

1975 WL 29414 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 23, 1975

*1 Mr. Harold Hagan
Athletic Director
University of South Carolina
Columbia, SC 29208

Dear Mr. Hagan:

You have requested an opinion from this Office as to whether or not the names and addresses of members of the University of South Carolina Gamecock Club must be made available to individuals upon request.

Your inquiry is governed by the Freedom of Information Act (Section 1-20 et. seq. of the 1962 South Carolina Code of Laws, as amended), which provides that 'all public records shall be open to inspection and copying during the regular business hours of the custodian of the records'. Section 1-20.2. The Act was passed in order that public business be performed in an open and public manner, and it is clear that the purpose of the Act is to insure that the public be given access to information in the furtherance of the public's right to fully know the activities of their public officials.

In keeping with the spirit of the Freedom of Information Act, it is the opinion of this Office that the Gamecock Club should make their Club master cards available for inspection and copying by the public. The cards with the names and addresses of the Club members should be made available during regular office hours and at a time reasonable to both the Gamecock Club administrative staff and the interested public party.

You further stated that some of the members have made monetary contributions to the Gamecock Club for educational purposes under the condition that their names not be made public, but be kept confidential, and you have inquired whether or not the names of those individuals must be made public.

The Freedom of Information Act also states that the definition of 'public records' shall not include 'those records concerning which it is shown that the public interest is best served by not disclosing them to the public'. Section 1-20.1. In cases of individuals making donations to the Gamecock Club for educational purposes upon the sole condition that their names remain anonymous, it would seem that the public's interest in maintaining and trying to insure their continued support would outweigh any requirement that their names be revealed. Therefore, it is the opinion of this Office that the Gamecock Club should not make available the names and addresses of those individuals who have specifically requested that their names not be made public.

You have also asked this Office if the Gamecock Club staff and facilities may be utilized for the purpose of mailing materials for private clubs, organizations or groups. It is the opinion of this Office that to utilize the Gamecock Club in this manner would seriously jeopardize the tax exemption status given the Club by the Internal Revenue Service.

If this Office can be of further assistance to you, please do not hesitate to call upon us.

Very truly yours,

Donald V. Myers
Assistant Attorney General

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