

1978 WL 207613 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 26, 1978

*1 Ms. Penny Knight
Grants Coordinator
South Carolina Arts Commission
Boyleston House
829 Richland Street
Columbia, South Carolina 29201

Dear Ms. Knight:

In our telephone conversation yesterday you inquired about the legal problems raised by a film to be made under a grant from the South Carolina Arts Commission by an organization known as Advocacy for the Handicapped of the minifestivals at the Spoleto Festival in Charleston.

As I understand it, the film is designed to illustrate the availability of entertainment at the Spoleto Festival to handicapped persons. The proposal involves filming the artists and audience at the public minifestivals.

The question you asked concerned the necessity, if any, of obtaining releases by members of the audience who may be shown in the film. I do not believe that such releases are necessary since the law provides that that which a member of the public does publicly may be filmed or photographed and he has no property interest or right of privacy to prevent his being filmed so long as he is not singled out and his image used for commercial purposes. This does not extend, of course, to any misrepresentation of his conduct which may be obtained from, for example, selective editing.

I hope this is of some help to you. If you have any further questions or if I can be of any assistance to you, please do not hesitate to contact me.

Very truly yours,

Katherine W. Hill
Assistant Attorney General

Approved by

(Illegible Signature)

1978 WL 207613 (S.C.A.G.)