

## House Government Operations Committee: Review of PRA Exemption Related to Livestock Testing Program

### I. Language Proposed in DR 17-457, v. 3.2, Sec. 3, 6 V.S.A. § 1152(f):

“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.”

### II. Possible Alternative Language

**Alternative 1 - total rewrite modeled off of 6 V.S.A. § 61:** Records produced or acquired by the Secretary under this chapter shall be available to the public, except that the Secretary shall withhold or redact a record to the extent needed to avoid disclosing directly or indirectly the identity of individual persons, households, or businesses.

**Alternative 2 - partial rewrite:** ~~Data collected and maintained~~ Records produced or acquired by the Secretary under this chapter are exempt from public inspection and copying under the Public Records Act, provided that the Secretary ~~may~~ shall disclose data collected under this chapter to ~~any person, agency, or the public, if the Secretary determines that the access will the extent needed to aid~~ in the law enforcement process or ~~in the protection of to protect~~ public health, animal health, or public safety.

### III. Existing language of 6 V.S.A. § 61 (noted above as a possible model)

#### § 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.