

1979 WL 43431 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
May 28, 1979

***1 Re: Freedom of Information Act**

O. Lee Sturkey, Esquire
Sturkey & Jones
P. O. Drawer E
McCormick, SC 29835

Dear Mr. Sturkey:

I apologize for the delay in responding to your request for the opinion of this Office regarding the interpretation of the term 'Department Head' in Section 5(6) of the Freedom of Information Act. It is extremely difficult to interpret this provision since there is no legislative history to help.

The interpretation of a term in a statute must, of course, depend on the surrounding circumstances as a means of determining the meaning intended by the Legislature. In light of the difficulty of determining in any particular case what a Department Head is, the simplest and most useful definition would be that 'Department Head' refers to the head of the department of the major executive agencies . This interpretation is necessary since any other interpretation would be meaningless. Each subdivision of State government would be further subdivided until one reached every single member of State government who may be in some fashion or other responsible for an independent area. Therefore, it is the opinion of this Office that the term 'Department Head' as used in the Freedom of Information Act refers to the heads of the major departments of the Executive Branch .

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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