

Amendments to S.110 Proposed by AGO

April 9, 2019

1. Change "Privacy Audit" to "Privacy Inventory" in the title to Section 1.
2. In the PII Definition:
 - a. Move Passport Number up to be listed after SSN, or change to "Social Security Number or Passport Number" in part (i).
 - b. Change "Health Information" to: "Any information about a consumer's medical history or mental or physical condition or about a health care professional's medical diagnosis or treatment of the consumer." This comes from Oregon's Data Breach Statute.
 - c. Change "login credentials, including a username or password" to "A user name or email address, in combination with a password or security question and answer that would permit access to an online account." This comes from California's Data Breach Statute.
3. In 9 VSA 2435, amend:

(b)(5) The notice to a consumer shall be clear and conspicuous. For a security breach other than described in subsection (b)(7), the notice shall include a description of each of the following, if known to the data collector:

(b)(6) For a security breach other than described in subsection (b)(7), A data collector may provide notice of a security breach to a consumer by one or more of the following methods:

(b)(7)(A) In the case of a breach of the security of the system involving personal information defined in subsection (9)(A)(viii) of Section 2430 for an online account, and no other personal information defined in subsection (9)(A), the person or business may comply with this section by providing the security breach notification in electronic or other form that directs the person whose personal information has been breached promptly to change his or her password and security question or answer, as applicable, or to take other steps appropriate to protect the online account with the person or business and all other online accounts for which the person whose personal information has been breached uses the same user name or email address and password or security question or answer.

(B) In the case of a breach of the security of the system involving personal information defined in subsection (9)(A)(viii) of Section 2430 for login credentials of an email account furnished by the person or business, the person or business shall not comply with this section by providing the security breach notification to that email address, but may, instead, comply with this section by providing notice by another method described in this subdivision or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account from an Internet Protocol address or online location from which the person or business knows the resident customarily accesses the account.

4. Add a new section:

The Attorney General's Office, in consultation with the Agency of Education, shall examine the issue of Vermont student data privacy as it relates to FERPA and access to student data by data brokers, and shall confer with parties of interest to determine any necessary recommendations.

5. There was a paragraph that was dropped from SOPIPA at Senator Baruth's request. We understand that some stakeholders want it back in. The AGO has no objection.