
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 5 (S.79). Internal security; public safety; privacy; personal information

An act relating to freedom from compulsory collection of personal information

Sec. 1 contains legislative findings, some of which state that Vermont residents should be free from discrimination; have a reasonable expectation that State and local government officials will not contribute to the creation of a registry based on personal characteristics; and that this act is not intended to interfere with the enforcement of Vermont's laws or efforts to prioritize immigration enforcement concerning individuals who pose a threat to public safety.

Sec. 2 creates a new 20 V.S.A. § 4651 ("prohibited disclosure of personally identifying information"). "Personally identifying information" is defined as information concerning a person's sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability. A State or local governmental agency, or employee, shall not:

- collect information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of registration based on his or her religious beliefs, practices, or affiliations;
- knowingly disclose personally identifying information to any federal agency or official for the purpose of registration; or
- use public agency money, facilities, property, equipment, or personnel to assist in creating or enforcing any federal government program for registration.

There are "carve outs" in an effort to clarify that this Act does not interfere with two federal laws concerning immigration related information (8 U.S.C. §§ 1373 and 1644), and does not prohibit providing aggregated information.

Sec. 2 also creates a new 20 V.S.A. § 4652 that states that only the Governor, in consultation with the Vermont Attorney General, is authorized to enter into, modify, or extend agreements pursuant to which State and local law enforcement can assist federal authorities in carrying out certain immigration and other functions. However, State and local law enforcement can enter into such agreements when it is necessary to address threats to the public safety or welfare of Vermont residents arising from a declared State or national emergency.

Effective Date: March 28, 2017