

1976 S.C. Op. Atty. Gen. 372 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4512, 1976 WL 23129

Office of the Attorney General

State of South Carolina

Opinion No. 4512

November 4, 1976

***1** Public agencies may set up reasonable requirements for viewing and copying public records. However, care must be taken to insure that such procedures do not inordinately restrict public access to these public records.

TO: Henry W. Smith, Jr.,
Director of Public Relations
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QUESTION PRESENTED:

Does the Freedom of Information Act allow a public agency to set up reasonable standards under which public records may be examined by members of the public?

STATUTES, CASES, ETC:

Code of Laws of South Carolina, 1962, as amended, Section 1–20, et seq.;

[Martin v. Ellisor](#), 266 S. C. 377 223 S. E. 2d 415, (1976);

DISCUSSION OF ISSUES:

A question has been presented concerning agency regulation of the public's right to examine public records. Apparently a member of the public has asked to be allowed to examine at random all files in the Consumer Protection Division of the Department of Agriculture.

The South Carolina Freedom of Information Act, Section 1–20, et seq. Code of Laws of South Carolina, 1962, as amended, authorizes access to public records. The records sought to be examined in the instant case are conceded to fall under the Section 1–20.1 definition of public record.

Section 1–20.2 provides for access to public records. This section requires that unless specifically prohibited by law, all public records shall be open for inspection and copying during regular business hours of the records' custodian. Reasonable access to the records, and reasonable access to available facilities for a full exercise of the right of inspection and copying the records must be provided. The Section further allows a reasonable charge to be made for copies furnished by the agency.

Section 1–20.2 makes it clear that the criteria for any procedure regulating access to public records must be one of reasonableness. At the same time, the term 'reasonableness' also allows an agency to insure that normal work routines and sound business practices are not disrupted by public demand for access to public records.

Therefore, it is my opinion that an agency could set up an internal policy for handling requests for access to public records. Such a system must be designed to allow maximum public access to records without interferences with the work

of the public agency. Any system must be carefully considered to make sure it does not, by design or implication, inhibit or reduce the public's ability to examine public records.

Procedures which might be considered would include a requirement that an individual identify the records he wishes to examine, with enough specificity to allow the custodian to provide the record quickly and efficiently. Another procedure to consider would be having an agency staff member physically present during the record inspection. This would provide for the security of the records as well as providing a source of explanation for the viewer. Also a certain daily time limit for record inspection could be established to prevent a disruption of work procedure in the public agency.

*2 Other procedural requirements for viewing records can be developed based on the individual requirements of the agency and the public record involved.

CONCLUSION:

Public agencies may set up reasonable requirements for viewing and copying public records. However care must be taken to insure that such procedures do not inordinately restrict public access to these public records.

George C. Beighley
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