



**Testimony on Consumer Protection/Data Brokers bill draft 3.1
House Committee on Commerce and Economic Development
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The Vermont Network Against Domestic and Sexual Violence is a coalition of 15 member programs that serve victims of domestic violence, sexual violence, dating violence and stalking across the state. In 2017 our programs served over 1300 victims of sexual violence and almost 5000 victims of domestic violence. Our advocates answered more than 17,000 hotline calls and sheltered more than 800 adults and more than 400 kids.

We have learned over the years that technology has become a tool of choice for many stalkers and abusers who seek to control, threaten or harass their victims. In our work to ensure that victims are able to control their own information and protect themselves from such damage and suffering, we partner with our national coalition, the National Network to End Domestic Violence which, since 2002, has housed The Safety Net Project. The Safety Net project is a national project focusing on the intersection of technology, privacy, and safety for survivors of abuse. The project assists service providers, law enforcement, attorneys, and other professionals who work with victims, and provides guidance to technology companies to address the many ways technology may impact the safety and privacy of survivors.

In a 2014 survey conducted by Safety Net, 97 percent of domestic violence programs reported that the survivors they are working with experience harassment, monitoring, and threats by abusers through the misuse of technology. Abusers and stalkers will use all available information and tools to locate, monitor, and harass victims. Data brokers and the personal information they sell is undoubtedly one of the common tools misused as a tactic of abuse. This is not a new strategy. In 1999, Liam Youens paid Docusearch, an information broker, less than \$200 to obtain Amy Boyer's date of birth, social security number, and place of employment. After getting this information, he drove to her workplace, shot and killed her, and then killed himself. Amy Boyer's mother sued Docusearch and the company settled out of court in 2004.¹

Over the past decade, data brokers have grown significantly, both in number and in the scope of information they collect and sell. This has made fleeing and relocating increasingly difficult for survivors as perpetrators pay nominal fees to obtain sensitive and personal information that allows them to stalk and locate victims, as well as the victim's children or family. Data brokers use information from both public records and private sources to collect address histories, motor vehicle records, voter registration lists, consumer purchase histories, web browsing activity, and content shared in social media accounts, among other information. When compiled, data brokers are able to package and sell comprehensive and detailed personal information about individuals. For victims of abuse, whose privacy is deeply connected



to their safety, this information can create a risk of them being located, harassed, assaulted, or killed. Survivors often live in fear that they will be found, and the statistics show the reality of their concerns. The most dangerous time for a victim of domestic violence is when she or he takes steps to leave the relationship.²

Nationally, 1 in 6 women and 1 in 19 men will experience stalking in their lifetime. ³ In Vermont, the “Vermont Judiciary Annual Statistical Report for FY 2015” revealed that requests for civil protection orders (against Stalking and Sexual Assault) remained fairly constant over the previous five years, averaging 700 filings annually. Because so many of these requests were so frequently denied, the legislature passed revisions to the definition of stalking in 2016 which updated statutory language to include the use of technology as a tool to harass and intimidate victims. In 2017, the legislature updated the language used in relief from abuse orders so that it now recognizes that perpetrator contact, harassment and threats against their victims is often via technology including email and social media. (“Revenge porn” law was passed in 2015 as well).

Because perpetrators use various strategies to track and harass victims, including misusing the information gained from data brokers, survivors often take difficult and desperate steps to hide their location, sometimes even changing their identities to avoid being found. This extreme measure not only comes with an array of challenges, but can also be undermined by the mass data collection efforts of these services. The fact that such sensitive information, such as their location, can be revealed without their knowledge or obtained by someone who poses a danger to them is a terrifying reality.

The marketing strategies of many data broker companies don’t even attempt to hide the reasons why their services are used, but instead clearly suggest their products as a way to spy, stalk, monitor, and track a spouse. “Is she cheating?” is a common question posed on the sites, followed by promises to provide social media activity, photos, locations, and more with only a name, email address, or username needed to start. Testimonies posted online by companies display comments from happy customers, some who mention finally being able to find an old fling. For victims of abuse and stalking, this is a not a good thing.

In our work, victims, service providers, attorneys, and law enforcement regularly contact us about cases where safety is a concern due to identifying information being sold with abandon. The harm, fear, and physical danger caused by the selling of personal information is very real. Abusers regularly use the availability of data as a control mechanism – boasting about the information they can find and access and threatening that they will always be able to find the victim. Perpetrators and abusers are well aware of the frightening control these services can give them and victims are often left feeling powerless. Many data broker sites do not offer any option for opting out or removing your personal data, and when they do the information is so buried it’s difficult to find or follow. Some sites may also charge hefty fees to remove information, only to put it back later; adding a significant financial burden on survivors. In addition, these services can also negatively impact professionals working with survivors. For example, there have been data brokers who have sold lists of confidential domestic violence shelter locations and the home addresses of law enforcement officers.



The Vermont Network believes that survivors have a right to control their own information and live free of harassment and abuse and we support steps to increase privacy and control of personal data. In Vermont our address protection program administered through the Secretary of State's office has provided anonymity to victims who wish to conceal their residence/ mailing location from past perpetrators. The bill you have before you today takes Vermont's commitment to protecting victim information another significant step forward.

Requiring data brokers to annually register with the Secretary of State's office in order to provide information on opting out of the collection of personal information ("annual registration " section - p.33 of 47) is critical for ensuring that consumers who are victims have the knowledge necessary to protect their own information. This bill also offers protection for victims in the following ways:

- No fee for credit freeze or removal – (p.4 of 47); and right to civil action.
- Protection of personal information – specifically line 14 (p. 16 of 47) (race, religion, number of children, etc.)
- A person shall not acquire personal information for the purpose of (1) stalking or harassing another person (p. 18 of 47); with penalty provision (p.19 of 47 – line 4)

The Network applauds these very significant steps to support consumers who are, or may be, victimized by those who use personal information to harm others. Thank you very much for your commitment to protecting the interests of Vermont's victims.

1 Ramer, Holly. "Murdered woman's mother settles suit." The Union Leader (Manchester NH) March 11, 2004, State Edition: Pg. A1. Testimony by National Network to End Domestic Violence ~ www.nnedv.org
~ www.techsafety.org

2 Ronet Bachman and Linda Salzman, Bureau of Justice Statistics, *Violence Against Women: Estimates From the Redesigned Survey* (January 2000).

3 Katrina Baum et al., "Stalking Victimization in the United States," (Washington DC: Bureau of Justice Statistics, 2009).