

## LIST OF PRA EXEMPTIONS BY SUBJECT AREA

**Note:** For exemptions listed under more than one category, see endnote.<sup>1</sup>

**Disclaimer:** Listed below are sections of the Vermont Statutes Annotated that could be asserted as an exemption to inspection or copying of a public record. Following each cited section is a short annotation summarizing the records to which the exemption applies. The annotations are not legally binding and are provided for reader convenience. The text of the statute should be reviewed prior to asserting a section listed below as an exemption. This list may not include all public records act exemptions set forth in the Vermont Statutes Annotated.

### I. Complaints, Investigations, Examinations, Regulatory Information Sharing, and Special Reporting Requirements

#### A. Children or Vulnerable Adults

33 V.S.A. § 105(g): Information about a case of child abuse or neglect that results in the fatality or near fatality of a child, when the Attorney General or State's Attorney investigating the matter requests that disclosure be withheld

33 V.S.A. § 4913: Case information disclosed to mandated reporters; name of person filing a child abuse report; name of person mentioned in report, unless disclosure authorized by statute

33 V.S.A. § 4919: Child Abuse Registry records; limitations on authorized disclosure

33 V.S.A. § 4921: DCF records of child abuse investigations, assessments, reviews, and responses, unless disclosure authorized by law

33 V.S.A. § 6903(c): Identity of person reporting suspected abuse of a vulnerable adult, unless disclosure authorized by statute

33 V.S.A. § 6906(e): Records related to unsubstantiated reports of abuse, neglect, and exploitation of a vulnerable adult

33 V.S.A. § 6911: Information obtained through reports and investigations of allegation of abuse to vulnerable adults, unless disclosure authorized by statute; Vulnerable Adult Abuse Registry, unless disclosure authorized by statute

33 V.S.A. § 7112: Commissioner of Disabilities, Aging, and Independent Living is authorized to develop guidelines to ensure confidentiality and privacy of persons who file complaints of abuse to person receiving care from nursing facilities

#### B. Financial Regulation

8 V.S.A. § 22: Information acquired by DFR pursuant to a confidentiality sharing agreement when the information is designated as confidential by the furnisher of the information

8 V.S.A. § 23: All records of investigations of banks and financial institutions licensed by DFR and all records and reports of examinations by the Commissioner of DFR

8 V.S.A. §§ 2561, 2768, and 2923: Information or material provided to the Nationwide Mortgage Licensing System and Registry in connection with regulation of money services, debt adjusters, and loan servicers

8 V.S.A. § 3571: All financial analysis ratios and examination synopses concerning insurance companies that are submitted to DFR by the National Association of Insurance Commissioners' Insurance Regulatory Information System

8 V.S.A. § 3687: Records obtained in the course of an examination or investigation of an insurance holding company system

8 V.S.A. § 3840: Investigation and examination reports related to financial condition or market conduct of life settlement provider

8 V.S.A. § 4813m(f): Any document or other information acquired by DFR that is furnished by an insurer, producer, or employee when obtained by DFR in an investigation of an insurer's termination of the appointment, employment, contract, or other business relationship with a person licensed as an insurance producer

8 V.S.A. § 6008(c): Any reports, information, or documents acquired by DFR in the course of an examination of captive insurance company

8 V.S.A. § 6048o: Records of special purpose financial captive insurance company obtained in the course of an examination

8 V.S.A. § 6074: Reports, work papers, recorded information, and documents produced or acquired by DFR in the course of the examination of a risk retention managing general agent

9 V.S.A. § 5607: Securities documents acquired by DFR, including records related to audits, inspections, and trade secrets

### **C. Regulated Professions**

3 V.S.A. § 131: Complaints and other records produced or acquired in connection with the regulation of professions

16 V.S.A. § 1708: Confidentiality of educator licensing matters

26 V.S.A. §§ 1317(c) and 1368(a)(6)(C): Disciplinary information reported by health care institutions, and judgments or settlements involving a claim of professional negligence reported by insurers; information about pending malpractice claims or actual amounts paid

26 V.S.A. § 1318: Disciplinary complaints, proceedings, or records of the Board of Medical Practice when not required to be released by statute; investigatory files of the Board which have not resulted in a charge of unprofessional conduct; and work product of Board attorney

### **D. Other Criminal, Civil, or Administrative Complaint or Investigation Records**

1 V.S.A. § 317(c)(5): Records of detection and investigation of crime that satisfy certain criteria

1 V.S.A. § 317(c)(18): Department of Public Safety internal investigations; see also 20 V.S.A. § 1923

1 V.S.A. § 317(c)(42): Identity of whistleblowers

3 V.S.A. § 1223(c): Complaints regarding governmental ethics and related documents in the custody of the State Ethics Commission

9 V.S.A. § 2440(g): Records of investigation of violations of provisions related to Social Security number protection

9 V.S.A. § 2460: Attorney General or State's Attorney civil investigation records

9 V.S.A. § 4555: Complaint and investigation files of the Human Rights Commission

13 V.S.A. § 3504(g): Information required to be reported, and collected in support of investigations, of illness, disease, or death likely to have been caused by a weapon of mass destruction

13 V.S.A. § 5259(d): Defender General investigations of issues related to the health, safety, and welfare of inmates in correctional facilities; investigation sources, inmate communications

15 V.S.A. § 1140: Records of the Domestic Violence Fatality Review Commission

17 V.S.A. § 2904(a): Attorney General or State's Attorney records of investigations of campaign finance violations

18 V.S.A. § 7257a: Records of the Mental Health Crisis Response Commission

21 V.S.A. § 710(c): Name or contact information of an individual who has alleged to the Department of Labor (DOL) that an employer has made a false statement or misclassified an employee

33 V.S.A. § 5117(a) & (e): Law enforcement reports and files concerning a person subject to juvenile judicial proceedings, unless the statute allows disclosure; prohibition on dissemination by receiving persons unless authorized by law

## **II. Records Related to Certain Judicial or Administrative Proceedings**

### **A. Adoption Related Records**

15A V.S.A. § 2-105(d): Adoption Act; name of persons who provide information for or are the subject of a background report provided to prospective adoptive parent

15A V.S.A. § 6-102: Adoption Act; records on file with court or in the possession of an agency or provider in connection with an adoption; exceptions

15A V.S.A. § 6-104: Adoption Act; release of nonidentifying information from confidential adoption records

15A V.S.A. § 6-106: Adoption Act; identifying information of former parent of an adopted child who files a request for nondisclosure with adoption registry

### **B. Court Diversion**

3 V.S.A. § 163: Information gathered in the course of the juvenile diversion process and sealed records related to a juvenile court diversion proceeding

3 V.S.A. § 164: Information gathered in the course of the adult diversion process and sealed records related to an adult court diversion proceeding

### **C. Guardianship**

14 V.S.A. § 3067(e): Records of evaluation in proceedings for guardianship of mentally disabled person  
 14 V.S.A. § 3068(e): Records of hearing in response to a petition for guardianship of mentally disabled person when the court dismisses the petition  
 18 V.S.A. § 9306(c): Developmental disabilities evaluation is confidential unless disclosed with party consent  
 18 V.S.A. § 9309(b): Records of proceedings of guardianship hearing for developmentally disabled unless disclosed with party consent

### **D. Juvenile Proceedings**

33 V.S.A. § 5117(a), (c), (e): Court files concerning a person subject to juvenile judicial proceedings, unless the statute allows disclosure; files of juvenile proceedings released in divorce proceedings; prohibition on redissemination by receiving persons unless authorized by law  
 33 V.S.A. § 5118(e): Written notice that a child has conducted a "delinquent act requiring notice" that is provided by a court to superintendent or head of school in which the child is a student  
 33 V.S.A. § 5119: Sealing of juvenile delinquency and care or supervision records, unless statute authorizes disclosure; special index of files or records that have been sealed, unless statute authorizes disclosure; motion by law enforcement or DCF to unseal juvenile judicial records; and victim's information retained by state's attorney unless disclosure authorized by statute  
 33 V.S.A. § 5201: All files related to withdrawn delinquency petition shall be sealed  
 33 V.S.A. § 5204(h) and (i): Court records and files of a person under the age of 16 who is tried as an adult but acquitted; records of hearing regarding transfer of a person from juvenile court unless disclosure authorized by statute  
 33 V.S.A. § 5205: Fingerprint files of children under the jurisdiction of the Family Division  
 33 V.S.A. § 5234: Notice to victim in delinquency proceeding prior to juvenile release; name of facility from which juvenile shall be discharged shall not be released  
 33 V.S.A. § 5282: Report from DCF as to whether a defendant under the age of 18 should be treated as a youthful offender, unless disclosure authorized by statute  
 33 V.S.A. § 5287: All court records of a youthful offender shall be expunged or sealed when the youth successfully completes probation and offender status is terminated  
 33 V.S.A. § 5309: All files related to a withdrawn petition that a child is in need of care or supervision shall be sealed

### **E. Other**

8 V.S.A. § 7041(e): Records of a DFR delinquency hearing of domestic insurer  
 8 V.S.A. § 7043: Records produced in the course of insurance delinquency proceedings  
 13 V.S.A. § 7554c(e): Information obtaining during a pretrial risk assessment and pretrial needs screening  
 18 V.S.A. § 1094: Petition for a restraining order, and order, to prevent venereal disease testing  
 18 V.S.A. § 4473(b)(5)(A): Records of appeal before the Medical Marijuana Review Board  
 18 V.S.A. § 8713: Records related to proceedings regarding sterilization of adults with an intellectual disability  
 28 V.S.A. § 204(d): Presentence investigation report or parole summary prepared by DOC; exceptions

## **III. Criminal History Records**

3 V.S.A. § 241(h): Criminal history records and information received by certain State agencies in their initial background investigations of prospective personnel of who would be given access to federal tax information  
 13 V.S.A. §§ 5402, 5411, and 5411a: Sex Offender Registry information may only be disclosed in accordance with law  
 13 V.S.A. § 7041: Records or files related to an expunged deferred sentence; special index of deferred sentences for sex offenses that require registration  
 13 V.S.A. § 7606(d): Index of cases that have been expunged and expungement orders and certificates  
 13 V.S.A. § 7607: Criminal records subject to a sealing order

16 V.S.A. § 253: Criminal records or criminal record information received in background check of a person seeking educator license; a person offered a school superintendent or headmaster position; or prospective employees, certain persons under contract or employees of contractors, or student teachers

20 V.S.A. §§ 2056–2056h, 2060: Records of the Vermont Criminal Information Center (VCIC)

20 V.S.A. § 2064(h): Criminal information received by authorized persons as part of a subscription service with VCIC unless statute authorizes disclosure

24 V.S.A. § 1974a(e): Sealed criminal conviction in District Court for a municipal parking violation committed before January 1, 2005

26 V.S.A. § 1353(8): Criminal history records of the Board of Medical Practice licensee

#### **IV. Dispute-Resolution or Independent Review Related**

1 V.S.A. § 317(c)(26): Information submitted to the Department of Financial Regulation (DFR) regarding a dispute with a regulated entity

1 V.S.A. § 317(c)(27): Information submitted to the Department of Public Service regarding a dispute with a regulated utility

1 V.S.A. § 317(c)(28): Records of external review of health care and mental health service decisions

3 V.S.A. § 1225(a): Guidance issued by the Executive Director of the State Ethics Commission, unless the receiving entity has publicly disclosed it

9 V.S.A. § 4100b: Pre-hearing settlement communications of parties before the Transportation Board

12 V.S.A. § 4634: Report filed in connection with mandatory mediation program in mortgage foreclosure actions

12 V.S.A. § 7012: Written and oral communications related to medical malpractice pre-suit mediation

#### **V. Tax Related**

1 V.S.A. § 317(c)(6): Tax returns or tax records in possession of public agency

32 V.S.A. § 3102: Tax return, tax return information, and other tax records, unless disclosure authorized by statute

32 V.S.A. § 3341: Vermont Employment Growth Incentive Program; information and materials submitted by a business concerning its income taxes and other confidential financial information; exceptions

32 V.S.A. § 3411(4): Information obtained by Division of Property Valuation and Review from local officials are subject to same confidentiality rules that apply to local officials under 32 V.S.A. § 4009

32 V.S.A. § 4009: Taxpayer inventories of taxable property, unless disclosure authorized by statute

32 V.S.A. § 5939(b): Taxpayer records or information released to a state claimant agency under the Vermont Setoff Debt Collection Act

#### **VI. Other Records Concerning Specific Individuals**

##### **A. Addresses and Personal Identifiers**

1 V.S.A. § 317(c)(10): Lists of names, disclosure of which violates a right to privacy or produces public or private gain

1 V.S.A. § 317(c)(29): Records of participant in Address Confidentiality Program; see also 15 V.S.A. § 1155

1 V.S.A. § 317(c)(31): Voter information: DOB, license number, nondriver ID number, e-mail address, and last four digits of SSN; see also 17 V.S.A. § 2154

9 V.S.A. § 2440(d),(f): General prohibition on disclosing Social Security numbers to the public; request for redacted record

9 V.S.A. § 5607: Securities documents acquired by DFR, including records related to audits, inspections, and trade secrets

10 V.S.A. § 123: Vermont Geographic Information Service; individual identifiers of persons supplying data

15 V.S.A. § 307: Records on file with the court in parentage action that contain Social Security numbers

15 V.S.A. § 788: Address of parent, or name and address of employer of parent, subject to child support or parental rights and responsibilities order

15B V.S.A. § 1312: Family Support Act; address or identifying information, when disclosure would create an unreasonable risk to the health, safety, or liberty of a party or child

18 V.S.A. § 5083: Birth certificates; address and town of residence of participants in the Address Confidentiality Program

18 V.S.A. § 5132: Marriage certificates; address and town of residence of participant in Address Confidentiality Program

18 V.S.A. § 9333(c): Genetic testing information

18 V.S.A. § 9457: Patient and health care practitioner identifying information in hospital financial and services reporting requirements

20 V.S.A. § 1941: All DNA samples submitted to the Department of Public Safety laboratory; DNA records

23 V.S.A. § 1213(m): Images and other individually identifiable information in the custody of a public agency related to the use of an ignition interlock device; exceptions

### **B. Drug and Prescription Related**

1 V.S.A. § 317(c)(38): Records that include prescription information containing prescriber-identifiable data

1 V.S.A. § 317(c)(39): Records held by AHS or DFR that include prescription information containing patient-identifiable data

18 V.S.A. § 4211: Prescriptions of regulated drugs and orders and records required by state law regarding regulated drugs

18 V.S.A. § 4284: Data collected under the Vermont Prescription Monitoring Program and all related information and records

18 V.S.A. § 4474d: Records of persons registered as medical marijuana patients or dispensaries or persons registered as a caregiver of a medical marijuana patient

18 V.S.A. § 4474i: Records of all registered medical marijuana patients and registered caregivers within a medical marijuana dispensary's records in the Department of Public Safety

### **C. Other Health or Treatment Related Records; Records Collected for Public Health Purposes**

1 V.S.A. § 317(c)(37) and 18 V.S.A. § 1917(a): records provided to the Department of Health pursuant to the Patient Safety Surveillance and Improvement System

12 V.S.A. § 1612: Health professional may not disclose a patient's privileged information in court procedure or court documents

12 V.S.A. § 1614: Confidential communications made by a victim of sexual or domestic assault to a crisis worker

12 V.S.A. § 1705: Court records and court proceedings that involve personally identifiable HIV-related information

13 V.S.A. § 3504(g): Information required to be reported, and collected in support of investigations, of illness, disease, or death likely to have been caused by a weapon of mass destruction

18 V.S.A. § 154: All information reported to the State Cancer Registry and all identifying information

18 V.S.A. § 157: Data and identifying information received by the Vermont Mammography Registry is confidential and privileged

18 V.S.A. § 1001: All communicable disease reports and information collected in support of investigations and studies to determine the nature or cause of any disease outbreak; records relating to HIV or AIDS that may identify a person

18 V.S.A. § 1099: All information received in infectious venereal disease reports

18 V.S.A. § 1129: Immunization Registry information

18 V.S.A. § 1141: Results of communicable disease testing

18 V.S.A. § 1552(c): Maternal mortality information collected and analyzed by the Northern New England Perinatal Quality Improvement Network

18 V.S.A. § 1554: Maternal Mortality Review Panel records and opinions

18 V.S.A. § 1852(a)(7): A person admitted to a hospital on an inpatient basis has right to expect all communications and records pertaining to his or her care shall be treated as confidential

18 V.S.A. § 5088: Birth Information Network information

18 V.S.A. § 5112(c): Records related to the issuance of a new birth certificate in connection with a change of sex

18 V.S.A. § 5205(g): Autopsy reports for a person committed to the supervision of the Department of Corrections (DOC)

18 V.S.A. § 5222(d): Fetal death reports

18 V.S.A. § 5293: Information collected regarding compliance with law governing Patient Choice at End of Life

18 V.S.A. § 7103: Mental health records, other than records ordered or authorized to be disclosed

18 V.S.A. § 9414(f)(3): Information made available in quality review of managed care organizations

26 V.S.A. § 1353(6): The results of a mental, physical, or medical knowledge and skill evaluation that the Board of Medical Practice requires a licensee to complete

28 V.S.A. § 205(b): Confidential information of an offender convicted of a crime listed in 13 V.S.A. § 5310(7), when the information is revealed by the offender in connection with participation in a treatment program

28 V.S.A. § 903: DOC shall adopt rules regarding confidentiality of communications by an inmate made for the purposes of treatment, assessment, evaluations, screening, or programming while an appeal is pending

33 V.S.A. § 6705: Medical treatment records obtained by the Department of Vermont Health Access or designee when subrogated to the rights of an individual to which the Department provided medical assistance

#### **D. Employment or Appointment Related Records**

4 V.S.A. § 601(g), (h): Proceedings of the Judicial Nominating Board, including candidate information; exceptions

4 V.S.A. § 603: Names of candidates submitted by the Judicial Nominating Board to the Governor for judicial appointment when a candidate is not selected

4 V.S.A. § 608(c): Comments regarding judicial performance received by the Joint Committee on Judicial Retention

10 V.S.A. § 531(i): Employee-specific personal identifying information collected in connection with evaluating the Employment Training Program and the Workforce Education and Training Fund

18 V.S.A. § 9391: Records of proceedings of Green Mountain Care Board Nominating Committee, information submitted by board candidates, and names of candidates submitted and not selected

21 V.S.A. § 516: Drug test results of employees or applicants for employment

26 V.S.A. § 1353(6): The results of a mental, physical, or medical knowledge and skill evaluation that the Board of Medical Practice requires a licensee to complete

#### **E. Personal Finance and Financial Assistance Related**

1 V.S.A. § 317(c)(34): Family court income affidavits

4 V.S.A. § 741: Credit card information while such information is in the possession of a court or the Judicial Bureau

16 V.S.A. § 2827: Information that identifies applicants, recipients, beneficiaries, and participants in programs administered by the Vermont Student Assistance Corporation

21 V.S.A. § 1314: Information obtained by the DOL regarding the unemployment benefit rights of an individual

31 V.S.A. § 674(L11): Financial, tax, trust, or personal records filed, received, maintained, or produced by the Tri-state Lottery Commission in connection with payment of a prize

32 V.S.A. § 983: The books of registry held by the State Treasurer or other designated registrar

33 V.S.A. § 111: Information pertaining to applicants for or recipients of assistance from DCF, except for administration by the Department or when required by law

33 V.S.A. § 1902a: Medicaid applications and records concerning any applicant for or recipient of Medicaid; exceptions

33 V.S.A. § 4105: Information obtained by the Office of Child Support to establish, modify, or enforce a child support or parental rights order, unless disclosure is authorized by statute

#### **F. Peer Review Related**

18 V.S.A. § 9414(f)(3): Information made available in quality review of managed care organizations

26 V.S.A. § 75(d): Information submitted for peer reviews of licensed public accountants

26 V.S.A. § 1443: Proceedings, reports, and records of health services peer review committees

26 V.S.A. § 4190(b): Written comments related to peer reviews required by rules governing licensed midwives

#### **G. Victims of Crimes**

1 V.S.A. § 317(c)(41) and 13 V.S.A. § 5358a: Documents reviewed by the Victim's Compensation Board for purposes of approving an application for compensation, and certain personal information of a victim

13 V.S.A. § 5305(a): Address or telephone number of crime victim who requests notification of release or escape of a defendant

13 V.S.A. § 5322: Name or identifying information of an applicant to the Victim's Compensation Program, or a victim named in a restitution judgment order, or a recipient of the Domestic and Sexual Violence Survivor's Transitional Employment Program

13 V.S.A. §§ 5402(b), 5411(b)(1), and 5411a(d): The identity of a victim of an offense that requires registration on the Sex Offender Registry

#### **H. Other (May Encompass One or More of the Above Topics)**

1 V.S.A. § 317(c)(5): Records of detection and investigation of crime that satisfy certain criteria  
 1 V.S.A. § 317(c)(7): Personal documents relating to an individual  
 1 V.S.A. § 317(c)(11): Student records  
 1 V.S.A. § 317(c)(19): Identity of library patrons (see also 22 V.S.A. § 172)  
 1 V.S.A. § 317(c)(40): Records of genealogy provided in an application or in support of an application for tribal recognition  
 6 V.S.A. § 61: Identity of persons, households, or businesses providing agricultural information to the Agency of Agriculture, Food and Markets  
 13 V.S.A. § 4824: Report to National Instant Criminal Background Check System following a finding that an individual is a person in need of treatment  
 13 V.S.A. § 5411(d): Information about requesters of Sex Offender Registry records  
 14 V.S.A. § 2: Wrapped wills until delivered to a person entitled to receive it or until disposed of according to law; index of wills  
 15 V.S.A. § 307: Voluntary acknowledgement of parentage forms  
 17 V.S.A. § 2150(d)(7): Board of Civil Authority records relating to person's decision not to register to vote or to the identity of the voter registration agency through which any particular voter registered  
 18 V.S.A. § 7617a: Report to National Instant Criminal Background Check System following issuance of hospitalization order or nonhospitalization order  
 18 V.S.A. § 9719(b): Information in Advance Directives Registry  
 23 V.S.A. § 104: Motor vehicle records; photo images of person  
 23 V.S.A. § 707: Individually identifying information about students obtained by DMV from the records of driver training schools  
 23 V.S.A. § 1607(c): Access to data collected with automated license plate recognition systems  
 27 V.S.A. § 1253(c): Information concerning owner of abandoned property or specific abandoned property  
 28 V.S.A. § 107: Offender and inmate records maintained by the Department of Corrections; exceptions  
 28 V.S.A. § 403(4): Register of people who ask to be informed of the parole interview or review of an inmate  
 30 V.S.A. § 7055(b): Confidential information provided by local exchange telecommunications providers to the enhanced 911 Board or the Administrator of the 911 Database  
 30 V.S.A. § 7059: Individually identifiable information of a person in the 911 database; 911 customer information held by the 911 Board, the entity administering the enhanced 911 database, or emergency service providers; requests to municipalities to de-link name and street address  
 33 V.S.A. § 4305: State Board of Education and Departments of Mental Health and for Children and Families shall jointly adopt rules regarding confidentiality of children and adolescents with severe emotional disturbance  
 33 V.S.A. § 6321(c): Information received or compiled by Department of Disabilities, Aging, and Independent Living with respect to individuals using attendant care services

#### **VII. Other Records Concerning Specific Entities**

##### **A. Required Submissions by Regulated Entities**

###### **1) Agriculture**

6 V.S.A. § 366: Information concerning tonnage sales furnished by fertilizer distributors  
 6 V.S.A. § 484: Records acquired by the Agency of Agriculture, Food and Markets regarding the purchase and sale of maple products  
 6 V.S.A. § 1039: Information acquired by the Agency of Agriculture, Food and Markets regarding pesticide trade secrets or financial information  
 6 V.S.A. § 1152(f): Records produced or acquired by the Secretary of Agriculture in administering and enforcing a livestock disease control program, if the records would directly or indirectly disclose the identity of individual persons, households, or businesses  
 6 V.S.A. § 1815: Information acquired by the Northeast Dairy Compact Commission and its staff

6 V.S.A. § 2766: Any identifying information acquired by the Agency of Agriculture, Food and Markets or Attorney General regarding rbST inspection and reporting  
 6 V.S.A. § 2936(b): Reports from milk handlers acquired by the Vermont Milk Commission

## 2) Financial Regulation

1 V.S.A. § 317(c)(36): Anti-fraud plans  
 8 V.S.A. § 3316(h): Records related to corporate governance annual disclosure reports provided by insurers to the Department of Financial Regulation  
 8 V.S.A. § 3561: All market conduct annual statements and other information filed by insurance companies with DFR  
 8 V.S.A. § 3574(d): DFR examination reports of domestic insurance companies and foreign and alien insurance companies applying for admission or already admitted to do business in Vermont, and related records.  
 8 V.S.A. § 3577(l): Actuarial reports, actuarial opinion summaries, work papers, and any other information provided to DFR in connection with the actuarial report, work papers, or actuarial opinion summary  
 8 V.S.A. § 3588: Insurer's Own Risk and Solvency Assessment (ORSA) summary report filed with DFR  
 8 V.S.A. § 3683(a)(2): Notices of divestitures, acquisitions, and mergers related to domestic insurers  
 8 V.S.A. § 3683a(c): Preacquisition notification of any acquisition in which there is a change in control of an insurer licensed to do business in this State, but not domiciled in this State.  
 8 V.S.A. § 3687: Registration statements and enterprise risk report of insurers part of a holding company system; prior notification of certain transactions involving a domestic insurer and a person in holding company system; see also 8 V.S.A. § 3696(f)(4).  
 8 V.S.A. § 3791q: Confidential information submitted under the insurance Standard Valuation Law  
 8 V.S.A. § 3839: Trade secret information included in a life settlement provider's annual statement to DFR  
 8 V.S.A. § 4164(b): Records of negotiations or meetings of the Vermont Life and Health Insurance Guaranty Ass'n in carrying out its powers  
 8 V.S.A. § 4488(5): Notice to DFR from a fraternal benefits society of termination of appointment of an insurance agent  
 8 V.S.A. § 6002(c): Information submitted to DFR in captive insurance company applications for licenses  
 8 V.S.A. § 6052: Proprietary information submitted to DFR by risk retention groups  
 8 V.S.A. § 7112(c): Information in a legacy insurance transfer plan identifying policyholders and reinsurance counterparties.  
 8 V.S.A. § 8308: Risk-based capital reports and risk-based capital plans of insurers filed with DFR  
 9 V.S.A. § 5607: Securities documents acquired by DFR, including records related to audits, inspections, and trade secrets

## 3) Health Care

18 V.S.A. § 1910: Identifying information in hospital license applications  
 18 V.S.A. § 9382(b)(3), (d): Confidential or proprietary information provided to the Office of the Health Care Advocate in connection with Accountable Care Organization (ACO) budget review; patient- or provider-identifiable information in ACO filings with Green Mountain Care Board  
 18 V.S.A. § 9418f(d)(5): Information provided to health care providers in connection with health care provider network contracts  
 33 V.S.A. § 2002(c): Company identifiable trade secrets obtained by the Department of Health from pharmaceutical companies when negotiating, including rebate and supplemental rebate amounts, and manufacturer's pricing for Medicaid and other public assistance health benefit plans  
 33 V.S.A. § 2010(e): Pharmaceutical pricing data

## 4) Labor

1 V.S.A. § 317(c)(36): Anti-fraud plans  
 21 V.S.A. § 1035(c): Financial information submitted to DOL by employee leasing companies



### 5) Natural Resources

10 V.S.A. § 563: Records or other information concerning an air contaminant source, other than emissions data and emission monitoring data, that qualifies as a trade secret  
 10 V.S.A. § 1259(b): Reports submitted to ANR as part of a water pollution control permit when disclosure would divulge a trade secret  
 10 V.S.A. § 6628(a): Toxic use reduction and hazardous waste reduction plans  
 10 V.S.A. § 6632: Trade secrets included in hazardous waste generator reports submitted to ANR  
 10 V.S.A. § 7153: Sales data and other confidential business information submitted to ANR by manufacturers of mercury-containing lamps  
 29 V.S.A. § 505(b)(2): Oil and gas well logs, directional surveys, and reports for two years after filing with Natural Gas and Oil Resources Board  
 29 V.S.A. § 542: Oil or natural gas well operator geologic well report submitted to Natural Gas and Oil Resources Board  
 29 V.S.A. § 543(c): Operator identifying information in oil or natural gas well reports submitted to the Natural Gas and Oil Resources Board

### 6) Public Service and Transportation

5 V.S.A. § 1805: Records designated proprietary and furnished to the Agency of Transportation by certain companies under the Agency's supervision  
 5 V.S.A. § 3452: Information provided by railroads to the Agency of Transportation (AOT) or the Transportation Board  
 9 V.S.A. § 4113(b): Petroleum storage facility reports filed with the Department of Public Service  
 30 V.S.A. § 202f(k): Information submitted by a telecommunications service provider concerning confidential financial or proprietary information  
 30 V.S.A. § 518(d): Commercial broadcasting station reports of fees charged for program content retransmitted on cable networks under a retransmission consent agreement

### B. Other Confidential Business Information

1 V.S.A. § 317(c)(9): Trade secrets  
 1 V.S.A. § 317(c)(16): Voluntary information submitted by corporations to public agencies prior to enactment of Public Records Act  
 6 V.S.A. § 61: Identity of persons, households, or businesses providing agricultural information to the Agency of Agriculture, Food and Markets  
 9 V.S.A. § 5607: Securities documents acquired by DFR, including records related to audits, inspections, and trade secrets  
 10 V.S.A. § 7(b): 90-day confidentiality of benchmark reports submitted to the ACCD by recipients of economic development assistance  
 11 V.S.A. § 3058(g): LLCs; member right to information limited in the case of trade secrets or other information the disclosure of which the managers in good faith believe is not in the best interest of the company  
 19 V.S.A. § 2603: Financial information, trade secrets, or other business information customarily regarded as confidential when submitted to AOT as part of an application for qualification for design-build contracts  
 19 V.S.A. § 2604: Conceptual submissions and responses in application for design-build contracts  
 19 V.S.A. § 2606(a): Technical and price proposals during evaluation of design-build contract applications  
 30 V.S.A. § 202e(c): Information regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded and is disclosed by telecommunications service providers voluntarily under nondisclosure agreement  
 31 V.S.A. § 1205(c): Records and reports filed by licensed distributors and manufacturers relating to the distribution and sale of break-open tickets  
 32 V.S.A. § 5930a(h): Information submitted by a business to the Economic Progress Council regarding tax information or confidential business information

## **VIII. Government/General Public Confidentiality Interests**

### **A. Archeological Sites and Endangered Species**

1 V.S.A. § 317(c)(20): Information regarding location of archaeological sites; see also 22 V.S.A. § 761  
 10 V.S.A. § 5410: Information regarding the specific location of threatened or endangered species sites; exceptions

### **B. Deliberative Process; Legislative Process**

1 V.S.A. § 317(c)(12): Records concerning formulation of policy, where disclosure would violate a right to privacy  
 1 V.S.A. § 317(c)(17): Municipal inter- and intra-departmental communications preliminary to a policy determination  
 1 V.S.A. § 317(c)(24): Deliberations of agencies acting in judicial or quasi-judicial capacity  
 2 V.S.A. § 404(c): Requests by a member of the General Assembly to the Office of Legislative Council for legal assistance and information received in connection with research or drafting  
 2 V.S.A. § 502(b)(2): Requests by a member of the General Assembly to the Joint Fiscal Office for fiscal research and information  
 32 V.S.A. § 163: Draft audit reports until the audit is completed

### **C. Public Finances and Proprietary Interests**

1 V.S.A. § 317(c)(13): Real estate information prior to state development  
 1 V.S.A. § 317(c)(15): Records relating to contract negotiations  
 1 V.S.A. § 317(c)(21): Lists of names compiled by Vermont Life  
 1 V.S.A. § 317(c)(23): UVM and State Colleges research records  
 1 V.S.A. § 317(c)(30): State-controlled database structures and application code known only to certain State departments and that give the State a potential marketing advantage  
 24 V.S.A. § 2786(a)(1): Regional development corporation contracts or agreements prior to final execution when such contract or agreement is in furtherance of the corporation's public purposes

### **D. Security**

1 V.S.A. § 317(c)(25): Passwords, access codes, security procedures, and similar information, if disclosure would threaten safety or security  
 1 V.S.A. § 317(c)(32): State building plans and layouts  
 1 V.S.A. § 317(c)(33): Account numbers for bank, credit, or debit cards held by a public agency

### **E. Other**

1 V.S.A. § 317(c)(8): Test questions and exams for licensees, employment, or academic examination  
 1 V.S.A. § 317(c)(14): Records relevant to litigation to which the public agency is a party of record

## **IX. Miscellaneous/General**

1 V.S.A. § 313(a): Minutes of executive sessions  
 1 V.S.A. § 317(c)(1): Records otherwise confidential by law  
 1 V.S.A. § 317(c)(2): Records which by law may only be disclosed to specifically designated persons  
 1 V.S.A. § 317(c)(3): Records the disclosure of which would violate professional ethics or conduct  
 1 V.S.A. § 317(c)(4): Records the disclosure of which would violate statutory/common law privilege  
 3 V.S.A. § 316: Records of the Department of Human Resources where public policy properly requires them to be confidential  
 4 V.S.A. § 740: Supreme Court records; subject to confidentiality requirements  
 8 V.S.A. § 15(b): The Commissioner of DFR can make public a portion of advisory interpretation and retain as confidential other portions  
 12 V.S.A. § 1613: Attorney-client communications when client is a corporation

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<sup>1</sup> The following exemptions are listed under more than one category:

- i. 1 V.S.A. § 317(c)(5): Records of detection and investigation of crime that satisfy certain criteria
- ii. 1 V.S.A. § 317(c)(36): Anti-fraud plans
- iii. 6 V.S.A. § 61: Identity of persons, households, or businesses providing agricultural information to the Agency of Agriculture, Food and Markets
- iv. 8 V.S.A. § 3687: Records obtained in the course of an examination or investigation of an insurance holding company system; registration statements and enterprise risk report of insurers part of a holding company system; prior notification of certain transactions involving a domestic insurer and a person in holding company system. See also 8 V.S.A. § 3696(f)(4).
- v. 9 V.S.A. § 5607: Securities documents acquired by DFR, including records related to audits, inspections, and trade secrets
- vi. 13 V.S.A. § 3504(g): Information required to be reported, and information that is collected in support of investigations, of illness, disease, or death likely to have been caused by a weapon of mass destruction
- vii. 15 V.S.A. § 307: Voluntary acknowledgement of parentage forms; records on file with the court in parentage action that contain Social Security numbers
- viii. 18 V.S.A. § 9414(f)(3): Information made available in quality review of managed care organizations
- ix. 26 V.S.A. § 1353(6) and (8): The results of a mental, physical, or medical knowledge and skill evaluation that the Board of Medical Practice requires a licensee to complete; criminal history records
- x. 32 V.S.A. § 5930a(h): Information submitted by a business to the Economic Progress Council regarding tax information or confidential business information
- xi. 33 V.S.A. § 5117(a), (c), (e): Court and law enforcement reports and files concerning a person subject to juvenile judicial proceedings, unless the statute allows disclosure; files of juvenile proceedings released in divorce proceedings; prohibition on dissemination by receiving persons unless authorized by law