

S.C. Code Ann. § 37-20-110

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*South Carolina Code of Laws Annotated by LexisNexis® > Title 37. Consumer Protection Code (Chs. 1 — 30)
> Chapter 20. Consumer Identity Theft Protection (§§ 37-20-110 — 37-20-200)*

§ 37-20-110. Definitions.

For purposes of this chapter:

- (1) “Consumer” means an individual residing in the State of South Carolina who undertakes a transaction for personal, family, or household purposes.
- (2) “Consumer credit-reporting agency” or “consumer reporting agency” means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information about consumers for the purpose of furnishing consumer reports to third parties.
- (3) “Consumer report” or “credit report” means any written, oral, electronic, or other communication of information by a consumer credit-reporting agency regarding a consumer’s creditworthiness, credit standing, credit capacity, character, debts, general reputation, personal characteristics, or mode of living that is used or expected to be used or collected in whole or in part for the purpose of establishing a consumer’s eligibility for any of the following:
 - (a) credit or insurance to be used primarily for personal, family, or household purposes;
 - (b) employment purposes, meaning the use of a consumer report for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee; or
 - (c) any other purpose authorized pursuant to 15 U.S.C. Section 1681b.

“Consumer report” or “credit report” does not include a report containing information as to a transaction between the consumer and the person making the report; an authorization or approval by the issuer of a credit card or similar device, directly or indirectly, of a specific extension of credit; a communication of information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among those persons and the consumer has the opportunity, to direct that the information not be communicated among them, or a report in which a person conveys an adverse decision in response to a request from a third party to make a specific extension of credit, directly or indirectly, to the consumer, if the third party advises the consumer of the name and address of the person to whom the request was

made and the person makes the required disclosures to the consumer pursuant to the provisions of the federal “Fair Credit Reporting Act”.

(4) “Credit card” has the same meaning as in Section 103 of the Truth in Lending Act, 15 U.S.C. Section 160 and includes a lender credit card, as defined in Section 37-1-301(16) and a seller credit card, as defined in Section 37-1-301(26).

(5) “Creditworthiness” means an entry in a consumer’s credit file that affects the ability of a consumer to obtain and retain credit, employment, business or professional licenses, investment opportunities, or insurance. Entries affecting creditworthiness include, but are not limited to, payment information, defaults, judgments, liens, bankruptcies, collections, records of arrest and indictments, and multiple credit inquiries.

(6) “Debit card” means a card or device issued by a financial institution to a consumer for use in initiating an electronic fund transfer from the account holding assets of the consumer at that financial institution, for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

(7) “Disposal” means the:

- (a)** discarding or abandonment of records containing personal identifying information; or
- (b)** sale, donation, discarding, or transfer of any medium, including computer equipment or computer media, containing records of personal identifying information, other nonpaper media upon which records of personal identifying information are stored, or other equipment for nonpaper storage of information.

(8) “File” means all information on a consumer that is recorded and retained by a consumer credit-reporting agency, regardless of how the information is stored.

(9) “Financial identity fraud” and “identity fraud” are as defined in Section 16-13-510 and include the term “identity theft”.

(10) “Person” means a natural person, an individual, or an organization as defined in Section 37-1-301(20).

(11)

- (a)** For purposes of this chapter, “personal identifying information” means personal identifying information as defined in Section 16-13-510(D).
- (b)** “Personal identifying information” does not mean information about vehicular accidents, driving violations, and driver’s status.

(12) “Proper identification” means information generally considered sufficient to identify a person. If a person is reasonably unable to identify himself or herself with the information described in item (11), a consumer reporting agency may require additional information concerning the consumer’s employment and personal or family history in order to verify the consumer’s identity.

(13) “Publicly post” or “publicly display” means to exhibit in a place of public view.

(14) “Records” means material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

(15) “Security breach” means an incident of unauthorized access to and acquisition of records or data that was not rendered unusable through encryption, redaction, or other methods containing personal identifying information that compromises the security, confidentiality, or integrity of personal identifying information maintained by a 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 the consumer. Good faith acquisition of personal identifying information by an employee or agent of the person for a legitimate purpose is not a security breach, if the personal identifying information is not used for a purpose other than a lawful purpose of the person and is not subject to further unauthorized disclosure.

(16) “Security freeze” means a notice placed in a consumer credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer credit-reporting agency from releasing a credit report containing all or any part of the consumer’s credit report or any information derived from it without the express authorization of the consumer.

History

2008 Act No. 190, § 2, eff December 31, 2008.

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