

1977 S.C. Op. Atty. Gen. 231 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-303, 1977 WL 24643

Office of the Attorney General

State of South Carolina

Opinion No. 77-303

September 27, 1977

*1 Mr. J. Stanley Bird
Chief of Police
Myrtle Beach Police Department
10th Avenue North
Myrtle Beach, SC 29577

Dear Chief Bird:

Recently you have requested an opinion concerning whether or not booking reports kept by your office must be made public under the State's Freedom of Information Act. (FOIA).

You advise that your office does not maintain a jail book as such, but instead you maintain individual cards on each person arrested. In the past you have maintained a special book for the news media, which contained some of the same information appearing on the individual cards. However, maintenance of this book was discontinued because of non-use, and the media now demands to see the jail docket book, which you do not have.

Under the holding of [Florence Morning News, et al. v. Building Commission of the City and County of Florence](#), 265 S. C. 389, 218 S. E. 2d 881, the jail book is open to public inspection under the FOIA. Since the information which is contained in the traditional jail book is now contained at your office on the individual booking report cards, such information would still be public information under the holding of [Florence Morning News](#). The fact that the information is kept on cards instead of in one book is not controlling. The nature of the document itself determines if it is a public record.

Therefore, it is our opinion that booking information formerly kept in the jail book, but now kept on individual cards, is available to the public under the State FOIA, as interpreted by the [Florence Morning News](#) case.

I hope this information will be helpful to you.

Sincerely,

George C. Beighley
Assistant Attorney General

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