

1978 WL 35125 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 21, 1978

*1 Jack S. Mullins, Ph.D.
Director
State Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Jack:

Recently, you requested an opinion from this Office concerning the effect of the new Freedom of Information Act on meetings held by three particular entities. In particular, you desired to know if these entities are public bodies, as that term is defined in the South Carolina Freedom of Information Act.

The entities with which you are concerned are the Merit System Council, the State Employee Grievance Committee, and the State Personnel Advisory Council.

The new Freedom of Information Act, appearing as Act No. 593 of 1978 Acts and Joint Resolutions, defines public body in Section 3:

'Public body' means any department of the State, any State board, commission, agency and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or expending public funds and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina State Ports Authority.

With this definition in mind, the particular entities you have questioned may be discussed.

[Section 8-19-20, of the Code of Laws of South Carolina, 1976](#), creates the Merit System Council. The duties of this council are defined by Section 8-19-50. It is the opinion of this Office that the Merit System Council falls within the above referenced definition of the term 'public body'.

The State Employee Grievance Committee is created by [Section 8-27-30, of the Code of Laws of South Carolina, 1976](#), and extensive duties and authorities are placed with this committee. Based on these duties, it is the opinion of this Office that the State Employee Grievance Committee falls within the definition of 'public body' contained within the Freedom of Information Act.

The Personnel Advisory Council is created by [Section 8-11-250, of the Code of Laws of South Carolina, 1976](#). Although the function of this agency or entity appears to be purely advisory, nevertheless, the members' terms are set up for a specific period of time and specific duties are placed upon the membership. These duties are of a public nature, and it is the opinion of this Office that the Merit System Advisory Council would be considered to be a 'public body' as that term is defined by the Freedom of Information Act.

Since all three entities you have presented would be considered public bodies, they would be bound by the provisions of the State Freedom of Information Act.

I hope this information will be helpful to you, and if any particular question comes up concerning the application of the Freedom of Information Act to one or more of these public bodies, I would be happy to try to provide additional information.

*2 With kind regards, I am
Sincerely,

George C. Beighley
Assistant Attorney General

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