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**S. 6**

**STATUS INFORMATION**

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Summary: Freedom of Information

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 12/11/2024 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/6_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30‑4‑30, RELATING TO THE RIGHT TO INSPECT OR COPY PUBLIC RECORDS, SO AS TO PROVIDE FOR A TIMELINE OF FIVE DAYS FOR PROVIDING RECORDS WITH CERTAIN RESPONSES, TO PROVIDE THAT THE APPROPRIATE COURT CAN BE PETITIONED FOR ADDIITIONAL TIME TO RESPOND, AND TO PROVIDE THAT A FAILURE TO RESPOND TO A REQUEST IS DEEMED A DENIAL AND A VIOLATION OF THIS CHAPTER.

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

SECTION 1. Section 30‑4‑30 of the S.C. Code is amended to read:

 Section 30‑4‑30. (A)(1) A person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30‑4‑40, or other state and federal laws, in accordance with reasonable rules concerning time and place of access. This right does not extend to individuals serving a sentence of imprisonment in a state or county correctional facility in this State, in another state, or in a federal correctional facility; however, this may not be construed to prevent those individuals from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution under the South Carolina Rules of Criminal Procedure.

 (2) A public body is not required to create an electronic version of a public record when one does not exist to fulfill a records request.

 (B) The public body may establish and collect fees as provided for in this section. The public body may establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and redaction of records. The public body shall develop a fee schedule to be posted online. The fee for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request. Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are transmitted in an electronic format. If records are not in electronic format and the public body agrees to produce them in electronic format, the public body may charge for the staff time required to transfer the documents to electronic format. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. A deposit not to exceed twenty‑five percent of the total reasonably anticipated cost for reproduction of the records may be required prior to the public body searching for or making copies of records.

 (C) Each public body, upon written request for records made under this chapter, shall promptly, but in all cases within ten five days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of the request, provide the requested records to the requester or make one of the following responses in writing:

 (1) The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, regarding each category of withheld records, the specific Code section that authorizes the withholding of the records.

 (2) The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

 (3) The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, then the response shall include contact information for the other public body.

 (4) It is not practically possible to provide the requested records or to determine whether they are available within the five‑work‑day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, then the public body shall have an additional seven work days. notify the person making the request of its determination and the reasons for it; provided, however, that if the record is more than twenty‑four months old at the date the request is made, the public body has twenty days (excepting Saturdays, Sundays, and legal public holidays) of the receipt to make this notification. This determination must constitute the final opinion of the public body as to the public availability of the requested public record, however, the determination is not required to include a final decision or express an opinion as to whether specific portions of the documents or information may be subject to redaction according to exemptions provided for by Section 30‑4‑40 or other state or federal laws. If the request is granted, the record must be furnished or made available for inspection or copying no later than thirty calendar days from the date on which the final determination was provided, unless the records are more than twenty‑four months old, in which case the public body has no later than thirty‑five calendar days from the date on which the final determination was provided. If a deposit as provided in subsection (B) is required by the public body, the record must be furnished or made available for inspection or copying no later than thirty calendar days from the date on which the deposit is received, unless the records are more than twenty‑four months old, in which case the public body has no later than thirty‑five calendar days from the date on which the deposit was received to fulfill the request. The full amount of the total cost must be paid at the time of the production of the request. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed, electronically transmitted, nor personally delivered to the person requesting the document within the time set forth by this section, the request must be considered approved as to nonexempt records or information. Exemptions from disclosure as set forth in Section 30‑4‑40 or by other state or federal laws are not waived by the public body's failure to respond as set forth in this subsection. The various response, determination, and production deadlines provided by this subsection are subject to extension by written mutual agreement of the public body and the requesting party at issue, and this agreement shall not be unreasonably withheld.

 (D) Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

 (E) No public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public

 (D)(F) The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body, unless the record is exempt pursuant to Section 30‑4‑40 or other state or federal laws, without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

 (1) minutes of the meetings of the public body for the preceding six months;

 (2) all reports identified in Section 30‑4‑50(A)(8) for at least the fourteen‑day period before the current day;

 (3) documents identifying persons confined in a jail, detention center, or prison for the preceding three months; and

 (4) all documents produced by the public body or its agent that were distributed to or reviewed by a member of the public body during a public meeting for the preceding six‑month period.

 (E)(G) A public body that places the records in a form that is both convenient and practical for use on a publicly available Internet website is deemed to be in compliance with the provisions of subsection (D)(F), provided that the public body also shall produce documents pursuant to this section upon request.

 (H) Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

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

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