

1978 WL 35141 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 2, 1978

*1 Capt. J. Leon Gasque
South Carolina Law Enforcement Division
P. O. Box 21398
Columbia, South Carolina 29221

Dear Capt. Gasque:

Recently you requested an opinion from this Office concerning whether or not investigative files in the possession of the South Carolina Law Enforcement Division, and containing information from SLED investigations, are subject to disclosure under the State's Freedom of Information Act.

The new Freedom of Information Act, Act No. 593 of the 1978 Acts and Joint Resolutions, makes certain matters exempt from disclosure. In particular, records of law enforcement agencies not otherwise available by law, that were compiled in the process of detecting and investigating crimes, may be exempt if the disclosure thereof would harm the agency by disclosing investigatory techniques not otherwise known outside the Government.

You have advised me that the investigative report sought by the present inquirer does, in fact, contain a detailed analysis of a SLED investigation. You further believe that disclosure of SLED investigation reports would make known investigatory techniques used by SLED, to the detriment of SLED.

It is the opinion of this Office that a SLED investigative report may be exempt from disclosure when the release thereof would disclose investigatory techniques otherwise not known outside the Government. Further, in an appropriate case, SLED might rely upon the public interest exception to exclude these reports from public scrutiny. This exception is set forth in the definition of public record in the Act, and your attention is directed thereto.

I hope this information will be helpful to you and, if I can be of further assistance, please advise.
Sincerely,

George C. Beighley
Assistant Attorney General

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