

1979 WL 42719 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1979

**\*1 RE: Freedom of Information Act Organizations Receiving Public Funds**

Mr. Rick George  
Executive Director  
South Carolina Arts Commission  
Boylston House  
829 Richland Street  
Columbia, South Carolina 29201

Dear Mr. George:

You have recently requested the Opinion of this Office regarding the provision of the Freedom of Information Act, South Carolina Code of Laws, 1976, as amended, Section 30-4-20(a), which deals with organizations supported in whole or in part by public funds. Specifically, your question is whether the Act is applicable only to the total operation of the organization or only to that portion of the operation which is funded by public monies.

Section 30-4-20(a) defines 'public body' and includes within that definition 'any organization, corporation, or agencies supported in whole or in part by public funds or expending public funds . . .'. The Act refers by its terms to the entire entity which is receiving public funds. While it may be necessary to modify our views as they apply to any particular case, I may state generally that it is the Opinion of this Office that the words indicate on their face that it is the entire organization which receives public funds which is thereby rendered subject to the Freedom of Information Act and that the Act does not limit its scope to the particular subdivision of the organization, corporation or agency which is receiving the funds.

You also asked whether the Act applies to advisory committees which may be advising the committee on program development and/or grant applications to your agency.

Section 30-4-20(a) defining 'public body' is expansive in its scope. I assume that the bodies which you are referring to exist pursuant to state law or regulation. Certainly, the programs developed and grants given by your agency are done pursuant to statutory authority. As such, such committees would very probably fall within the definition of a public body as defined by the Act. I should note, however, that this question is not entirely free from doubt as the definition of public bodies is vague and the courts have not yet spoken on its meaning.

I hope that this has been of some assistance to you. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Katherine W. Hill  
Assistant Attorney General

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