

1979 WL 43451 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
July 9, 1979

***1 RE: Freedom of Information Act—Recording of Board Meeting**

Mrs. Maxine R. Bowles
Commissioner
S.C. Commission for the Blind
1430 Confederate Avenue
Columbia, SC 29201

Dear Mrs. Bowles:

I have received your request for the opinion of this Office regarding the availability of a tape of the regular meeting of the governing board of the S. C. Commission for the Blind to a member of the press. You have asked whether this tape must be provided prior to the adoption of the minutes by the Board.

The South Carolina Freedom of Information Act, South Carolina Code of Laws, 1976, as amended, Sections 30-4-10, et seq., includes tapes and recordings prepared, owned, used, in the possession of or retained by a public body as public records. Therefore, the recording which you have referred to would be within the definition of a public record and would have to be provided to a member of the public unless otherwise exempted from disclosure.

Nothing in the exemptions of public records from disclosure would permit the tape you refer to to be withheld from a member of the public. Similarly, I call your attention to Section 30-4-90(c) which permits any person present to record the meeting of a public body. Therefore, unless the recording contains information supplied during an executive session, the tape should be made available, regardless of whether the minutes prepared from the tapes are approved by the Board. If any portion of the tape contains material from an executive session, the copy which is made available to the press should exceed those portions which were made in executive session.

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

Very truly yours,

Katherine W. Hill
Assistant Attorney General

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