CHAPTER 2

Family and Personal Identifying Information Privacy Protection

Article 1

The Family Privacy Protection Act

**SECTION 30-2-10. Short title.**

 This chapter shall be designated as the "Family Privacy Protection Act of 2002".

HISTORY: 2002 Act No. 225, § 1.

**SECTION 30-2-20. Privacy policies and procedures required of all state entities.**

 All state agencies, boards, commissions, institutions, departments, and other state entities, by whatever name known, must develop privacy policies and procedures to ensure that the collection of personal information pertaining to citizens of the State is limited to such personal information required by any such agency, board, commission, institution, department, or other state entity and necessary to fulfill a legitimate public purpose.

HISTORY: 2002 Act No. 225, § 1.

**SECTION 30-2-30. Definitions.**

 For purposes of this act, the following terms have the following meanings:

 (1) "Personal information" means information that identifies or describes an individual including, but not limited to, an individual's photograph or digitized image, social security number, date of birth, driver's identification number, name, home address, home telephone number, medical or disability information, education level, financial status, bank account numbers, account or identification number issued by or used, or both, by any federal or state governmental agency or private financial institution, employment history, height, weight, race, other physical details, signature, biometric identifiers, and any credit records or reports.

 "Personal information" does not mean information about boating accidents, vehicular accidents, driving violations, boating violations, or driver status, or names and addresses from any registration documents filed with the Department of Revenue as a business address which also may be a personal address.

 (2) "Legitimate public purpose" means a purpose or use which falls clearly within the statutory charge or mandates of an agency, board, commission, institution, department, or other state entity.

 (3) "Commercial solicitation" means contact by telephone, mail, or electronic mail for the purpose of selling or marketing a consumer product or service. "Commercial solicitation" does not include contact by whatever means for the purpose of:

 (a) offering membership in a credit union;

 (b) notification of continuing education opportunities;

 (c) selling or marketing banking, insurance, securities, or commodities services provided by an institution or entity defined in or required to comply with the Federal Gramm-Leach-Bliley Financial Modernization Act, 113 Stat. 1338; or

 (d) contacting persons for political purposes using information on file with state or local voter registration offices.

 (4) "Medical information" includes, but is not limited to, blood samples and test results obtained and kept by the Department of Health and Environmental Control pursuant to Section 44-37-30.

HISTORY: 2002 Act No. 225, § 1; 2003 Act No. 20, § 1; 2003 Act No. 69, § 3.II.

**SECTION 30-2-40. Display of privacy policy on web site; access to personal information disclosure; criminal justice and judicial agency exception.**

 (A) Any state agency, board, commission, institution, department, or other state entity which hosts, supports, or provides a link to page or site accessible through the world wide web must clearly display its privacy policy and the name and telephone number of the agency, board, commission, institution, department, or other state entity person responsible for administration of the policy.

 (B) Where personal information is authorized to be collected by an entity covered by this section, the entity must at the time of collection advise the citizen to whom the information pertains that the information is subject to public scrutiny or release.

 (C) Subsection (B) does not apply to criminal justice or judicial agencies, or both.

HISTORY: 2002 Act No. 225, § 1.

**SECTION 30-2-50. Obtaining personal information from state agency, local government, or other political subdivision for commercial solicitation; penalty.**

 (A) A person or private entity shall not knowingly obtain or use personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.

 (B) Each state agency, local government, and political subdivision of the State shall provide a notice to all requestors of records pursuant to this chapter and to all persons who obtain records pursuant to this chapter that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited.

 (C) All state agencies, local governments, and political subdivisions of the State shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation.

 (D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.

HISTORY: 2002 Act No. 225, § 1; 2003 Act No. 20, § 2; 2017 Act No. 67 (H.3352), § 6, eff May 19, 2017.

Article 3

Personal Identifying Information Privacy Protection

**SECTION 30-2-300. Findings of General Assembly.**

 The General Assembly finds:

 (1) The social security number can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to the individual. While the social security number was intended to be used solely for the administration of the federal Social Security System, over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes.

 (2) Although there are legitimate reasons for state and local government entities to collect social security numbers and other personal identifying information from individuals, government entities should collect the information only for legitimate purposes or when required by law. An entity that provides employee benefits has a legitimate need to collect and use social security numbers and personal identifying information as part of its administration and provision of employee benefits programs.

 (3) When state and local government entities possess social security numbers or other personal identifying information, the governments should minimize the instances this information is disseminated either internally within government or externally with the general public.

HISTORY: 2008 Act No. 190, § 3.B, eff December 31, 2008.

**SECTION 30-2-310. Collection of and maintenance and disposition of records containing social security numbers by public agencies.**

 (A)(1) Except as provided in Sections 30-2-320 and 30-2-330 of this article, a public body, as defined in Section 30-1-10(B), may not:

 (a) collect a social security number or any portion of it containing six digits or more from an individual unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that body's duties and responsibilities as prescribed by law. Social security numbers collected by a public body must be relevant to the purpose for which collected and must not be collected until and unless the need for social security numbers has been clearly documented;

 (b) fail, when collecting a social security number or portion of it containing six digits or more from an individual, to segregate that number on a separate page from the rest of the record, or as otherwise appropriate, so that the social security number may be easily redacted pursuant to a public records request;

 (c) fail, when collecting a social security number or any portion of it containing six digits or more from an individual, to provide, at the time of or before the actual collection of the social security number by that public body, upon request of the individual, a statement of the purpose or purposes for which the social security number is being collected and used;

 (d) use the social security number or a portion of it containing six digits or more for any purpose other than the purpose stated;

 (e) intentionally communicate or otherwise make available to the general public an individual's social security number or a portion of it containing six digits or more or other personal identifying information. "Personal identifying information", as used in this section, has the same meaning as "personal identifying information" in Section 16-13-510, except that it does not include electronic identification names, including electronic mail addresses, or parent's legal surname before marriage;

 (f) intentionally print or imbed an individual's social security number or a portion of it containing six digits or more on any card required for the individual to access government services;

 (g) require an individual to transmit the individual's social security number or a portion of it containing six digits or more over the Internet, unless the connection is secure or the social security number is encrypted;

 (h) require an individual to use the individual's social security number or a portion of it containing six digits or more to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet web site; or

 (i) print an individual's social security number or a portion of it containing six digits or more on materials that are mailed to the individual, unless state or federal law requires the social security number be on the mailed document.

 (2) An entity that collects and uses social security numbers or other personal identifying information as part of the maintenance and reporting of employment records or the administration or provision of employee benefits programs is exempt from the prohibitions in this subsection.

 (B) Before a public body, as defined in Section 30-1-10(B), may transfer or dispose of information technology hardware or storage media owned or leased by it, all personal and confidential information must be removed and the hardware and storage media must be sanitized in accordance with standards and policies adopted by the Department of Administration, Division of the State Chief Information Officer. The director or appropriate information technology manager of the public body owning or leasing the information technology hardware or storage media shall verify that all personal and confidential information is removed and the information technology hardware and storage media are sanitized in accordance with those standards and policies before the transfer or disposal occurs.

 (C) When a public body disposes of a record that contains personal identifying information of an individual, the body shall modify, by shredding, erasing, or other means, the personal identifying information to make it unreadable or undecipherable.

 (D) A public body is considered to comply with subsection (C) if it contracts with a person engaged in the business of disposing of records for the modification of personal identifying information on behalf of the body in accordance with subsection (C).

HISTORY: 2008 Act No. 190, § 3.B, eff December 31, 2008.

**SECTION 30-2-320. Disclosure of social security numbers and identifying information.**

 Social security numbers and identifying information may be disclosed:

 (1) to another governmental entity or its agents, employees, or contractors, if disclosure is necessary for the receiving entity to perform its duties and responsibilities, including a debt collected pursuant to the Setoff Debt Collection Act, Section 12-56-10, and the Governmental Enterprise Accounts Receivable Collections program, Section 12-4-580. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of those numbers;

 (2) pursuant to a court order, warrant, or subpoena;

 (3) for public health purposes;

 (4) on certified copies of vital records issued by the director of the Department of Health and Environmental Control as the state registrar, pursuant to Section 44-63-30 and authorized officials pursuant to Section 44-63-40. The state registrar may disclose personal identifying information other than social security number on an uncertified vital record;

 (5) on a recorded document in the official records of the county;

 (6) on a document filed in the official records of the courts; and

 (7) to an employer for employment verification or in the course of administration or provision of employee benefit programs, claims, and procedures related to employment including, but not limited to, termination from employment, retirement from employment, injuries suffered during the course of employment, and other such claims, benefits, and procedures.

HISTORY: 2008 Act No. 190, § 3.B, eff December 31, 2008.

**SECTION 30-2-330. Removal of social security numbers and other identifying information from official records filed by register of deeds or clerk of court or county.**

 (A) A person preparing or filing a document to be recorded or filed in the official records by the register of deeds or the clerk of court of a county may not include an individual's social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords in that document, unless otherwise expressly required by law or court order or rule adopted by the state registrar on records of vital events. A loan closing instruction that requires the inclusion of an individual's social security number on a document to be recorded is void. A person who violates this subsection is guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars for each violation.

 (B) Notwithstanding Section 30-1-30, or another provision of law, an individual or his attorney-in-fact or legal guardian may request that a register of deeds or clerk of court remove, from an image or copy of an official record placed on a publicly available Internet web site or a publicly available Internet web site used by a register of deeds or court to display public records by the register of deeds or clerk of court, the individual's social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords contained in that official record. The request must be made in writing, legibly signed by the requester, and delivered by mail, facsimile, or electronic transmission, or delivered in person to the register of deeds or clerk of court. The request must specify the identification page number that contains the social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords to be redacted. The register of deeds or clerk of court has no duty to inquire beyond the written request to verify the identity of an individual requesting redaction. A fee must not be charged for the redaction pursuant to the request.

 (C) A register of deeds or clerk of court immediately and conspicuously shall post signs throughout his offices for public viewing and a notice on any Internet web site or remote electronic site made available by the register of deeds or clerk of court and used for the ordering or display of official records or images or copies of official records a notice, stating, in substantially similar form, the following:

 "A person preparing or filing a document for recordation or filing in the official records may not include a social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords in the document, unless expressly required by law. An individual has a right to request a register of deeds or clerk of court to remove, from an image or copy of an official record placed on a publicly available Internet web site or on a publicly available Internet web site used by a register of deeds or clerk of court to display public records, any social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords contained in an official record. The request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person, to the register of deeds or clerk of court. The request must specify the identification page number that contains the social security, driver's license, state identification, passport, checking account, savings account, credit card, debit card number, or personal identification (PIN) code, or passwords to be redacted. There is no fee for the redaction pursuant to request."

HISTORY: 2008 Act No. 190, § 3.B, eff December 31, 2008.

**SECTION 30-2-340. Petition for compliance; liability of register of deeds or clerk of court.**

 Any affected individual may petition the court for an order directing compliance with this section. Liability may not accrue to a register of deeds or clerk of court or to his agents for claims or damages that arise from a social security number or other identifying information on the public record.

HISTORY: 2008 Act No. 190, § 3.B, eff December 31, 2008.

Article 5

Law Enforcement Personal Privacy Protection Act

**SECTION 30-2-500. Definitions.**

Section effective January 1, 2026.

 For the purposes of this article:

 (1) "Personal contact information" means the home address, personal cellular telephone number, or property tax map number, if applicable, of the eligible requesting party.

 (2) "Eligible requesting party" means an active or former law enforcement officer who has filed a formal request under the provisions of this article.

 (3) "Law enforcement officer" means an active or former federal, state, or local certified law enforcement officer or corrections officer.

 (4) "Disclosed records" means records accessible by a database or an image of an official record, that are placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency. Disclosed records for the purpose of this article do not include records available for purchase or through an account, by registration or subscription, from a state or local government agency.

HISTORY: 2023 Act No. 56 (S.252), § 1, eff July 1, 2025; 2025 Act No. 4 (S.126), § 1, eff January 1, 2026.

**SECTION 30-2-510. Option for law enforcement officers to make personal contact information confidential; exceptions; procedures.**

Section effective January 1, 2026.

 (A) An eligible requesting party's personal contact information in a disclosed record shall be restricted on a publicly available internet website maintained by or operated on behalf of the state or local government agency if the law enforcement officer:

 (1) notifies the individual state or local government agency of the law enforcement officer's choice to restrict public access to personal contact information in disclosed records by submission of the designated form and any supplemental information requested by the state or local government agency; and

 (2) provides a notarized affidavit affirming current employment or previous employment as a law enforcement officer. The affidavit must include contact information for the employer.

 (B) A choice made under this article remains valid with the following exceptions:

 (1) the law enforcement officer rescinds the request in writing and provides notice to the state or local government agency;

 (2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

 (3) the law enforcement officer requests release of the law enforcement officer's personal contact information from a state or local government agency for a specific purpose and for a limited time;

 (4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles as permitted by law;

 (5) the personal contact information is included on a business filing or Uniform Commercial Code filing recorded with the South Carolina Secretary of State; or

 (6) the eligible requesting party's request to restrict information does not apply to a subsequent home address. The eligible requesting party is responsible for notifying through the designated form each state or local government agency of a subsequent home address of the eligible requesting party, and any documents filed after the original request to restrict personal contact information including, but not limited to, changes to the mortgage on a property, or any change in personal contact information.

 (C) Personal contact information protected under the provisions of this article may be disclosed under subpoena, by order of the court, upon written consent of the eligible law enforcement officer, or to a government agency.

 (D)(1) Personal contact information restricted from disclosed records under this section must remain within the official records held or maintained by a state or local government agency, but may not be included in an index or displayed on an image of an official record on a publicly available internet website maintained or operated on behalf of a state or local government agency.

 (2) In the event that a home address or tax map number cannot be restricted from a disclosed record within an index or from being displayed on an image of an official record on a publicly available internet website maintained or operated on behalf of a state or local government agency, then the image of the official record shall not be displayed and the state or local government agency must restrict the home address or tax map number portion from the display within the index, regardless of the location within the index.

 (E) Any personal contact information must be restricted, if requested by an eligible requesting party, from any disclosed record, including the designated form used to notify the state or local government agency and supplemental information requested by the state or local government agency, otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of any other otherwise public information allowed by law.

 (F) A governmental agency that restricts or withholds information under this article shall provide to a requestor a description of the restricted or withheld information and a citation to this article.

 (G) Personal contact information restricted pursuant to this article may be disclosed to:

 (1) a title insurer or its affiliate;

 (2) a title insurance agent or agency;

 (3) a personal representative of a deceased eligible requesting party;

 (4) an attorney duly admitted to practice law in the State of South Carolina and in good standing with the South Carolina Bar or a person appointed in writing by said attorney to receive the restricted information on his behalf; or

 (5) a professional engineer or professional surveyor, as defined under Section 40-22-20, or a person appointed in writing by said professional engineer or professional surveyor to receive the restricted information on his behalf.

 (H) The restricted status of a home address contained in the official records within a county register of deeds is maintained only during the period when an eligible requesting party resides at the dwelling location. Upon the conveyance of real property that no longer constitutes an eligible request in the party's home address, the eligible requesting party must submit the designated form to release the restriction on personal contact information, including the home address information, and a notarized affidavit affirming the designated form to the county register of deeds.

 (I) Nothing in this article shall be construed to limit access to otherwise protected information in public records by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

HISTORY: 2023 Act No. 56 (S.252), § 1, eff July 1, 2025; 2025 Act No. 4 (S.126), § 1, eff January 1, 2026.

**SECTION 30-2-515. Compliance; liability.**

Section effective January 1, 2026.

 Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

HISTORY: 2025 Act No. 4 (S.126), § 1, eff January 1, 2026.

Article 7

Judicial Personal Privacy Protection Act

**SECTION 30-2-700. Definitions.**

Section effective January 1, 2026.

 For the purpose of this article:

 (1) "Personal contact information" means the home address, personal cellular telephone number, or tax map number, if applicable, of the eligible requesting party.

 (2) "Eligible requesting party" means an active or a former judge who has filed a formal request under the provisions of this article.

 (3) "Disclosed records" means records accessible by a database or image of an official record, that are placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency. Disclosed records for the purpose of this article do not include records available for purchase or through an account, by registration or subscription, from a state or local government agency.

HISTORY: 2023 Act No. 56 (S.252), § 3, eff July 1, 2025; 2025 Act No. 4 (S.126), § 2, eff January 1, 2026.

**SECTION 30-2-710. Option for judges to make personal contact information confidential; exceptions; procedures.**

Section effective January 1, 2026.

 (A) An eligible requesting party's personal contact information in a disclosed record shall be restricted on a publicly available internet website maintained by or operated on behalf of the state or local government agency if the judge:

 (1) notifies the individual state or local government agency of the judge's choice to restrict public access to personal contact information in disclosed records by submission of the designated form and any supplemental information requested by the state or local government agency; and

 (2) provides a notarized affidavit affirming the current or prior service as a judge. The affidavit must include the contact information for the court administration office affiliated with the court the judge serves or previously served.

 (B) A choice made under this article remains valid with the following exceptions:

 (1) the judge rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

 (2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

 (3) the judge requests release of the judge's personal contact information from a state or local government agency for a specific purpose and for a limited time;

 (4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law;

 (5) the personal contact information is included on a business filing or Uniform Commercial Code filing recorded with the South Carolina Secretary of State; or

 (6) the eligible requesting party's request to restrict information does not apply to a subsequent home address of the eligible requesting party. The eligible requesting party is responsible for notifying, through the designated form, each state or local government agency of a subsequent home address, and any documents filed after the original request to restrict personal contact information including, but not limited to, changes to the mortgage on a property, or any change in personal contact information.

 (C) Personal contact information provided under the provisions of this article may be disclosed under subpoena, by order of the court, upon written consent of the eligible judge, or to another government agency.

 (D)(1) Personal contact information restricted from disclosed records under this section must remain within the official records held or maintained by a state or local government agency, but not be included within an index or displayed on an image of an official record on a publicly available internet website maintained or operated on behalf of a state or local government agency.

 (2) In the event that a home address or tax map number cannot be restricted from a disclosed record within an index or from being displayed on an image of the official record on a publicly available internet website maintained or operated on behalf of a state or local government agency, then the image of the official record shall not be displayed and the state or local government agency must restrict the home address or tax map number portion from the display within the index, regardless of the location of the index.

 (E) Any personal contact information, as defined under this article, must be restricted, if requested by an eligible requesting party, from any disclosed record, including the designated form used to notify the state or local government agency and supplemental information requested by the state or local government agency, otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of other public information otherwise allowed by law.

 (F) A state or local government agency that restricts or withholds information under this article shall provide to a requestor a description of the restricted or withheld information and a citation to this article.

 (G) Personal contact information restricted pursuant to this article may be disclosed to:

 (1) a title insurer or its affiliate;

 (2) a title insurance agent or agency;

 (3) the personal representative of a deceased eligible requesting party;

 (4) an attorney duly admitted to practice law in the State of South Carolina and in good standing with the South Carolina Bar or a person appointed in writing by said attorney to receive the restricted information on his behalf; or

 (5) a professional engineer or professional surveyor as defined under Section 40-22-20, or a person appointed in writing by said professional engineer or professional surveyor to receive the restricted information on his behalf.

 (H) The restricted status of a home address contained in the official records within a county of register of deeds is maintained only during the period when an eligible requesting party resides at the dwelling location. Upon the conveyance of real property that no longer constitutes an eligible requesting party's home address, the eligible requesting party must submit the designated form to release the restriction on personal contact information, including home address information, and a notarized affidavit affirming the designated form to the county register of deeds.

 (I) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

HISTORY: 2023 Act No. 56 (S.252), § 3, eff July 1, 2025; 2025 Act No. 4 (S.126), § 2, eff January 1, 2026.

**SECTION 30-2-715. Compliance; liability.**

Section effective January 1, 2026.

 Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

HISTORY: 2025 Act No. 4 (S.126), § 2, eff January 1, 2026.