

1974 S.C. Op. Atty. Gen. 71 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3715, 1974 WL 21234

Office of the Attorney General

State of South Carolina

Opinion No. 3715

February 14, 1974

**\*1 Inasmuch as a student's felony conviction is a matter of public record and of legitimate public concern, an institution of higher learning does not violate the student's right to privacy by informing a third party of such conviction.**

Vice President for Administration

Francis Marion College

Florence, S. C.

In your letter of January 25, 1974, you raised the question of whether Francis Marion College would be violating the individual student's rights by reporting felony convictions to the Pennsylvania Higher Education Assistance Agency from which the student is receiving aid.

Divulging information from a student's files to a third party could, under some circumstances, be considered a violation of the student's right of privacy, a right long recognized by South Carolina courts. *Frith v. Associated Press*, 176 F. Supp. 671 (E.D. S.C.-1959). However, his right relates only to an intrusion into one's private activities in which the public has no legitimate concern. *Shorter v. Retail Credit Co.*, 251 F. Supp. 329 (D.C. S.C.-1966). Thus, there are two primary limitations placed upon the individual's right of privacy. First, publication or dissemination of information contained in public records cannot be considered as intrusive upon the rights of the individual. Second, matters of legitimate public interest cannot be suppressed by individuals asserting rights of privacy. *Frith v. Associated Press*, *supra*.

Therefore, inasmuch as the record of a felony conviction is a public record, a matter of legitimate public interest, and a matter which by its very nature cannot be kept private, it is my opinion that a public institution of higher learning does not in any way violate a student's rights by informing an interested third party of such felony conviction.

Hardwick Stuart, Jr.

Assistant Attorney General

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