

1980 WL 121245 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 27, 1980

**\*1 SUBJECT: Freedom of Information Act-Courts**

(1) The conviction of an individual in a Court of law is a public record within the purview of the Freedom of Information Act, and consequently, the public is entitled to access to such information.

Major Edwin C. Schilling, III, USAF  
Staff Judge Advocate  
Myrtle Beach AFB

QUESTION:

1. Are law enforcement officials stationed at Myrtle Beach Air Force Base entitled to have access to information pertaining to the disposition of criminal cases heard in the Municipal Court of the City of Myrtle Beach?

STATUTES AND CASES:

Sections 30-4-10; 30-4-20(a)(b)(c); § 30-4-30; § 30-4-40; § 30-4-50(3); [§ 30-4-70, Code of Laws of South Carolina \(1976\)](#); 1976-1977 Op. Atty. Gen. Dec. 5, 1977.

DISCUSSION:

1. An Opinion issued by this Office on December 5, 1977, has held that information which pertains to the conviction of an individual in a court of law are considered to be public records within the meaning of the Freedom of Information Act, [§ 30-4-10, et. seq., Code of Laws of South Carolina \(1976\)](#). Subject to the exceptions contained within [Code Sections 14-21-30 and 44-53-450](#), these records are to be made available to persons inquiring about them. The Freedom of Information Act as amended additionally provides access to information which is not excepted by [§ 30-4-40 of the Code of Laws](#). Records pertaining to arrests which did not end or have not ended in conviction are not public records, and such information should not be given out except upon the written consent of the individual involved.

Under [§ 30-4-20\(a\) of the Code of Laws of South Carolina \(1976\)](#), a public body is defined as follows:

'Public body' means any department of the State, any state board, commission, agency and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or expending public funds and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina Ports Authority.'

Under the aforementioned statutory provision, the municipal court of Myrtle Beach, as well as the Myrtle Beach law enforcement agencies, are public bodies, and thus subject to the provision of the Freedom of Information Act.

Under [§ 30-4-20\(b\) of the Code of Laws](#), the Myrtle Beach Air Force Base law enforcement officials are 'persons' within the purview of the statute:

'Persons' includes any individual, corporation, partnership, firm, organization or association.

[Section 30-4-20\(c\) of the Code of Laws](#) defines 'public records' in the following manner:

'Public Record' includes all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records and other records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter nor shall the definition of public records include those records concerning which the public body, by favorable public vote of three-fourths of the membership taken within fifteen working days after receipt of written request, concludes that the public interest is best served by not disclosing them. Provided, however, nothing herein shall authorize or require the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of banks and savings and loan associations or surveys and examinations of such institutions required to be made by law.

\*2 Under the aforementioned statutory provision, information which pertains to the conviction of individuals in courts of law of the State of South Carolina is a matter of public record. Specifically, court cases, the disposition of which results in a conviction, are matters of public record, and as such a person as defined in [§ 30-4-20\(b\) of the Code of Laws](#) is entitled to access to such information pursuant to the procedures as outlined in [§ 30-4-30 of the Code of Laws](#).

This conclusion is further supported by [§ 30-4-50\(3\)](#), which states, in pertinent part:

Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of [Sections 30-4-20](#), [30-4-40](#) and [30-4-70](#) of this chapter:

(3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

It is submitted that the conviction of an individual in a court of law is a final order within the purview of the aforementioned statutory provision. Furthermore, the exemptions classified under [§ 30-4-40](#) do not include information pertaining to the conviction of an individual in court. The public is entitled to know of the disposition of an individual's case which has resulted in conviction, thus such information is not exempt. [Section 30-4-70](#) does not pertain to the issue at hand, and thus further comment upon the statute is not necessary.

#### CONCLUSION:

1. It is the Opinion of this Office that the Myrtle Beach Municipal Court and the Police Department of the City of Myrtle Beach are public bodies within the meaning of [§ 30-4-20\(a\) of the Code of Laws of South Carolina \(1976\)](#), otherwise known as the Freedom of Information Act. Under [Sections 30-4-20\(c\) and 30-4-50\(3\) of the Code of Laws](#), as well as under a prior Opinion issued by this Office, the conviction of an individual in a court of law is a matter of public record within the purview of the Freedom of Information Act, and consequently, the public is entitled to access to such information. The law enforcement personnel of the Myrtle Beach Air Force Base are persons within the parameter of [§ 30-4-20\(b\)](#), and thus entitled to access to information of the conviction of persons in municipal court.

Sincerely yours,

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Staff Attorney

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