

1977 WL 37388 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 30, 1977

*1 The Honorable Johnnie J. Young
Member
House of Representatives
Georgetown County
526 South Fraser Street
Georgetown, South Carolina 29440

Dear Mr. Young:

Thank you for your letter of June 27 concerning the right of an agency to hold private executive sessions with the public not being allowed to attend.

The Freedom of Information law provides that all meetings, formal or informal, special or regular, of each public agency of the State shall be open to the public. Public agencies included are those of State agencies, as well as agencies of political subdivisions, such as counties, municipalities, school districts, etc., which are supported in whole or in part by public funds. Executive sessions are permitted only for the following purposes: (1) Employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, administrative briefings, and committee reports. These may be generally characterized as 'personnel matters.' (2) Negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations. (3) Private matters presented by individuals or groups of citizens.

Executive sessions shall not be called for the purpose of defeating the reason of the Freedom of Information Act.

Special exceptions exist with respect to examinations of persons for licenses or for deliberation of a body to consider its decision to be reached upon evidence introduced in a public proceeding before it.

Matters which are prohibited by law from being disclosed may not be disclosed at meetings of agencies.

A majority vote of the membership of an agency must approve the conduct of an executive session. This is not based upon a majority of those present at voting but is based upon the entire membership of the body as it is legally composed.

Before going into an executive session, the public agency must vote in public on the question. When the vote is not in favor of the executive session, the presiding officer must announce the purpose of the executive session. Formal action taken in an executive session must be ratified in public session before such action becomes effective.

If there is anything further you wish in this matter, please call upon me.

Very truly yours,

Daniel R. McLeod
Attorney General

1977 WL 37388 (S.C.A.G.)

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.