

1975 S.C. Op. Atty. Gen. 73 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4004, 1975 WL 22302

Office of the Attorney General

State of South Carolina

Opinion No. 4004

March 25, 1975

*1 William M. McCord, M.D., Ph.D.
President
Medical University of South Carolina
80 Barre Street
Charleston, South Carolina 29401

Dear Dr. McCord:

Thank you for your letter of March 19, 1975, enclosing a copy of a letter from Mr. W. Earl Douglas, Managing Editor of The Chronicle, in which he requested the following information:

- '1. An employee data list for all Franklin C. Fetter employees containing: Position, sex, date of birth, marital status, number of children under 19 years of age, and weekly, monthly or annual earnings.
2. Renewal date of present insurance plan under which such employees are covered.
3. Description of present plan.
4. Copy of recent premium statement.'

In my opinion, the following matters requested are subject to disclosure under the terms of the Freedom of Information law:

The positions of the employees, as well as their names, and the earnings of the employees. I assume that there is a present insurance plan about which inquiry is made pursuant to which all employees are covered, and if this is true, a description of that plan is, in my opinion, also subject to disclosure.

The remaining items requested, such as sex, date of birth, marital status, and number of children under 19 years of age of the various employees are, in my opinion, subject to a determination by the agency having custody of such records as to whether their disclosure would be contrary to the public interest or not. I have previously advised at least two other State agencies where material of a fairly similar nature was requested that, in my opinion, should such a determination be made, that conclusion would be a proper one. Matters such as sex, age, marital status, number of children, as well as cost of insurance for individuals, are of a purely private nature, warranting a degree of protection to be given the right of privacy, which is recognized in the law of this State as being a matter of constitutional right. See Article X, Section 1, of the recently adopted amendment to the Constitution of this State, which prohibits the 'unreasonable invasion of privacy.' When an individual enters public employment, he necessarily surrenders, to some degree, a large amount of his privacy, such as his name, earnings and position, but he does not surrender all of his basic right to privacy and to private matters which cannot, in any manner, affect the performance of his duties if they are not disclosed to the public generally. This conclusion is rendered all the more apparent by the adoption of the constitutional amendment referred to which is an inclusion not heretofore appearing in any of the Constitutions of this State.

With best wishes,

Cordially,

Daniel R. McLeod
Attorney General

1975 S.C. Op. Atty. Gen. 73 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4004, 1975 WL 22302

End of Document

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