



University Counsel

Opinion No. 2017-02

October 11, 2017

Jane Johansen  
Vice President of Finance & Admin & Chief Financial Officer  
Finance and Administration  
Singleton Building

Dear Ms. Johansen:

The Office of University Counsel received your request for a formal opinion concerning position descriptions and whether they are part of a personnel file. Specifically, you inquire as to whether position descriptions are available to those who are internal to the University, having a legitimate business purpose for the information, who is not a direct supervisor to the position description requested. Secondly, you inquire as to whether the position descriptions are available to those externally who have a legitimate business purpose for the information.

The Office of University Counsel has reviewed state and federal law and has not found a provision preventing the release of position descriptions to those with a legitimate business purpose for the information. However, the analysis for internal informational requests and external informational requests differs.

#### External Requests for Position Descriptions

The Office of University Counsel finds that position descriptions may be considered separate and apart from a personnel file, and therefore, may be subject to public disclosure should a request for such information under the Freedom of Information Act be granted. Pursuant to South Carolina Code of Laws §30-4-15, also known as the Freedom of Information Act (FOIA), access to certain public records to citizens may be made upon request.

Coastal Carolina University does not actively share or release any personal information about an individual except to comply with an applicable law or legal process, or to protect the personal safety of the University community or the general public. However, because Coastal Carolina University is a public institution, some information may be subject to release through the South Carolina Freedom of Information Act.

Any person and/or entity seeking access for review or copies of records, documents or materials from Coastal Carolina University under FOIA, must complete and submit, with applicable fees, the University's Freedom of Information Act Request Form. The FOIA Request Form may be found at

<https://www.coastal.edu/media/2015ccuwebsite/contentassets/documents/universitycounsel/FOIA.pdf> and submitted to [foia@coastal.edu](mailto:foia@coastal.edu). Coastal Carolina University's FOIA Office will begin to process the request once the completed request form has been submitted, and will work to determine whether the request for information should be granted. Redactions may be made to documents otherwise disclosable under FOIA before the requested information is released. Should the FOIA Office determine a document pertaining to a particular employee be disclosed to the requestor, the FOIA Office will send a courtesy email to the employee to put them on notice that such information was requested and will be released to the requestor.

#### Internal Requests for Position Descriptions

As discussed above, the Office of University Counsel finds that position descriptions may be considered separate and apart from a personnel file, and therefore, may be subject to public disclosure should a request for such information under the Freedom of Information Act be granted. In following that rationale, if such documents are subject to public disclosure, then they should also be available to those internally, who have a legitimate business interest in the information.

Internal requests do not need processed through the FOIA Office. However, the request for position descriptions should be requested through the Human Resources and Equal Opportunity Office. The Human Resources and Equal Opportunity Office will notify University Counsel the details of the request. The Office of University Counsel will determine what a legitimate business purpose is as to any documents subject to disclosure. Additionally, all requests for information relating to a personnel file should be approved through the Office of University Counsel, pursuant to the Opinion of External Counsel dated December. 13, 2016. Redactions may be made to documents requested internally as well.

In the case of the internal request of position descriptions, the position description will be released, however, the names and personally identifiable information may be redacted from the document before being released.

In conclusion, it is the opinion of University Counsel, that position descriptions shall be viewed as being separate and apart from an employee's personnel file, and may subject to public disclosure, though redactions may be made to the documents requested. External requests for such information should be processed through a FOIA request. Internal requests for such information should be requested of the Human Resources and Equal Opportunity Office as discussed above.

Sincerely,



Katherine M. Brooks  
Associate University Counsel  
Coastal Carolina University