



STATE OF VERMONT

MEMORANDUM

To: Rep. Patrick Brennan, Chair, House Committee on Transportation
Sen. Richard Mazza, Chair, Senate Committee on Transportation

From: Public Records Study Committee

Date: January #, 2015

Subject: Public Records Act exemptions

The Public Records Study Committee (Committee) was created in 2011 and charged with reviewing all of the statutory exemptions to the Public Records Act, and recommending whether each exemption should be amended, repealed, or kept in its existing form.

Over the last several years, the Committee has fulfilled its charge and, in doing so, has concluded that some exemptions raise issues more appropriately addressed by the relevant committees of jurisdiction.

Below is a description of two exemptions that the Committee recommended be reviewed by your committees.

We thank you in advance for considering our recommendations.

23 V.S.A. § 104 (motor vehicle records and photos)

23 V.S.A. § 104 addresses motor vehicle records and the confidentiality of photographs. It came to the Committee's attention that this provision may not reflect the full scope of confidentiality requirements under the federal Drivers Privacy Protection Act, 18 U.S.C. §§ 2721–25. As a result, the Committee recommended that your committees consider whether 23 V.S.A. § 104 should be updated.

23 V.S.A. § 1607 (data collected with automated license plate recognition systems)

23 V.S.A. § 1607 regulates the use of Automated License Plate Recognition (ALPR) Systems for legitimate law enforcement purposes as well as the release, retention, and disposition of ALPR data. Under subsection (c), active ALPR data may only be accessed and used by a law enforcement officer for a legitimate law enforcement purpose, and

historical ALPR data may only be transmitted to and used by a law enforcement officer who has a legitimate law enforcement purpose. This provision is scheduled to be repealed on July 1, 2015.

The Committee does not object to the substance of this section. If it is repealed, however, then the limitations on release of this data would no longer exist. The Committee recommends that your committees (as well as the Committees on Judiciary) review this section to determine whether it should continue in effect on and after July 1, 2015, and the sunset provision likewise repealed.