

South Carolina

S.C. Code § 39-1-90

Quick Links

[Statute](#)

[AG Website](#)

Quick Facts

Is “Personal Information” broader than the general definition? ¹	✓ Yes
Does the law apply to paper records?	✗ No
Is notification triggered by access only?	✗ No
Is a risk-of-harm analysis permitted?	✓ Yes
Is notice to a state agency or AG required?	✓ Yes
Is there a specific deadline for individual notices?	✗ No
Is there a specific format or language that must be included in the individual notice?	✗ No
Is a private right of action permitted?	✓ Yes

“Breach” Definition

The unauthorized access to and acquisition of computerized data that compromises the security, confidentiality, or integrity of personal identifying information maintained by the person, when illegal use of the information has occurred or is reasonably likely to occur or use of the information creates a material risk of harm to a resident.

“Personal Information” Definition

1. The first name or first initial and last name in combination with and linked to any one or more of the following:
 - a. Social Security number
 - b. Driver’s license number or state identification card number issued instead of a driver’s license

¹ The general definition of “Personal Information” is an individual’s name in combination with any one or more of the following: (1) Social Security number; (2) driver’s license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

- c. Financial account number, or credit card or debit card number in combination with any required security code, access code, or password that would permit access to a resident's financial account, or
- d. Other numbers or information which may be used to access a person's financial accounts or numbers or information issued by a governmental or regulatory entity that uniquely will identify an individual.

Notification Trigger

Following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall disclose the breach to each state resident in the most expedient time possible, without unreasonable delay following discovery of the breach.
2. Entity that does not own or have the right to license the personal information shall notify the owner or licensee immediately following discovery of the breach.

Risk-of-Harm Analysis Standard

Disclosure of a breach of security to a customer shall not be required if illegal use of the information acquired is not reasonably likely to occur or is not reasonably likely to create a material risk of harm to the affected individual.

Special Form/Content of Consumer Notice

N/A

AG Notice Trigger/Deadline

If an entity provides notice to more than 1,000 persons at one time, then the business shall notify, without unreasonable delay, the South Carolina Consumer Protection Division of the Department of Consumer Affairs of the timing, distribution, and content of the notice.

Notification to Consumer Reporting Agencies Threshold

If an entity provides notice to more than 1,000 persons at one time, then the business shall notify, without unreasonable delay, all consumer reporting agencies.