

1978 WL 35100 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1978

*1 The Honorable J. P. Strom
Chief
SC Law Enforcement Division
Post Office, Box 21398
Columbia, South Carolina 29221

Dear Chief Strom:

Recently you requested an opinion from this Office concerning whether or not uniform crime reports collected by SLED are subject to public disclosure under the South Carolina Freedom of Information Act.

The reports in question are contained in computer printouts prepared by SLED, and represent criminal data reported to SLED by local law enforcement agencies. In particular, the reports contain monthly offenses known to the law enforcement agency, broken down by category of crime and personal data of the individual committing the crime. None of the information provided contains individually identifiable data, but is rather statistical data broken down by general category.

I have discussed this matter with your staff, and after reviewing copies of the monthly data reports, I believe that this information is subject to disclosure under the State's Freedom of Information Act. However, you informed me that all the information contained in your reports is also available in the files of local law enforcement agencies. You further advised that it has been SLED's policy to refer all inquiries to the local agencies for processing in the first instance. Such a policy avoids the cost of reprinting the reports and serves as a courtesy to the agencies about which the inquiries are made. It is the opinion of this Office that you may continue to direct all inquiries to the local agencies providing the data in the first instance. However, if the particular agency refuses or fails to provide the information requested, and SLED is again requested to provide the information, SLED should make the information available to the individual requesting it.

It is the opinion of this Office that the non-personally identifiable data contained in monthly uniform crime reports is subject to disclosure under the State's Freedom of Information Act. Further it is an appropriate policy for SLED to refer all requests for information to the local agency providing the information to SLED in the first instance. If the local agency is unable or unwilling to provide the information to the requesting party, SLED should then make this information available.

I hope this information will be helpful to you, and with kind regards, I am
Sincerely,

George C. Beighley
Assistant Attorney General

1978 WL 35100 (S.C.A.G.)