

1978 WL 34956 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 22, 1978

\*1 Chief J. P. Strom  
State Law Enforcement Division  
Post Office Box 21398  
Columbia, South Carolina 29221

Dear Chief Strom:

In response to your letter of June 12, it is the opinion of this office that the State Law Enforcement Division may not release non-conviction criminal information to railroad security police. For the purposes of this opinion, I assume that the security police involved are private and non-governmental.

Guidelines promulgated by the Department of Justice, [28 C.F.R. § 20.21\(b\)\(2\)](#), as amended at [42 Federal Register No. 234](#), p. 61595, require that the plan submitted by each state to the L.E.A.A. regarding dissemination of criminal information set forth procedures to assure that release of non-conviction data be limited to, inter alia:

‘individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies . . .’

Research by this office has not revealed authorization in this State, statutory or otherwise, for the receipt of non-conviction criminal information by railroad security police. Furthermore, SLED's regulations, issued pursuant to § 23-3-130 and other provisions of the South Carolina Code of Laws, 1976, do not authorize direct access by railroad security police to the Division's criminal data bank.

In your letter, you referred to ‘priorities’ of releasing non-conviction criminal information. I am unaware of any mention of priorities for such release in the federal regulations which you cited. If I have not responded to this aspect of your inquiry, please clarify your reference to ‘priorities’ and I will be happy to do so.

In any event, if I may be of further assistance to you in the future, please do not hesitate to contact me.

Very truly yours

Joseph R. Barker  
Assistant Attorney General

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