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Summary: Law Enforcement Personal Privacy Protection and Judicial Personal Privacy Protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/126_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30‑2‑500, RELATING TO DEFINITIONS, SO AS TO INCLUDE ADDITIONAL INFORMATION IN THE DEFINITION OF “PERSONAL CONTACT INFORMATION” AND TO DEFINE “DISCLOSED RECORDS”; BY AMENDING SECTION 30‑2‑510, RELATING TO OPTION FOR LAW ENFORCEMENT OFFICERS TO MAKE PERSONAL CONTACT INFORMATION CONFIDENTIAL; EXCEPTIONS; PROCEDURES, SO AS TO RESTRICT PERSONAL CONTACT INFORMATION IN A DISCLOSED RECORD FROM A PUBLICLY AVAILABLE INTERNET WEBSITE MAINTAINED BY OR OPERATED ON BEHALF OF A STATE OR LOCAL GOVERNMENT AND TO REQUIRE THAT THE PERSONAL CONTACT INFORMATION RESTRICTED FROM DISCLOSED RECORDS UNDER THIS SECTION MUST REMAIN WITHIN THE OFFICIAL RECORD HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY, AND TO ALLOW DISCLOSURE TO CERTAIN INDIVIDUALS OR ENTITIES; BY ADDING SECTION 30‑2‑515 SO AS TO PROVIDE FOR A PETITION TO COURT FOR COMPLIANCE WITH THE ARTICLE AND TO PREVENT LIABILITY FROM ACCRUING TO A STATE OR LOCAL GOVERNMENT EMPLOYEE OR THE EMPLOYEE’S AGENTS; BY AMENDING SECTION 30‑2‑700, RELATING TO DEFINITIONS, SO AS TO INCLUDE ADDITIONAL INFORMATION IN THE DEFINITION OF “PERSONAL CONTACT INFORMATION” AND TO DEFINE “DISCLOSED RECORDS”; BY AMENDING SECTION 30‑2‑710, RELATING TO OPTION FOR JUDGES TO MAKE PERSONAL CONTACT INFORMATION CONFIDENTIAL; EXCEPTIONS; PROCEDURES, SO AS TO RESTRICT PERSONAL CONTACT INFORMATION IN A DISCLOSED RECORD FROM A PUBLICLY AVAILABLE INTERNET WEBSITE MAINTAINED BY OR OPERATED ON BEHALF OF A STATE OR LOCAL GOVERNMENT AND TO REQUIRE THAT THE PERSONAL CONTACT INFORMATION RESTRICTED FROM DISCLOSED RECORDS UNDER THIS SECTION MUST REMAIN WITHIN THE OFFICIAL RECORD HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY, AND TO ALLOW DISCLOSURE TO CERTAIN INDIVIDUALS OR ENTITIES; BY ADDING SECTION 30‑2‑715 SO AS TO PROVIDE FOR A PETITION TO COURT FOR COMPLIANCE WITH THE ARTICLE AND TO PREVENT LIABILITY FROM ACCRUING TO A STATE OR LOCAL GOVERNMENT EMPLOYEE OR THE EMPLOYEE’S AGENTS; TO DIRECT THE OFFICE OF COURT ADMINISTRATION AND THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO COLLABORATE IN THE CREATION OF THE DESIGNATED FORM FOR A LAW ENFORCEMENT OFFICER AND FOR A JUDGE TO USE TO REQUEST THE RESTRICTION OF PERSONAL CONTACT INFORMATION IN DISCLOSED RECORDS; AND TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 30‑2‑500 of the S.C. Code is amended to read:

 Section 30‑2‑500.

 For the purposes of this article:

 (1) “Personal contact information” means the name, home address or; 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.

Section 30‑2‑510 of the S.C. Code is amended to read:

 Section 30‑2‑510. Section effective July 1, 2024.

 (A) Information that relates to the personal contact information of an An eligible requesting party’s personal contact information in a disclosed record and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public 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 or posting of personal contact informationpersonal contact information in disclosed records by submission of a the designated form produced by the South Carolina Criminal Justice Academy; and

 (2) provides a verification of a notarized affidavit affirming current employment or previous employment as a law enforcement officer to include contact information for his employer. 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; or

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

 (D) 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.

 (E) Any personal contact information as defined under this article must be redactedrestricted, if requested by an eligible requesting party, from any public documentdisclosed record, including the designated form used to notify 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.

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

 (3) 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.

 (H) The exempt 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.

 (F)(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.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30‑2‑515. 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.

SECTION 2. Section 30‑2‑700 of the S.C. Code is amended to read:

 Section 30‑2‑700.

 For the purpose of this article:

 (1) “Personal contact information” means the name, home address, or 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.

Section 30‑2‑710 of the S.C. Code is amended to read:

 Section 30‑2‑710.

 (A) Information that relates to theAn eligible requesting party’s personal contact information of an eligible requesting party and is held in a disclosed record or maintained by a state or local government agency is confidential and must not be disclosed to the public 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 or posting online of personal contact information in disclosed records by submission of a the designated form provided by the South Carolina Court Administration ; and

 (2) provides verification of 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 from the South Carolina Court Administration.

 (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; or

 (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 to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge, or to another government agency.

 (D) 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.

 (E) Any personal contact information, as defined under this article, must be redactedrestricted, if requested by an eligible requesting party, from any public document disclosed record, including the designated form used to notify 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.

 (E)(F) A state or local government agency that redacts restricts or withholds information under this article shall provide to thea requestor a description of the redacted 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; or

 (3) 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.

 (H) The exempt 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.

 (F)(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.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30‑2‑715. 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.

SECTION 3. The Office of Court Administration and the South Carolina Criminal Justice Academy shall collaborate to create the designated form for law enforcement officers and for judges to use to request a state or local government agency restrict public access to personal contact information in disclosed records. The form shall include a disclaimer to inform the requesting party the request is specific to the state or local government agency and will not be provided to other entities or apply to changes in personal contact information. The form must contain fields for the following:

 (1) the requesting party’s personal information including, but not limited to, legal name, date of birth, home address, driver’s license information, personal email address, and where applicable, tax map numbers;

 (2) the dates of service and status of service;

 (3) the location of personal contact information in disclosed records by instrument number, book and page number of the copy or image, docket number, file number, vehicle identification number; or title number; and

 (4) an exception section to notify a state or local government agency of rescission of the request to restrict personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

SECTION 4. The effective date of Act No. 56 of 2023, which enacted the “Law Enforcement Personal Privacy Protection Act” and the “Judicial Personal Privacy Protection Act,” is delayed from July 1, 2025, until January 1, 2026.

SECTION 5. This act takes effect on January 1, 2026.

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