

1975 WL 29568 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 5, 1975

\*1 Robert L. Nesbitt  
Capt. Bishopville Police Department  
Bishopville, SC 29010

Dear Captain Nesbitt:

This is in reference to your inquiry concerning the release of police or criminal records by your department.

The Freedom of Information Act, Section 1-20.1 of the Code of Laws of South Carolina, 1962 (as amended), provides that all public records as defined in said Act shall be open to inspection and copying during the regular business hours of the custodian of the records. The Act also specifically excludes from its coverage those records (which by law are required to be closed to the public). For example, accident reports made by the persons involved in such accidents are made confidential by operation of Section 46-333 and Section 46-335 of the Code of Laws; also, records relating to juveniles who are before the Family Court are made confidential, unless otherwise specified by the Family Court Judge. Section 15-1095.40 of the Code of Laws.

I am enclosing a copy of the case entitled [Florence Morning News, Inc. v. Building Commission, et al., 218 SE2d 881 \(1975\)](#), wherein the South Carolina Supreme Court has recently ruled that a newspaper and the public were entitled to inspect the jail book and the log pursuant to the Freedom of Information Act. Also, I am enclosing herein the resolution adopted by the Judicial Conference which relates to a suggested procedure for law enforcement officers to follow in furnishing information concerning arrests. In accordance with this resolution, the Attorney General met with law enforcement officers throughout the State and instructed them as to the effect of the Supreme Court resolution. This resolution should be considered in connection with the application of the Freedom of Information Act in regard to arrests.

You also inquired as to certain information which cannot be released because of specific Justice Department orders. This Office does not render opinions with regard to Justice Department orders. However, I am enclosing rules and regulations prepared by the Department of Justice concerning criminal justice information systems. I hope that the above and enclosures will be of some assistance to you concerning this matter.

Very truly yours,

Donald V. Myers  
Assistant Attorney General

1975 WL 29568 (S.C.A.G.)

---

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.