

1979 WL 43200 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 6, 1979

**\*1 RE: Freedom of Information Act Opinion Request**

Larry C. Batson, Esquire  
Legal Advisor  
South Carolina Department of Corrections  
P. O. Box 21787  
Columbia, South Carolina 29221

Dear Mr. Batson:

Your recent opinion request concerning the Freedom of Information Act has been referred to me for reply.

You have asked whether the Freedom of Information Act requires the Department of Corrections to release to the public certain information in its work release records. I am informed that, in selecting those inmates who are placed in the work release program, prior to the placement of an inmate, inquiries are made of the local chief of police, sheriff, solicitor and other interested persons. On occasion, this community response is adverse to selection and an inmate is so notified. You have also indicated that the inquiries made by the Department are made as a matter of Department policy, and are not required by law.

The Freedom of Information Act generally gives any person the right to inspect or copy public records, unless there is an exemption. Section 30-4-30, Code of Laws of South Carolina, 1976, as amended. Matters exempt from disclosure under the Freedom of Information Act are found in Section 30-4-40, Code of Laws of South Carolina, 1976, as amended. In listing those matters exempt from disclosure, subsection (a)(2) provides, in pertinent part: 'Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy . . .'

The information that you have described would clearly fall within the exemption of Section 30-4-40(a)(2). Accordingly, it is the opinion of this Office that such information is not subject to public disclosure under the Freedom of Information Act.

Sincerely,

James W. Johnson, Jr.  
Assistant Attorney General

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