1975 S.C. Op. Atty. Gen. 109 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4037, 1975 WL 22334

Office of the Attorney General

State of South Carolina
Opinion No. 4037
June 18, 1975

***1** Mr. Dean B. Livingston
Publisher and Editor
The Times and Democrat
Post Office Drawer 940
Orangeburg, South Carolina 29115

Dear Mr. Livingston:
Thank you for your letter of June 10, 1975, concerning the application of the Freedom of Information law to organizations, such as the Consumer Health Council.

If this organization is financed entirely by federal funds, it is my opinion that it does not come within the scope of the Freedom of Information Act. On the other hand, if it is supported in whole or in part by State (which includes County) funds or if it expends such monies, then it is included.

The exemption of totally federal-funded agencies was previously seen to be proper in view of the context in which 'public funds' is used in the Freedom of Information Act and in view of a number of decisions from other states construing the meaning of this term in various applications. Additionally, extension to totally funded agencies was considered hardly to be outside the legislative intent of the Act because such an extension could involve conflicts with federal statutes and regulations which, of course, would be paramount.

If the agency should come within the scope of the Freedom of Information Act by virtue of receipt of or expenditure of State monies, in my opinion, the compensation schedules of employees are matters of public record. This was first considered in the Paul Dietzel's salary matter at the University of South Carolina.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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