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The State of South Carolina



Opinion No. 88-43
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Attorney General

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May 26, 1988

The Honorable Jim Burnett
Coroner, Spartanburg County
County Courthouse
Spartanburg, South Carolina 29301

Dear Coroner Burnett:

In a letter to this Office you referenced a provision in recently-enacted legislation, R-356, which states:

(c)copies of death certificates may be issued to members of the deceased's family or their respective legal representatives. Others who demonstrate a direct and tangible interest may be issued copies when information is needed for the determination of a personal or property right. Other applicants may be provided with a statement that the death occurred, the date, and county of death. However, when fifty years have elapsed after the date of death, these records become public records and any person may obtain copies upon submission of an application containing sufficient information to locate the record.

You stated that the Book of Inquisition maintained by your office contains the same information provided on death certificates in addition to autopsy results, results of toxicological studies, and the cause of death. You questioned whether the Book of Inquisition remains open in light of the provision cited above which generally restricts the availability to the public of death certificates.

A prior opinion of this Office dated November 2, 1983, a copy of which is enclosed, held that, generally, coroner's records are open to public inspection. However, as noted in the opinion,

(w)e would caution however that whether coroners' records are considered public for purposes of the common law or the FOIA, each

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particular record would have to be examined in light of those exemptions from public inspection authorized by law.

The opinion noted for instance that while the results of an autopsy report may be revealed, the detailed report itself would not be subject to disclosure.

The referenced legislation concerning death certificates should be construed as being solely applicable to death certificates. Therefore, such provision would not in itself restrict the public's access to records maintained by a coroner, such as the Book of Inquisition, even though such records may contain the same or similar information provided in a death certificate.

You also asked what type information can be released to the press on violent deaths. You noted that in circumstances where a person has been shot, typically, your office reveals whether the individual bled to death or died in some other manner. You also questioned whether a victim's blood alcohol level is public information, and therefore, can be released.

As referenced above, this Office has concluded that while the details of an autopsy report may not be disclosable but see, Soc. of Prof. Journalists v. Sexton, 283 S.C. 563, 324 S.E.2d 313 (1984), the results of an autopsy report may be disclosed. Therefore, it appears that you may continue to disclose the cause of death of a victim whose death you investigated where an autopsy has been conducted. As to your further question concerning the status of blood alcohol levels, generally, the results of blood alcohol tests are public information and thus may be disclosed. See: Op. Atty. Gen. of Texas dated May 27, 1981; Op. Atty. Gen. of Wisconsin dated January 25, 1978; Stattner v. City of Caldwell, 727 P.2d 1142 (Idaho, 1986); Staples v. Glienke, 416 N.W.2d 920 (Wis. 1987). 1/

1/ There may, of course, be certain circumstances where release of blood alcohol tests could conceivably fall within an exemption contained within the FOIA. Again however, such would depend upon the existence of a specific exemption in the Act, see, § 30-4-40, or a specific statute authorizing nondisclosure. Consistent with the policy of this Office and the rule that exemptions in the Act are to be narrowly construed, we have advised that any doubt should be resolved in favor of disclosure.

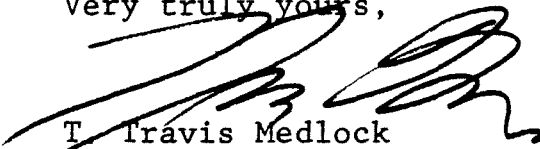
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CONCLUSION

In conclusion, it is our opinion that R-356 in terms of the FOIA, extends only to death certificates; such legislation does not in itself restrict the public's access to records maintained by a coroner. This is consistent with the basic principle and the policy of this Office that the FOIA should always be liberally construed and any exception to disclosure should be interpreted very narrowly. Any doubt should always be resolved in favor of disclosure. In addition, it is our conclusion that, generally speaking, the results of blood alcohol tests are public information and thus may be disclosed. "Because there is no express provision regarding the confidentiality of ... coroner's records, it follows under the rule of strict construction [and disclosure in case of doubt] that the coroner may release the results of such examination." Staples v. Glienke, supra.

If we can be of further assistance, please let us know.
With kind regards, I remain

Very truly yours,



T. Travis Medlock
Attorney General

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Enclosure