

## PRA Exemptions Reviewed in 2013

Cite	Description	Recommendation (Act 23 amendments not reflected)
<b><i>I. Natural Resources/Historic Preservation</i></b>		
1 V.S.A. § 317(c)(20) and 22 V.S.A. § 761	Information regarding location of archaeological sites	Correct cross-reference; otherwise retain exemption in existing form.
10 V.S.A. § 101	Mineral information submitted to the Division of Geology and Mineral Services by the mineral industry, if the industry requests confidentiality	ANR's oral and written testimony was that this exemption can be repealed if the general trade secret exemption, 1 V.S.A. § 317(c)(9), is amended as ANR has recommended.
10 V.S.A. § 123	Vermont Geographic Information Service; individual identifiers of persons supplying data	Retain exemption in existing form.
10 V.S.A. § 563	Air contaminant source reports submitted to the Agency of Natural Resources (ANR) that relate to production, sales figures, or production processes, the disclosure of which would adversely affect the competitive position of the source owner or operator	ANR's oral and written testimony was that this exemption should be retained in existing form; goes beyond trade secrets.
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permit when disclosure would divulge a trade secret	ANR's oral and written testimony was that this exemption can be repealed if the general trade secret exemption, 1 V.S.A. § 317(c)(9), is amended as ANR has recommended.
10 V.S.A. § 5410	All information regarding the location of endangered species sites	Retain exemption in existing form.
10 V.S.A. § 6628(a)	Toxic use reduction and hazardous waste reduction plans	ANR's oral and written testimony was that this exemption can be repealed if the general trade secret exemption, 1 V.S.A. § 317(c)(9), is amended as ANR has recommended.
10 V.S.A. § 6632	Trade secrets included in hazardous waste generator reports submitted to ANR	ANR's oral and written testimony was that this exemption can be repealed if the general trade secret exemption, 1 V.S.A. § 317(c)(9), is amended as ANR has recommended.
10 V.S.A. § 7153	Sales data and other confidential business information submitted to ANR by manufacturers of mercury-containing lamps	ANR's written testimony was that this exemption should be retained in existing form; at the 10/4/13 meeting, indicated that if 1 V.S.A. § 317(c)(9) was broadened to extend to sales data, then might be able to recommend repealing it.
29 V.S.A. § 505(b)(2) 29 V.S.A. § 542 29 V.S.A. § 543(c)	§ 505 - Oil and gas well logs, directional surveys, and reports § 542 - Oil or natural gas well operator geologic well report § 543 - Operator identifying information in oil or natural gas well reports	ANR stated that it would work to rewrite these exemptions; awaiting ANR's input.

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<b>II. Transportation/motor vehicles</b>		
5 V.S.A. § 3452	Information provided by railroads to the Agency of Transportation (AOT) or the Transportation Board	[Passed over; will be addressed at 9:40 on Nov. 1]
9 V.S.A. § 4100b	Pre-hearing conference discussions of parties before the Transportation Board	[Passed over; will be addressed at 9:40 on Nov. 1]
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	[Send letter to AOT re amending to clarify that this exemption extends to “the names of individuals providing reference information about an offeror’s past performance.” See 23 C.F.R. § 636.507(d).]
19 V.S.A. § 2604	Conceptual submissions and responses in application for design-build contracts	Retain exemption in existing form.
19 V.S.A. § 2606(a)	Technical and price proposals during evaluation of design-build contract applications	Retain exemption in existing form.
23 V.S.A. § 104	Motor vehicle records; photo images of person	[Send letter to AOT re clarifying who is an authorized recipient under 23 V.S.A. § 104(d), and amending subsec. (a) to reference the obligations of the Drivers Privacy Protection Act, 18 U.S.C. § 2721 <i>et seq.</i> ]
<b>III. Agriculture</b>		
6 V.S.A. § 61	Identity of persons, households, or businesses providing agricultural information to the Agency of Agriculture, Food and Markets	<b>Agency of Ag officials are considering reorganization of these exemptions into one exemption at 6 V.S.A. ch. 1.</b>
6 V.S.A. § 484	Records acquired by the Agency of Agriculture, Food and Markets regarding the purchase and sale of maple products	Ditto
6 V.S.A. § 1039	Information acquired by the Agency of Agriculture, Food and Markets regarding pesticide trade secrets or financial information	Ditto
6 V.S.A. § 1815	Information acquired by the Northeast Dairy Compact Commission and its staff	Ditto
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	Ditto
6 V.S.A. § 2936(b)	Reports from milk handlers acquired by the Vermont Milk Commission	Ditto
<b>IV. Professions and Occupations/Labor</b>		
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	(?) Retain exemption in existing form.

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	statement or misclassified an employee	
21 V.S.A. § 1035(c)	Financial information submitted to DOL by employee leasing companies	(?) Retain exemption in existing form.
21 V.S.A. § 1314	Information obtained by the DOL regarding the unemployment benefit rights of an individual	<i>Questions arose regarding: § 1314(e)(1) (disclosure to universities for research purposes) § 1314(e)(2) (disclosure of wage or other information material to the location of an “identified individual”, the individual's assets, or the individual's place of employment)</i>
26 V.S.A. § 82	Confidential information obtained by a public accountant in the course of a professional engagement	Remove from the list of exemptions; not applicable to a public agency.
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	Retain exemption in existing form.
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	Retain exemption in existing form.
26 V.S.A. § 1443	Proceedings, reports, and records of health services peer review committees	Retain exemption in existing form.
26 V.S.A. § 4190(b)	Written comments related to peer reviews required by rules governing licensed midwives	Retain exemption in existing form.