

SECTION-BY-SECTION JUDICIARY SUMMARY

Summary of the South Carolina Digital Liberty and Government Technology Accountability Act

- **Section 1:** Names the Act.
- **Section 2:** States constitutional and legislative findings, including South Carolina's express privacy protection and the principle that technological capability does not create governmental authority.
- **Section 3 / Section [--10]:** Defines key terms governing the Act, including governmental entities, protected digital information, surveillance technology, automated decision systems, biometric information, and high-consequence governmental digital systems.
- **Section [--20] through Section [--50]:** Establishes constitutional-process, aggregation, government-by-proxy, and shared/federated-system rules.
- **Section [--60]:** Requires independent human review when automated systems materially affect substantial legal interests and provides for notice and a reasonable opportunity to challenge material factual or computational error when an automated system materially contributes to an adverse governmental determination, subject to exceptions expressly provided by law.
- **Section [--70] through Section [--90]:** Requires impact assessment, independent verifiability, audit evidence, and record integrity. Provides that certification, testing, accreditation, approval, procurement acceptance, or compliance with a technical standard does not, standing alone, constitute independent verification or create a conclusive presumption of system correctness, integrity, security, or lawful operation.
- **Section [--100] and Section [--110]:** Establishes procurement, supply-chain, contractor-accountability, and lawful oversight-access requirements**, including accountability for material commercial off-the-shelf components and relevant foreign access, control, or operational dependencies.

- **Section [--120] and Section [--130]:** Requires affirmative public approval for new categories or materially new uses of political-subdivision surveillance technology and creates a public technology inventory.
- **Section [--140] and Section [--150]:** Establishes data-security, correction/preservation, and anti-circumvention duties.
- **Section [--160]:** Provides equitable enforcement, attorney's fees and litigation costs where awarded by the court, remedies for knowing or willful substantive violations as provided by law, and preservation of existing remedies.
- **Section [--170]:** Makes the Act a constitutional floor, not a safe harbor or ceiling, preserves greater local protections when otherwise authorized by law, and addresses federal preemption.
- **Sections 4-5:** Provide severability, transition, and effective-date provisions. The transition period for an existing covered system's initial inventory and impact assessment does not delay another substantive requirement of the Act unless expressly provided by law.

Matters requiring further drafting, reconciliation, or committee determination are identified separately in the Legislative Counsel & Judiciary Checklist