

1975 WL 29606 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 20, 1975

*1 Mr. David O. Cowan, III
Editor
The Hampton County Guardian
Post Office Box 357
Hampton, South Carolina 29924

Dear Mr. Cowan:

Thank you for your letter of recent date concerning extensive sessions of a public body to consider personnel matters in instances where the individual being considered requests a public hearing.

Unfortunately, the courts have not construed the Freedom of Information Act, except in rare instances, and no pronouncements have been made by a court, so far as I am aware, on the particular question. The answer to your question is probably that the entire matter rests in the discretion of the public body, even if the person affected desires a public session to be held. No conclusive answer can be stated for the reasons referred to, but there are other statutes of a somewhat similar nature which indicate that statutory instruction must be provided in such an instance, and there is none in the case of the Freedom of Information Act.

Very truly yours,

Daniel R. McLeod
Attorney General

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