

1982 WL 189381 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 26, 1982

*1 Joseph McDevitt
University Counsel
Clemson University
Clemson, South Carolina 29631

Dear Joe:

This will reply to your letter of July 20, 1982, on the subject of the request by attorney Frank Potts for certain records involving expenditures of appropriated and non-appropriated funds expended by the University for trustee and other expenses.

As we have discussed, the Freedom of Information Act does not require that the person requesting to inspect or copy public records give any reason for his request. As [Code Section 30-4-50\(6\)](#) makes plain, information concerning any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies is subject to inspection and copying. It appears that this Section forecloses the option for an agency to refuse disclosure 'by favorable public vote of $\frac{3}{4}$ of the membership (of the governing body) taken within 15 working days after receipt of written request', [Code Section 30-4-20](#). It is our opinion that [Section 30-4-50](#) which 'declares' that accounting records are public records may not be overridden by a vote of the governing body.

Section 30-4-30 provides that the public body may collect fees not to exceed the actual cost of searching for or making copies of records; but this does not relieve the person requesting the records from the obligation to comply with 'reasonable rules' concerning time and place of access. Accordingly unless Clemson University prefers to make copies of all the records requested and send them to Mr. Potts, he would be obliged to go to Clemson and make his own inspection of the records and pay the reasonable costs for searching and making copies. If your decision is that it would be less disruptive for staff to compile and copy the records, then you should determine the amount of such costs and require Mr. Potts to make a deposit of that amount prior to searching and copying. It may be that when he is faced with the real cost of the project he may determine that the information is not worth the price.

We appreciate the fact that the various expenditures for entertainment and travel are not paid from public funds, but the FOI Act specifically requires disclosure of expenditures from 'other funds'. A person demanding the right to inspect such records may have invidious motives but this does not affect his right to disclosure. As I have indicated on a number of occasions when discussing foundation matters with various institutions and agencies, it would really be better if entertainment and travel expenses were paid directly by the foundations or private donors, whose books are not subject to public inspection; but I realize that this method has its drawbacks as well as its advantages.

Please call me if you have any further questions.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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