

**South Carolina General Assembly**  
125th Session, 2023-2024

(A106, R107, H3872)

**AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.**

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

**Personally identifiable information exempt from nonconsensual disclosure**

SECTION 1. Chapter 150, Title 59 of the S.C. Code is amended by adding:

Section 59-150-145. (A) The following information concerning a lottery prize winner is exempt from disclosure under the Freedom of Information Act (FOIA) and may not be disclosed by the commission in response to a FOIA request without express written consent initiated from the winner and unsolicited from any party listed in subsection (C):

- (1) the name, address, telephone numbers, birth date, and social security number of the winner; and
- (2) copies of any forms of identification provided by the winner to the commission.

(B) Absent consent of the winner as provided in subsection (A), the only information concerning a lottery prize claim that the commission may release pursuant to a FOIA request is the date of the claim and draw, game played, prize amount, retailer location where the winning ticket was sold, and name of the town where the winner resided at the time of the claim.

(C) The commission, its contractors, or other governmental entities with whom winner information is shared may not release the information listed in subsection (A) to a third party with the exception of disclosure of information for legitimate government purposes or as specifically provided by law.

(D) In accordance with the rules of certain promotions designated by the commission, implied consent to the disclosure of name and likeness may be required, in addition to information listed in subsection (B),

as a condition of entry in the promotion.

(E) Nothing in this section prohibits a lottery prize winner to authorize and consent to limited disclosure of their likeness and/or hometown for the sole purpose of lottery marketing purposes.

(F) The provisions of this section apply notwithstanding the provisions of Section 59-150-30(A), Section 59-150-240(A), or another provision of law.

### **Freedom of Information Act, conforming changes**

SECTION 2. Section 30-4-40 of the S.C. Code is amended by adding:

(e) A public body only may disclose information concerning lottery prize claims as provided in Section 59-150-145.

### **Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 30<sup>th</sup> day of January, 2024.

Approved the 5<sup>th</sup> day of February, 2024.