

1978 WL 35099 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1978

*1 Theodore B. Guerard, Esquire
Guerard and Applegate, P.A.
P. O. Box 1119
Charleston, South Carolina 29402

Dear Mr. Guerard:

Recently you requested an opinion from this Office concerning whether or not the South Carolina Freedom of Information Act authorizes the disclosure of records made in a valid executive session held by a public body. For purposes of this opinion, it is assumed that the public agency in question was meeting in a valid executive session.

Under the authority of Cooper vs. Bales, Opinion No. 20387, filed March 17, 1977, by the South Carolina Supreme Court, records of valid executive sessions are not subjected to disclosure under the State Freedom of Information Act. To require such disclosure would in the language of the Court, 'produce an irreconcilable and nonsensical result . . .'

I have examined the amended Freedom of Information Act, signed by the Governor on July 18, 1978, and in my opinion, the new Act would not alter the Court's holding in the Cooper case. Therefore, it is the opinion of this Office that a public agency, which meets in a valid executive session, does not have to make available a copy of any minutes or other record of the events which transpire in the executive session.

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

George C. Beighley
Assistant Attorney General

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