

1978 WL 35037 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 11, 1978

*1 Jack S. Mullins, Ph.D.

Director

S. C. Budget & Control Board

Personnel Division

1205 Pendleton Street

Columbia, SC 29201

Dear Dr. Mullins:

Recently you requested an Opinion from this Office concerning what effect, if any, the new Freedom of Information Act has on a previous Attorney General's Opinion issued August 5, 1977, regarding the release of items in a public employee's personnel file.

Two provisions in the new Act, signed into law by the Governor on July 18, 1978, are noteworthy. These Sections are set out below:

Section 5.(a) The following matters may be exempt from disclosure under the provisions of this Act:

(2) information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy, including, but not limited to, information as to gross receipts contained in applications for business licenses.

(6) salaries of employees below the level of department head; provided, however, that complete salary schedules showing compensation ranges for each employee classification, including longevity steps, where applicable shall be made available.

Reviewing the August 5, 1977, Opinion, it appears that that Opinion authorized the release of only the employee's salary, grade and job description upon request under the Freedom of Information Act. Based on the above quoted provisions in the new Act, the only change in the previous Opinion would be to no longer disclose the actual salary of a public employee below the level of department head. For such an employee, a complete salary schedule showing compensation ranges for the particular classification shall be made available.

In light of the new Freedom of Information Act, the August 5, 1977 Opinion should be read in conjunction with this letter. The Opinion, as amended, determines that the State of South Carolina and its political subdivisions should release only the employee's grade, job description and salary schedule for the particular classification, including longevity steps where applicable, upon request under the Freedom of Information Act. Any further disclosure could come only if the employee authorized the release or if a court of competent jurisdiction ordered such disclosure.

I hope this information will be helpful to you and with kind regards, I am

Sincerely,

George C. Beighley

Assistant Attorney General

1978 WL 35037 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.