

1979 S.C. Op. Atty. Gen. 178 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-125, 1979 WL 29127

Office of the Attorney General

State of South Carolina

Opinion No. 79-125

November 8, 1979

*1 Solar Energy Advisory Council is not a public body within the meaning of the Freedom of Information Act.

The Honorable Richard W. Riley
Governor
State of South Carolina
P. O. Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

You have asked whether an advisory group, such as the 'Solar Energy Advisory Council', is subject to the requirements of the Freedom of Information Act.

The Freedom of Information Act (Act No. 593 of 1978) defines a public body as follows:

'Public body' means any department of the State, any State board, commission, agency and authority, and public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or expending public funds and includes any quasi governmental body of the State and its political subdivisions, including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina State Ports Authority.

You indicate that the 'Solar Energy Advisory Council' members meet on their own time and without reimbursement of any kind by the State. Recommendations of the 'Council' are made to members of the Governor's staff, and are eventually forwarded to the Governor.

This 'Council' is not a 'public body' as defined by the Freedom of Information Act. It is advisory in nature, is not supported in whole or in part by public funds, and does not expend public funds. Accordingly, it is the opinion of this Office that an advisory group, such as 'Solar Energy Advisory Council' is not a public body within the meaning of the Freedom of Information Act.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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