

1 Sec. 1. 9 V.S.A. chapter 62, subchapter 5 is added to read:

2 Subchapter 5. Data Broker Protection Act

3 § 2446a. DEFINITIONS

4 As used in this section:

5 (1) “Data broker” means a commercial entity that acquires, purchases,
6 collects, assembles, analyzes, or maintains personal information concerning
7 any person residing in Vermont who is not a customer or employee of that
8 entity for the purposes of selling or offering for sale, or other consideration, the
9 personal information or predictive analytics relating to the personal
10 information to a third party.

11 (2) “Personal information” means the following information that
12 identifies, relates to, describes, or is capable of being associated with a
13 particular individual:

14 (A) Social Security number, passport number, driver’s license or
15 State identification card number, insurance policy number, bank account
16 number, credit card number, debit card number, or any other financial
17 information;

18 (B) physical characteristics or description;

19 (C) purchasing history;

20 (D) charitable contribution history;

21 (E) medical history or status as derived from purchase history;

1 (F) legal history, including criminal record, civil actions and
2 judgments;

3 (G) profile that includes personality, characteristics, or mental health;

4 (H) social media history;

5 (I) Internet usage history;

6 (J) licensing or real property history;

7 (K) driving record; and

8 (L) vital statistics, including birth, marriage, divorce, and death
9 records.

10 (3) “Public agency” has the same meaning as in 1 V.S.A. § 317.

11 § 2446b. DATA BROKER REGISTRATION; REPORTING

12 (a) A data broker shall register with the Department of Financial
13 Regulation in the form and manner prescribed by the Department. The
14 Department shall permit a data broker required to register under this subsection
15 (a) that is also required to register with the Department under any other
16 provision of law to file a consolidated registration form, provided that the
17 consolidated registration form indicates the data broker’s activities in the State.

18 (b) Annually, on or before January 15 each year, a data broker shall submit
19 a report to the Department of Financial Regulation on its activities in the State.
20 The report shall include the source of the personal information, the nature of

1 the personal information, and a description of the data broker's vetting
2 procedures.

3 § 2446c. CUSTOMER IDENTIFICATION PROGRAM

4 A data broker shall have a written customer identification program that
5 includes certain minimum requirements, as set forth in guidelines established
6 by the Department of Financial Regulation. A data broker's customer
7 identification program is intended to enable the data broker to form a
8 reasonable belief that it knows the true identity of any customer purchasing
9 personal information, and that the customer is not purchasing the information
10 for an illegal purpose

11 § 2446d. PUBLIC AGENCY; SALE OF DATA; RECORDKEEPING

12 REQUIREMENTS

13 Any public agency that sells personal information to a data broker shall
14 maintain a record of the sale, including the name of the data broker and the
15 nature of the personal information sold. Nothing in this section shall be
16 construed to authorize a public agency to sell personal information the sale or
17 release of which is prohibited by law.

18 § 2446e. ENFORCEMENT

19 With respect to a data broker registered pursuant to this subchapter, the
20 Department of Financial Regulation and the Attorney General shall have full
21 authority to investigate potential violations of this subchapter and to prosecute,

1 obtain, and impose remedies for a violation of this subchapter or any rules or
2 regulations adopted pursuant to this subchapter, as the Department has under
3 Title 8 or this title and the Attorney General has under chapter 63 of this title.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2017.