

To: House Committee on Agriculture & Forestry  
Rep. Carolyn W. Partridge, Chair

From: House Committee on Government Operations  
Rep. Maida Townsend, Chair

Date: February 24, 2017

Subject: Proposed Public Records Act exemption in Sec. 3 of DR 17-457, at  
6 V.S.A. § 1152(f)

The Committee on Government Operations thanks Reps. Partridge and Higley for alerting the Committee to the proposed creation of a new Public Records Act (PRA) exemption in Sec. 3 of the draft bill related to health requirements for animals used in agriculture, and for testifying on the subject yesterday morning.

This morning, the Committee heard testimony from Shelley Mehlenbacher, Assistant State Veterinarian, and Legislative Counsel on the proposed PRA exemption. After discussion, the Committee voted 10–0–1 to recommend to the Committee on Agriculture & Forestry that the proposed exemption as it appears in draft 3.2 of the bill at 6 V.S.A. § 1152(f)<sup>1</sup> be replaced with the following exemption language:

“Records produced or acquired by the Secretary under this chapter shall be available to the public, except that the Secretary may withhold or redact a record to the extent needed to avoid disclosing directly or indirectly the identity of individual persons, households, or businesses.”

The Committee believes that this recommended replacement language strikes an appropriate balance between the privacy interests of individual persons, households, or businesses and the public interest in access to information related to the Agency of Agriculture’s livestock disease control program. Further, Ms. Mehlenbacher stated that the Agency of Agriculture supports the replacement language and indicated that it satisfies the Agency’s intent.

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<sup>1</sup> The exemption proposed in draft 3.2 at 6 V.S.A. § 1152(f) reads: “Data collected and maintained by the Secretary under this chapter are exempt from public inspection and copying under the Public Records Act, provided that the Secretary may disclose data collected under this chapter to any person, agency, or the public, if the Secretary determines that the access will aid in the law enforcement process or in the protection of public health, animal health, or public safety.”

The recommended replacement language is modeled off of an existing Public Records Act exemption in the Agriculture title of law, 6 V.S.A. § 61:

**§ 61. Information collection and confidentiality**

The secretary may collect information on subjects within the jurisdiction of the agency, including data obtained from questionnaires, surveys, physical samples, and laboratory analyses conducted by the agency. Such information shall be available upon request to the public, provided that it is presented in a form which does not disclose the identity of individual persons, households, or businesses from whom the information was obtained, or whose characteristics, activities, or products the information is about.

Thank you again for the opportunity to provide input on the proposed exemption.