**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4457**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bowers

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Introduced in the House on January 28, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Personal Email Privacy Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑4

1/28/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑4

**VERSIONS OF THIS BILL**

[1/28/2010](file:///p:\pprever\2009-10\4457_20100128.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 3 TO TITLE 30 SO AS TO ENACT THE “PERSONAL EMAIL PRIVACY PROTECTION ACT” TO SAFEGUARD THE PERSONAL EMAILS OF CERTAIN PERSONS ASSOCIATED WITH PUBLIC BODIES, TO PROVIDE THAT PERSONAL EMAILS ARE NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE A PENALTY FOR THE UNLAWFUL DISCLOSURE OF THESE PERSONAL EMAILS, AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. This act may be cited as the “Personal Email Privacy Protection Act”.

SECTION 2. Title 30 of the 1976 Code is amended by adding:

“CHAPTER 3

Personal Email Privacy Protection

Section 30-3-10. For the purpose of this chapter, the term:

(1) ‘Person’ includes any individual, corporation, partnership, firm, organization, or association.

(2) ‘Personal email’ means electronic communication via computer or other electronic device of an employee of a public body which is entirely personal in nature and does not in any way relate to the business of the public body.

(3) ‘Public body’ means a department of the State, a majority of directors or their representatives of departments within the executive branch of state government as outlined in Section 1‑30‑10, any state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any of these bodies by whatever name known, and includes any quasi‑governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self evaluation, are not public bodies for the purpose of this chapter.

Section 30-3-20. (A) Notwithstanding another provision of law, it is unlawful to disclose the personal emails of elected officials and employees of a public body. These personal emails are private and not subject to disclosure pursuant to the provisions of Chapter 4, Title 30.

(B) A person who wilfully violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

Section 30-3-30. No cause of action lies in any court against a person for disclosing personal emails or providing information, facilities, or assistance in accordance with the terms of a court order to produce the information. A good faith reliance on a court order issued is a complete defense against a civil or criminal action brought pursuant to this chapter or any other provision of law.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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