**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 30‑4‑35 SO AS TO PROVIDE THAT UNDER THE FREEDOM OF INFORMATION ACT PUBLIC BODIES MAY CHARGE NO MORE THAN THE ACTUAL COST OF PRINTING PUBLIC RECORDS CONTAINING DATA SUBJECT TO CERTAIN COPYRIGHT PROTECTIONS, TO PROVIDE AN EXEMPTION FOR REQUESTERS WHO CERTIFY THAT THE INFORMATION SOUGHT IS NOT FOR COMMERCIAL USE, TO PROVIDE PUBLIC BODIES MAY INDICATE ON DOCUMENTS PROVIDED PURSUANT TO THIS ACT THAT THE DOCUMENTS ARE NOT FOR COMMERCIAL USE, AND TO PROVIDE THESE PROVISIONS APPLY NOTWITHSTANDING EXISTING PROVISIONS CONCERNING THE AMOUNTS PUBLIC BODIES MAY CHARGE FOR COMPLYING WITH RECORDS REQUESTS UNDER THE FREEDOM OF INFORMATION ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 4, Title 30 of the 1976 Code is amended by adding:

“Section 30‑4‑35. With respect to public records containing data subject to copyright protection because the data contains original material, research, and creative compilation, a public body may not charge the public more than the actual cost of printing such records provided to fulfil a request made pursuant to this chapter. The public body may not factor in the value of the original material, research, and creative compilation or the like that produced the data subject to disclosure under the provisions of this chapter. The provisions of this section only apply when the requester certifies that the information is not for commercial use. The public body providing such copyrightable information obtained for noncommercial use may stamp or watermark the documents with the words, ‘not for commercial use’. The provisions of this item apply notwithstanding the provisions of Section 30‑4‑30(b) concerning the amount public bodies may charge the public for searching, retrieving, redacting, and reproducing records.”

SECTION 2. This act takes effect upon approval by the Governor.

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