them to the public.' In my opinion, this latter exception does not authorize the withholding of possibly libelous or false statements contained in the minutes of a public meeting of a school district board of trustees.

Finally, I would point out that the Freedom of Information Act was amended in 1976 to provide that a willful violation of its provisions is a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. 59 STAT. 608 (1976).

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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