

## **S.C. Code Ann. § 39-8-30**

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*South Carolina Code of Laws Annotated by LexisNexis® > Title 39. Trade and Commerce (Chs. 1 — 79) > Chapter 8. Trade Secrets (§§ 39-8-1 — 39-8-130)*

### **§ 39-8-30. Trade secrets; employees' obligation to refrain from disclosing; civil actions and remedies.**

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- (A) A trade secret endures and is protectable and enforceable until it is disclosed or discovered by proper means.
- (B) Every employee who is informed of or should reasonably have known from the circumstances of the existence of any employer's trade secret has a duty to refrain from using or disclosing the trade secret without the employer's permission independently of and in addition to any written contract of employment, secrecy agreement, noncompete agreement, nondisclosure agreement, or other agreement between the employer and the employee.
- (C) A person aggrieved by a misappropriation, wrongful disclosure, or wrongful use of his trade secrets may bring a civil action to recover damages incurred as a result of the wrongful acts and to enjoin its appropriation, disclosure, use, or wrongful acts pertaining to the trade secrets.
- (D) A contractual duty not to disclose or divulge a trade secret, to maintain the secrecy of a trade secret, or to limit the use of a trade secret must not be considered void or unenforceable or against public policy for lack of a durational or geographical limitation.
- (E) This chapter applies to any and all civil remedies which are based upon misappropriation of a trade secret or upon protection of a trade secret except as provided in Section 39-8-110(B) and (C).

### **History**

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1997 Act No. 38, § 1, eff May 21, 1997.

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