

May 16, 2007

The Honorable John M. Knotts, Jr.
Senator, District No. 23
P. O. Box 142
Columbia, South Carolina 29202

Dear Senator Knotts:

You have asked for clarification as to a recent opinion to you regarding the question of whether a municipal law enforcement officer is authorized to routinely require a driver to provide his or her social security number upon being stopped for a traffic offense.

Consistent with the earlier opinion, in the opinion of this office, a municipal law enforcement officer is not permitted to routinely ask a driver to provide his or her social security number upon being stopped for a traffic offense. As stated in the earlier opinion, “[t]o do so could potentially constitute an unreasonable invasion of privacy under this State’s freedom of information act as well as constituting a violation of the federal Privacy Act of 1974 and the constitutionally protected right to privacy.” Therefore, an officer should not routinely request such information as part of a stop for a traffic offense.

If there is anything further, please advise.

Sincerely,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General