

1975 WL 29479 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 6, 1975

*1 Honorable Frances H. Smith
Clerk
Supreme Court of South Carolina
Post Office Box 11398
Columbia, South Carolina 29211

Dear Miss Smith:

A petition has been filed with the Court seeking access to an application for admission to the Bar, together with its related attachments, on the ground that such documents are public records within the purview of the Freedom of Information Act.

The scholastic records included with the application are clearly not subject to public inspection, under the specific terms of Section 1-20.1, Code of Laws, 1962, which excludes from the definition of public records such records as 'scholastic records.'

With respect to the application itself which consists of a form promulgated by the Court and requiring certain serially numbered items of information, it is my opinion that this document would be a matter of public record unless the Court should determine that its non-disclosure, in whole or in part, would best serve the public interest. Section 1-20.1. Such a determination of non-disclosure would seem warranted by virtue of the information required in a number of the items of the application. Several of these require information concerning complaints, accusations, marital history and status, drug and alcoholic addiction, mental history, and similar factual data, all of which can be severely damaging to an applicant if available for public inspection. The fact that the application may contain refutation of accusations does not, in my opinion, lessen the force of this conclusion. This information is essential to a proper appraisal of the fitness of candidates for admission to the Bar but in its raw form, without investigation and appraisal, could easily lead to improper and damaging conclusions.

I feel, moreover, that the public release of such information would tend to chill a full and free response to a number of the items of required information.

I, therefore, am of the opinion that the scholastic records relating to the application are not available under the Freedom of Information Act and that the public release of the application itself is subject to a determination by the Court as to whether the public interest is best served by not disclosing such information to the public.

Very truly yours,

Daniel R. McLeod
Attorney General

1975 WL 29479 (S.C.A.G.)